



**21STATE OF MONTANA
DEPARTMENT OF CORRECTIONS
POLICY DIRECTIVE**

Policy No. DOC 2.3.1	Subject: STATE-OWNED HOUSING
Chapter 2: PHYSICAL PLANT	Page 1 of 3 and Attachment
Section 3: Housing	Effective Date: Feb. 1, 1998
Signature: /s/ Loraine Wodnik, Deputy Director	Revised: 12/23/2016

I. POLICY

The Department of Corrections will exercise all the rights of any landlord in renting state-owned housing at Department-approved locations.

II. APPLICABILITY

All divisions, facilities, and programs Department-owned and contracted, as specified in contract

III. DEFINITIONS

Administrator – The official, regardless of local title (division or facility administrator, bureau chief, warden, superintendent), ultimately responsible for the division, facility or program operation and management.

Animals – Refers to any pets or livestock.

Department Housing Officer – The Human Resources director is designated by the Department director to administer the housing lease agreements and provisions of this policy on behalf of the Department of Corrections.

Division Housing Officer – The employee designated by the division administrator to oversee housing maintenance and construction, and approve animal ownership and structures.

Tenant or Renter – Employees or persons who rent housing from the Department of Corrections.

IV. DEPARTMENT DIRECTIVES

A. Approval of State-Owned Housing

1. The Department director, Department housing officer, and administrator must review and approve all housing lease agreements and housing assignments.
2. The Department housing officer will maintain a copy of all signed housing lease agreements.
3. All housing lease agreements will be reviewed and renewed every two years by the Department housing officer.
4. Tenants must adhere to this policy in its entirety.

B. Tenant Selection and Responsibilities

1. Tenants will be selected for state-owned housing based on:

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- a. key management and supervisory responsibilities; or
 - b. ability to oversee facility operations on a 24 hour-a-day, seven day-a-week basis; or
 - c. any person approved by the administrator on an individual basis.
2. The responsibilities of key managers and supervisors will include:
 - a. oversight of facility operations and industries;
 - b. availability to respond to emergencies that may arise on or near facility property; and
 - c. capacity to help with activities or responsibilities that are deemed beneficial to the Department and Department operations.
 3. Employees with round-the-clock oversight of facility operations will provide:
 - a. assistance with the security of outlying facility areas;
 - b. response to maintenance and animal-related issues or problems outside of normal business hours; and
 - c. help with activities and emergencies that may arise in or near the facility including escapes and disturbances.

C. Housing Lease Agreement

1. The Department housing officer and administrator will ensure that divisions providing state-owned housing comply with the following provisions:
 - a. provide a Department-approved [Housing Lease Agreement](#) (example);
 - b. ensure the agreement is in effect as long as the tenant occupies state housing; and
 - c. as part of the housing lease agreement, unless an exception is approved by the Department director, the tenant must agree to all conditions contained in the Housing Lease Agreement.
2. Violations of Department policy or the housing lease agreement may result in eviction with a thirty (30) day notice. Violations of criminal statutes or security policy may result in immediate eviction.
3. Employees renting state-owned property will vacate the property no more than 14 calendar days after termination of employment following resignation or retirement. Employees terminated for cause will have 10 calendar days to vacate the premises.

D. Rental Amounts

1. The Department will charge fair market rental rates, when applicable.

E. Rental Discounts/Waivers

1. The Department director, in consultation with the Department housing officer and administrator, may approve rental discounts or rental waivers for employees who are required to live on the premises or in state-owned housing as a part of their compensation package or have current lease agreements with the Department.
2. The Department director will:

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- a. determine, with input from the Department housing officer and administrator, whether the rental discounts continue to serve the legitimate interests of the Department; and
- b. approve or deny rental discounts.

F. Animals

1. Generally, tenants may have pets, but must be considerate of others in maintaining.
2. The division housing officer will approve the number and type of pets, and the location and types of pet structures in accordance with established operational procedures. The division housing officer must approve all structures intended for animals, (e.g., large doghouses, kennels, dog runs, hutches, sheds) prior to construction in accordance with established operational procedures.
3. Tenants will:
 - a. obtain authorization for pets from the division housing officer;
 - b. license all dogs at the applicable county or city office;
 - c. contact the Department of Livestock to ensure compliance with inspection and disease control regulations for all livestock, e.g., cattle, horses, sheep;
 - d. ensure all animals, when appropriate, are vaccinated for rabies;
 - e. maintain control of dogs and other large animals at all times; and
 - f. reimburse the Department or others for damage caused by animals, this may include damage to persons or property.

G. Property Modifications or Replacements

1. Prior to construction, the division housing officer must approve any modification or construction of a residence or structure located on the property, and will comply with operational procedures in the approval process.
2. The division housing officer will approve and administer routine maintenance and repairs, other than those due to misuse, and comply with operational procedures regarding maintenance procedures and costs.
3. Operational procedures will identify the specific types of appliances, window coverings, and maintenance responsibilities associated with state-owned housing.

V. CLOSING

Questions concerning this policy should be directed to the Department housing officer or appropriate administrator.

VI. REFERENCES

- A. 39-3-205; 53-1-203; 70-24-104, MCA

VII. ATTACHMENT

[Housing Lease Agreement](#)