

HB-449 Update and Notice

October 3, 2017

JASON SWANT, CLAIMS ASSISTANCE UNIT
EMPLOYMENT RELATIONS DIVISION



Montana Department of
LABOR & INDUSTRY

2017 Legislative Change

39-71-123. Wages defined.

~~(e) board, lodging, rent, or housing if it constitutes a part of the employee's remuneration and is based on its actual value; and~~

- ~~(f) (e) payments made to an employee on any basis other than time worked, including but not limited to piecework, an incentive plan, or profit-sharing arrangement;~~
- (f) board if it constitutes a part of the employee's remuneration and is based on its actual value; and
- (g) lodging, rent, or housing if it constitutes part of the employee's remuneration and is based on a value as set by administrative rule. The values set by administrative rule must address the general geographic proximity to available housing and may consider other reasonable factors that affect value.



Adopt Rent Values by County

The Department will adopt housing values based on the U.S Department of Housing and Urban Development's Fair Market Rent standards. The Fair Market Rent standards (FMRs) are determined for each Montana County and represent rent values of standard-quality rental housing.

The dollar amount below which 40 percent of the standard-quality rental housing units are rented becomes the FMRs.

For the implementation of HB-449 the Department proposes to adopt the FY-2018 FMRs.

Bedroom

A bedroom is a room primarily used for sleeping.

Discount for Agriculture

For employers in agriculture the values set by administrative rule are discounted by Fifty percent.

Seasonal or Temporary

Seasonal or temporary housing valued at 100% of the FMRs value.

Examples:

Beaverhead County

Housing is a 2-bedroom house provided in Lima, MT. by an employer in agriculture. The HUD FMRs for this housing is \$697. The administrative value of that housing is set at \$349.

If only one bedroom is primarily used for sleeping, the HUD FMRs for the house is based on one-bedroom, \$567. The administrative value of this house becomes \$284.

Gallatin County

Housing is a four-bedroom house shared by four employees provided in Big Sky, MT by an employer in the travel/tourism industry. The HUD FMRs for this housing is \$1634.

The Administrative value?

- The zero bedroom value is \$651
- Four employees, four bed-rooms \$409

Yellowstone County

Housing is a three-bedroom house provided in Billings MT. by an employer in the healthcare industry. The HUD FMRs for this housing is \$1,308. The administrative value of that housing is set at \$1,308.

Rosebud County

Housing is a four-bedroom house provided near Forsyth MT. by an employer in agriculture. The HUD FMRs for this housing is \$1,083. The administrative value of that housing is set at \$542. However, only two of the four bedrooms are primarily used for sleeping. The administrative value of that house becomes \$349.

Discussion

FOR MORE INFORMATION:

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