

1 _____ BILL NO. _____

2 INTRODUCED BY _____

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO PROPERTY RIGHTS; AUTHORIZING A
5 PROPERTY OWNER OR AN AUTHORIZED AGENT OF A PROPERTY OWNER TO REQUEST
6 ASSISTANCE FROM THE SHERIFF FOR THE IMMEDIATE REMOVAL OF AN UNAUTHORIZED PERSON
7 OR TRESPASSER FROM RESIDENTIAL OR COMMERCIAL PROPERTY UNDER CERTAIN CONDITIONS;
8 REQUIRING AN OWNER OR AGENT TO SUBMIT A VERIFIED AFFIDAVIT; SPECIFYING THE
9 REQUIREMENTS FOR THE AFFIDAVIT; PROVIDING REQUIREMENTS FOR THE SHERIFF; AUTHORIZING
10 A SHERIFF TO ARREST AN UNAUTHORIZED PERSON OR TRESPASSER FOR LEGAL CAUSE;
11 PROVIDING THAT A SHERIFF IS ENTITLED TO A SPECIFIED FEE FOR SERVICE OF THE NOTICE;
12 AUTHORIZING THE OWNER OR AGENT TO REQUEST THAT THE SHERIFF STAND BY WHILE THE
13 OWNER OR AGENT TAKES POSSESSION OF THE PROPERTY; AUTHORIZING THE SHERIFF TO
14 CHARGE A REASONABLE HOURLY RATE; PROVIDING WHAT CRIMES AN UNAUTHORIZED PERSON
15 OR TRESPASSER MAY BE LIABLE UNDER; PROVIDING THAT THE SHERIFF IS NOT LIABLE TO ANY
16 PARTY FOR LOSS, DESTRUCTION, OR DAMAGE; PROVIDING THAT THE PROPERTY OWNER OR
17 AGENT IS NOT LIABLE TO ANY PARTY FOR THE LOSS OR DESTRUCTION OF OR DAMAGE TO
18 PERSONAL PROPERTY UNLESS IT WAS WRONGFULLY REMOVED; PROVIDING CIVIL REMEDIES;
19 PROHIBITING UNLAWFULLY DETAINING, OCCUPYING, OR TRESPASSING ON RESIDENTIAL OR
20 COMMERCIAL PROPERTY; PROHIBITING LISTING OR ADVERTISING FOR SALE OR RENTING OR
21 LEASING REAL PROPERTY UNDER CERTAIN CIRCUMSTANCES; AMENDING SECTION 70-24-104, MCA;
22 AND PROVIDING AN EFFECTIVE DATE."

23

24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

25

26 NEW SECTION. **Section 1. Short title.** [Sections 1 through 3] may be cited as the "Squatter Reform
27 Act".

28

1 **NEW SECTION. Section 2. Purpose.** The intent of [sections 1 through 3] is to establish a procedure
2 to quickly restore possession of real property to the lawful owner of the property when the property is being
3 unlawfully occupied and to thereby preserve property rights.

4
5 **NEW SECTION. Section 3. Limited alternative remedy to remove unauthorized persons from**
6 **real property -- affidavit.** (1) A property owner or an authorized agent of a property owner may request from
7 the sheriff or sheriff's office of the county in which the real property is located the immediate removal of a
8 person unlawfully occupying residential or commercial property pursuant to this section if all the following
9 conditions are met:

- 10 (a) The requesting person is the property owner or the authorized agent of the property owner.
- 11 (b) An unauthorized person or trespasser has unlawfully entered and remains or continues to
12 reside on the property owner's property.
- 13 (c) The real property was not open to members of the public at the time the unauthorized person
14 or trespasser entered or the unauthorized person or trespasser remained in or on the real property after the
15 property was closed to the public.
- 16 (d) The property owner has directed the unauthorized person or trespasser to leave the property.
- 17 (e) The unauthorized person or trespasser is not a current or former tenant pursuant to a written or
18 oral rental agreement authorized by the property owner or the authorized agent of the property owner.
- 19 (f) The unauthorized person or trespasser is not an immediate family member of the property
20 owner.
- 21 (g) There is no pending litigation that has been filed in good faith and is not subject to dismissal
22 related to the real property between the property owner and the unauthorized person or trespasser.
- 23 (2) To request the removal of an unlawful person or trespasser on residential or commercial
24 property, the property owner or an authorized agent of the property owner shall present an affidavit attesting to
25 the ownership or the authorization to the local sheriff or sheriff's office requesting the removal. The affidavit
26 must be in substantially the following form:

