



ORDINANCE 2025-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF BOZEMAN, MONTANA, ADOPTING A TENANT'S RIGHT TO CIVIL COUNSEL AND A LANDLORD/TENANT MEDIATION PROGRAM.

WHEREAS, the City of Bozeman (the “City”) is authorized by the City Charter and Montana law to establish programs and laws to protect the health, safety, and welfare of the citizens of Bozeman; and

WHEREAS, pursuant to its [Charter](#), the Montana Constitution, and state law, the City may exercise any power not prohibited by the constitution, law or charter and neither the Montana Constitution, state law, or the City Charter prohibits the City Commission from adopting this Ordinance; and

WHEREAS, on August 6, 2024, the City Commission adopted Resolution 5626 establishing the development of a tenant right to counsel program as a priority of the City Commission to further implement the strategic plan goal to create a Safe, Welcoming Community for all to thrive; and

WHEREAS, on December 2, 2025, the City Commission adopted Resolution 2025-_____ Adopting Commission Goals for a Tenant’s Right to Counsel Program and a Landlord/Tenant Mediation Program to memorialize the intention of the programs created by this Ordinance; and

WHEREAS, over half of the residents of Bozeman are tenants; and

WHEREAS, over 100 eviction actions were filed against Bozeman residents in both 2023 and 2024 and less than 1% of the tenants over this two-year period were represented by counsel; and

WHEREAS, in cities that provide a right to counsel to tenants in eviction cases, data shows a reduction in displacement of families and individuals, an increase of fairness in eviction proceedings, and a demonstrable reduction in social, economic, and public health impacts and costs related to housing; and

WHEREAS, providing mediation in landlord/tenant disputes benefits both tenants and landlords by providing a neutral third party to seek mutually agreeable solutions through facilitated conversation, thereby reducing court filings saving both tenants and landlords money, and reducing the imposition of judgements and evictions that may impact a person's ability to obtain future housing.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BOZEMAN, MONTANA:

Section 1

That under Chapter 2, a new Article 9, Division 1 shall be created and shall be codified as follows:

“Article 9: Housing

Division 1: Tenant Right to Counsel/Mediation

Sec.2.09.100. – Purpose.

Sec. 2.09.110. – General.

Sec. 2.09.120. – Definitions.

Sec. 2.09.130. – Provision of legal services – Tenant Right to Counsel.

Sec. 2.09.140. – Mediation.

Sec. 2.09.150. – City Manager Authority/Reporting.

Sec. 2.09.100 – Purpose. The purpose of this division is to provide a tenant's right to counsel program and a landlord/tenant mediation program to support housing stability for residents and property owners.

Sec. 2.09.110 – General.

- A. The responsibility to represent a tenant, with or without funding allocations and availability of a program, does not rest with the City Attorney's Office nor will the City Attorney's Office represent any landlord or tenant.
- B. Nothing in this division creates a procedural or substantive right to the benefit of an individual and nothing in this division may be interpreted to obligate, interfere, or direct a court.
- C. Nothing in this division binds future funding appropriations.
- D. The provisions of this division do not apply to contractual relationships for accommodations such as: hotel, motel, boarding house, guest house, short-term rental, transitional or emergency housing; employers providing employee housing; university owned and operated housing; fraternities and sororities, residences at a public or private community residential facility all as defined in chapter 38; or a facility providing medical, geriatric, counseling, or religious services.

E. Nothing in this division requires a tenant to obtain legal services, a landlord or tenant to participate in mediation, or any person to forego other rights they may have.

Sec. 2.09.120. – Definitions.

