

OFFICE OF THE GOVERNOR
STATE OF MONTANA

Steve Benson
Governor



Mike Cooney
Lt. Governor

TO: Montanans, all officers and agencies of the State of Montana
FROM: Governor Steve Benson
DATE: April 13, 2020
RE: Directive implementing Executive Orders 2-2020 and 3-2020 and providing additional guidance related to evictions and establishing relief funds for affected renters

Executive Orders 2-2020 and 3-2020 declare that a state of emergency exists in Montana due to the global outbreak of COVID-19 Novel Coronavirus.

During a state of emergency, § 10-3-104(7)(a), MCA, authorizes the Governor to "control ingress and egress to and from an incident or emergency or disaster area, the movement of persons within the area, and the occupancy of premises within the area." The Governor may "suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business . . . if the strict compliance with the provisions of any statute . . . would in any way prevent, hinder, or delay necessary action in coping with the emergency or disaster." Section 10-3-104(7)(a), MCA. Further, "all officers and _____ agencies shall cooperate with and extend their services and facilities to the governor as the governor may request" in responding to the emergency. Section 10-3-105(2), MCA.

Montana's public health laws also authorize the Department of Public Health and Human Services (DPHHS), acting under the Governor's direction, to "prevent and mitigate conditions of public health importance" through, among other things, "isolation and quarantine" measures. Section 10-1-202, MCA. See also § 10-1-203, MCA. Montana law provides that these authorizations will be utilized to respond to an "outbreak of disease," § 10-1-105(4), MCA, and to "halt the transmission of the communicable disease." See, e.g., § 10-1-101 (4), MCA.

In responding to the outbreak of COVID-19, I previously determined that it is essential to the health, safety, and welfare of the State of Montana during the ongoing state of emergency that, to the maximum extent possible, individuals stay at home or at their place of residence to prevent opportunities for the transmission of COVID-19. Effective March 28, 2020, I directed Montanans to stay in their homes to the maximum extent possible, with exceptions for essential travel and essential work, among others.

On March 10, 2020, to ensure Montanans have a home to stay in and/or address the significant economic and financial toll inflicted on many who have layoffs/wells, hardships, loss of income, or other circumstances that have deprived them of their ability to afford to stay in their homes, I issued a Directive temporarily suspending certain residential evictions, foreclosures, and disconnections from service for the duration of the March 26, 2020 Stay at Home Directive.

I extended both Directives on April 7, 2020, effective through April 24, 2020.

As specified in the March 31, 2020 Directive, nothing in that Directive or its subsequent extension relieves any individual of their obligation to pay rent or comply with any other obligation that an individual may have under a tenancy. The Directive does not deprive landlords of remedies for