



**RESOLUTION 2025- \_\_\_\_**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF BOZEMAN, MONTANA, ADOPTING COMMISSION GOALS FOR A TENANT'S RIGHT TO COUNSEL PROGRAM 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 public health, safety, and welfare of the residents of Bozeman; and

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

**WHEREAS**, on May 13, 2025, the City Commission held a work session on the tenant right to counsel, and;

**WHEREAS**, on December 2, 2025, the City Commission provisionally adopted Ordinance \_\_\_\_\_ establishing a Tenant Right to Counsel and a Landlord/Tenant Mediation Program; and

**WHEREAS**, the purpose of this Resolution is to establish program goals for the Tenant’s Right to Counsel Program, the Landlord/Tenant Mediation Program, and a program to facilitate enhanced education of the community regarding a landlord’s and tenant’s rights and duties.

**NOW, THEREFORE, BE IT RESOLVED** by the City Commission of the City of Bozeman, Montana, that a Tenant Right to Counsel Program (TRC) and a Landlord/Tenant Mediation Program (Mediation) (collectively the “Programs”) are established pursuant to Ordinance \_\_\_\_\_ and this Resolution establishes goals for the program to be considered by the City Manager in implementing the Programs.

**I. Goals of the Programs**

Recognizing over half of Bozeman’s residents are tenants, the goals of the Programs include housing stability, eviction prevention, ensuring fairness in the legal process, informed tenants and

landlords, and cost and time savings to tenants, landlords, and the community. In addition, the Programs seek to facilitate a better understanding among landlords and tenants of the issues facing each other and to improve communication between landlords and tenants. The Commission determines that when housing is stabilized and formal evictions avoided, the broader community including employers, schools, and the judicial system, benefit. In addition, the Commission intends TRC, Mediation, and education efforts to be more effective when established and functioning in concert.

## **II. Tenant Right to Counsel Program**

Ordinance \_\_\_\_\_ describes the TRC.

**Purpose:** The Commission recognizes the landlord/tenant relationship is one governed by the Montana Residential Landlord Tenant Act and the Montana Residential Mobile Home Lot Rental Act and memorialized through a contractual relationship. Nothing in this Resolution or Ordinance \_\_\_\_\_ limits the powers provided to landlords under state law. The Commission finds an attorney representing a tenant, upon the tenant's request, can provide valuable assistance as the tenant navigates their legal rights and duties in relation to their tenancy.

**Eligibility/priority:** The Commission desires there be limited barriers to TRC and eligibility requirements be as minimal as possible and that legal counsel be available to a tenant prior to an eviction proceeding commencing. If funding for the TRC is with monies that require specific eligibility requirements such as income level, the City Manager may establish eligibility requirements that are based on the requirements of the funding program. The Commission determines that priority of resources will be given to tenants with children, the elderly, and multigenerational households. Providing legal services to tenants related to their primary residence or resolving issues from a prior residence is the intent of this program. It is not the intent for persons with long term residential leases for second or subsequent properties obtain counsel under this program.

**Program components:** TRC provides civil legal services to tenants within the city for issues related to their housing or eviction. Participation in TRC creates an attorney-client relationship and legal counsel may advise and provide resources and assistance to tenants as the attorney deems appropriate in their professional opinion and in accordance with the Montana Rules of Professional Conduct. Both full and limited scope representation is available through TRC.

## **III. Landlord/Tenant Mediation Program**

Ordinance \_\_\_\_\_ describes Mediation.

**Purpose:** The purpose of Mediation is to resolve disputes between a tenant and landlord with the

assistance of a neutral third party prior to or in lieu of seeking a judicial resolution. Mediation can provide the parties autonomy in how their disputes are resolved and an opportunity to create solutions that work for both the tenant and a landlord. Mediation can prevent or shorten litigation and reduce the demand on the judicial system. Further, mediated resolutions may establish a more viable path to allow tenants to remain in the residence, to negotiate a dignified departure from the residence, to ensure the residence is well maintained, and to provide landlords an opportunity to address the landlord's interests including lease violations or overdue rent.

**Eligibility:** All landlords of residential property within the city and all residential tenants leasing within the city with a written lease agreement to which they are a party may initiate and otherwise participate in Mediation at no cost to either the landlord or tenant.

**Program components:** Mediation is confidential and available either by voluntary agreement of the parties and upon a court order when the residential property at issue is located within the city. Mediators are encouraged to memorialize the agreement of the parties in writing. Either party – the landlord or the tenant – may initiate mediation. Mediation is a critical aspect of the Commission's goals; as such a tenant who accesses TRC must also attempt to mediate the dispute with the landlord, to the extent practical.

#### **IV. Education and Data Collection**

The Commission determines education to be as important to ensuring housing stability as TRC and Mediation, and a robust program to collect data can ensure the Programs are effective in achieving their goals.

**Education:** For the Programs to be effective, the community must be aware the Programs exist. The City Manager must develop and deploy an education campaign regarding the Programs and the rights and duties of both tenants and landlords. The educational campaign must seek to improve the landlord/tenant relationship and strive to bridge gaps and improve relationships between landlord and tenant organizations.

**Data:** Except for data collection necessary to ensure the efficacy of the Programs, information regarding the legal representation of a tenant or the parties' participation in mediation is confidential. The City Manager must identify the categories of information the City will collect to ensure the Programs are effective and the entity providing TRC services and the vendor providing Mediation services must collect and share with the City such data. Data may include demographic and socioeconomic data provided in the aggregate and exit survey data from tenants and landlords accessing the Programs.

**PASSED, ADOPTED, AND APPROVED** by the City Commission of the City of

Bozeman, Montana, at a regular session thereof held on the 2<sup>nd</sup> day of December 2025. This Resolution is effective upon the effectiveness of Ordinance \_\_\_\_\_.

## TERENCE CUNNINGHAM

Mayor

ATTEST:

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MIKE MAAS

## City Clerk

APPROVED AS TO FORM:

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**GREG SULLIVAN**

## City Attorney