27 **AFFIDAVIT TO REMOVE PERSONS UNLAWFULLY OCCUPYING REAL PROPERTY**

28 I, the owner or the authorized agent of the owner of the real property located at _____,

1 declare under the penalty of perjury that (owner or authorized agent shall initial each line):

2 1.____ I am the owner of the real property or the authorized agent of the owner of the real property.

3 2.____ The owner of the real property purchased it on _____.

4 3.____ An unauthorized person or trespasser has unlawfully entered and is remaining or residing
5 unlawfully on the real property.

6 4.____ The real property was not open to members of the public at the time the unauthorized person
7 or trespasser entered or the unauthorized person or trespasser remained in or on the real property after the
8 property was closed to the public.

9 5.____ I have directed the unauthorized person or trespasser to leave the real property, but the
10 unauthorized person or trespasser has not done so.

11 6.____ The unauthorized person or trespasser is not a current or former tenant pursuant to any valid
12 lease authorized by the property owner or the authorized agent of the property owner, and any lease that may
13 be produced by the unauthorized person or trespasser is fraudulent.

14 7.____ The unauthorized person or trespasser sought to be removed is not an owner or a co-owner of
15 the property and has not been listed on the title to the property unless the unauthorized person or trespasser
16 has engaged in title fraud.

17 8.____ The unauthorized person or trespasser is not an immediate family member of the property
18 owner.

19 9.____ There is no pending litigation that has been filed in good faith and is not subject to dismissal
20 related to the real property between the property owner and the unauthorized person or trespasser.

21 10.____ I understand that a person removed from the property pursuant to this procedure may bring a
22 cause of action against me for any false statements made in this affidavit or for wrongfully using this procedure.
23 As a result of either of these actions, I may be held liable for actual damages, penalties, costs, and reasonable
24 attorney fees.

25 11.____ I am requesting the sheriff to immediately remove the unauthorized person or trespasser from
26 the real property.

27 12.____ A copy of my valid government-issued identification is attached or will be presented, or I am an
28 agent of the property owner and documents evidencing my authority to act on the property owner's behalf are

1 attached.

2 I HAVE READ EVERY STATEMENT MADE IN THIS AFFIDAVIT AND EACH STATEMENT IS TRUE
3 AND CORRECT. I UNDERSTAND THAT THE STATEMENTS MADE IN THIS AFFIDAVIT ARE BEING MADE
4 UNDER PENALTY OF PERJURY, PUNISHABLE AS PROVIDED UNDER SECTION 45-7-201, MCA.

5 _____
6 (Signature of Owner or Authorized Agent)

7 (3) On receipt of the affidavit, the sheriff or officer shall verify that the person submitting the
8 affidavit is the record owner of the real property or the authorized agent of the owner. If the affidavit is verified,
9 the sheriff or officer shall, without delay, deliver notice to the unauthorized person or trespasser to immediately
10 vacate the real property. Notice may be delivered by personal delivery to the unauthorized person or trespasser
11 or by posting notice on the real property. If appropriate, the sheriff may arrest any person found in or on the real
12 property for trespass, outstanding warrants, or any other legal cause. If any unauthorized person or trespasser
13 remains on the real property upon the service of notice, the sheriff or officer may remove the unauthorized
14 person or trespasser from the premises or arrest the unauthorized person or trespasser for criminal trespass
15 pursuant to 45-6-203 or criminal mischief pursuant to 45-6-101.