A. The following words and phrases, whenever used in division, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. “Tenant” means a person residing within the city who is entitled under a written rental agreement to occupy a residential dwelling unit or occupy a space or land rented for a mobile home to the exclusion of others, who has no ownership interest in the property, and who is a signatory on the rental agreement.
2. “Landlord” means a person or entity that owns residential property, or a space or land intended for mobile home placement, within the city and who has entered a written agreement to rent the property to one or more tenants. For the purposes of this division, a duly authorized property management company or manager may act on behalf of a landlord, with permission, as herein defined.
3. “Covered proceeding” means proceedings related to a tenant’s residence including but not limited to mediation, civil actions by a landlord for possession, damage claims, counterclaims including claims for return of a security deposit, a tenant’s claims related to maintenance of the property, and an appeal of any such proceedings.
4. “Legal services” means civil legal representation and all related legal advice, advocacy, and assistance associated with such representation provided by an attorney licensed to practice law in Montana and employed or associated with a service provider contracted by the city, consistent with the attorney’s obligations established by the Montana Rules of Professional Responsibility.
5. “Mediation services” means mediation conducted by a mediator with specific training in landlord and tenant law and related issues.

Sec. 2.09.130 Provision of legal services – Tenant Right to Counsel.

A. The city hereby establishes, and the city manager must implement to the extent funding is appropriated or received, a Tenant Right to Counsel Program to provide legal services for a tenant in a covered proceeding.

B. A tenant with a written agreement with a landlord for the tenant’s use of the landlord’s property is eligible for civil legal services for covered proceedings.

C. A tenant facing eviction may access legal services, regardless of whether an action for possession has been filed in court, to communicate with a landlord, formally or informally mediate with a landlord, or defend an action for possession or other covered proceedings. Counsel for the program may agree to initiate litigation on behalf of a tenant if such litigation fulfills the purpose of this division.

D. A tenant receiving housing choice vouchers through the Federal Department of Housing and Urban Development may access legal services for covered proceedings.

E. Legal representation of a tenant through a contracted provider of legal services creates an attorney-client relationship. Legal services may include, but are not limited to, full

representation of a tenant in a covered proceeding or limited scope representation of a tenant when appropriate and agreed to by the attorney and client.

- F. A tenant who has obtained legal services must seek mediation with the landlord, to the extent practical, as a requirement of accessing legal services.

Sec. 2.09.140 Mediation

- A. The city hereby establishes, and the city manager must implement to the extent funding is appropriated or received, a Landlord/Tenant Mediation Program to provide mediation services at no charge to either party.
- B. All landlord and tenants with a written rental agreement for a residential property within the city are eligible for mediation services when funded and implemented by the city.
- C. The Landlord/Tenant Mediation Program will be available to both voluntarily initiated mediation and court ordered mediation.
- D. Except where otherwise required by law, mediations and any agreements reached by the parties are confidential.

Sec. 2.09.150 City Manager Authority/Reporting

- A. The city manager is authorized to establish procedures and criteria for selection of contracted service providers consistent with this division, commission resolution, applicable law, and city policy.
- B. The city manager, based on budgetary and resource availability, may implement additional eligibility requirements or implement a prioritization for covered proceedings and mediation services to ensure program effectiveness, or to comply with funding requirements.
- C. The city manager must develop reporting requirements including data collection requirements for an entity contracting with the city for legal services or mediation services.
- D. Criteria related to a tenant's qualifications may be developed by the city manager when required by funding sources.”

Section 2

Repealer.

All provisions of the ordinances of the City of Bozeman in conflict with the provisions of this ordinance are, and the same are hereby, repealed and all other provisions of the ordinances of the City of Bozeman not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 3

Savings Provision.

This Ordinance does not affect the rights and duties that matured, penalties that were incurred or proceedings that were begun before the effective date of this ordinance. All other provisions of the Bozeman Municipal Code not amended by this Ordinance shall remain in full force and effect.

Section 4

Severability.

That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof, other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Bozeman Municipal Code as a whole.

Section 5

Codification.

The provisions of Section 1 shall be codified as appropriate in Chapter 2 of the Bozeman Municipal Code.

Section 6

Effective Date.

This ordinance shall be in full force and effect thirty (30) days after final adoption.

PROVISIONALLY ADOPTED by the City Commission of the City of Bozeman, Montana, on first reading at a regular session held on the 2nd day of December, 2025.

TERENCE CUNNINGHAM
Mayor

ATTEST:

MIKE MAAS

City Clerk

APPROVED AS TO FORM:

GREG SULLIVAN

City Attorney

DRAFT