



Department of Public Health and Human Services

Public Health & Safety Division ♦ Communicable Disease Control & Prevention Bureau

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Steve Bullock, Governor

Richard H. Opper, Director

Memorandum

Request for interpretation from Lake County Environmental Health received September 10, 2014.

“MCA 50-51-101(12) “Tourist home” means a private home or condominium that is not occupied by an owner or manager and that is rented, leased, or furnished in its entirety to transient guests on a daily or weekly basis.

The question is how “daily or weekly” is interpreted by FCSS. I have heard FCSS interpret this as “less than monthly” which is probably the actual intent of the statute. In other words, the usual language for a time-frame is hourly, daily, weekly, monthly, yearly. So, daily or weekly is intended to show short term rental; ie, less than monthly such as for the travelling public. Monthly rental is excluded as that is the typical contract for residential leasing for a non-transient person.”

Response from the Food and Consumer Safety Section (FCSS) September 23, 2014.

FCSS interprets daily or weekly to mean less than monthly and we define monthly as being less than 28 days. This interpretation is based on 28 days being the shortest time frame that could reasonably be considered a month.

The request for clarification received on September 10, 2014 included the example of ten days. Food and Consumer Safety interprets this as a weekly rental that would require licensing under MCA 50-52-101(12).

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