16 (4) If the unauthorized person or trespasser presents a false lease, deed, affidavit, or other
17 document purporting to show the unauthorized person or trespasser has a claim to the real property, the
18 unauthorized person or trespasser shall be arrested for unsworn falsification to the authorities pursuant to 45-7-
19 203.

20 (5) The sheriff or officer is entitled to the same fee for service of the notice to immediately vacate
21 as if the sheriff or officer were serving a summons. In conjunction with the service of the notice to immediately
22 vacate by the sheriff or officer, the property owner or authorized agent may request that the sheriff or officer
23 stand by to keep the peace while the property owner or agent changes the locks and removes the personal
24 property of the unauthorized person or trespasser from the property to or near the property line. When such a
25 request is made, the sheriff or officer may charge a reasonable hourly rate, and the person requesting the
26 sheriff or officer to stand by is responsible for paying the reasonable hourly rate. The sheriff or officer is not
27 liable to the unauthorized person or trespasser or any other party for loss, destruction, or damage of property.
28 The property owner or the authorized agent of the property owner is not liable to the unlawful occupant or any

1 other party for the loss, destruction, or damage to the personal property of an unauthorized person or
2 trespasser unless the removal was wrongful.

3 (6) A person may bring a civil cause of action for wrongful removal under this section. A person
4 harmed by a wrongful removal under this section may be restored to possession of the real property and may
5 recover actual costs and damages incurred, court costs, and reasonable attorney fees.

6 (7) This section does not limit the rights of a property owner or limit the authority of a law
7 enforcement officer to arrest an unlawful occupant for trespassing, vandalism, theft, or other crimes.

8

9 **NEW SECTION. Section 4. Fraudulent sale or lease of residential real property -- penalty.** (1) A
10 person commits an offense under this section if the person lists or advertises real property for sale knowing that
11 the purported seller has no legal title or authority to sell the property, or rents or leases the property to another
12 person knowing that the person has no lawful ownership in the property or leasehold interest in the property.

13 (2) A person convicted of an offense under this section shall be fined not more than \$500 or be
14 imprisoned in the county jail for any term not to exceed 6 months, or both.

15

16 **Section 5.** Section 70-24-104, MCA, is amended to read:

17 **"70-24-104. Exclusions from application of chapter.** Unless created to avoid the application of this
18 chapter, the following arrangements are not governed by this chapter:

19 (1) residence at a public or private institution if incidental to detention or the provision of medical,
20 geriatric, educational, counseling, religious, or similar service, including all housing provided by the Montana
21 university system and other postsecondary institutions;

22 (2) occupancy under a contract of sale of a dwelling unit or the property of which it is a part if the
23 occupant is the purchaser or a person who succeeds to the purchaser's interest;

24 (3) occupancy by a member of a fraternal or social organization in the portion of a structure
25 operated for the benefit of the organization;

26 (4) transient occupancy in a hotel or motel;

27 (5) occupancy by an owner of a condominium unit or a holder of a proprietary lease in a
28 cooperative;

1 (6) occupancy under a rental agreement covering premises used by the occupant primarily for
2 commercial or agricultural purposes;

3 (7) occupancy by an employee of a landlord whose right to occupancy is conditional upon
4 employment in and about the premises; ~~and~~

5 (8) occupancy outside a municipality under a rental agreement that includes hunting, fishing, or
6 agricultural privileges, along with the use of the dwelling unit; and

7 (9) occupancy by an unauthorized person or trespasser."

8
9 NEW SECTION. Section 6. Codification instruction. (1) [Sections 1 through 3] are intended to be
10 codified as an integral part of Title 70, chapter 27, part 1, and the provisions of Title 70, chapter 27, part 1,
11 apply to [sections 1 through 3].

12 (2) [Section 4] is intended to be codified as an integral part of Title 45, chapter 7, part 2, and the
13 provisions of Title 45, chapter 7, part 2, apply to [section 4].

14
15 NEW SECTION. Section 7. Effective date. [This act] is effective October 1, 2025.

16 - END -