



RESOLUTION 5555

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF BOZEMAN, MONTANA, APPROVING MODEL HOMEOWNERS/PROPERTY OWNERS ASSOCIATION (HOAS/POAS) MODEL COVENANTS

WHEREAS, as set forth in Bozeman's Strategic Plan 6.0, cultivating a strong environmental ethic; protecting clean air, water, open space, and climate; and promoting environmentally sustainable businesses and lifestyles is important in Bozeman; and

WHEREAS, Resolution 5368 adopts Model HOA Covenants as a City Commission priority. Model HOA covenants call for the establishment of model homeowners' association covenants that encourage water conservation, neighborhood and community connectivity, accessory dwelling units, childcare, drought-tolerant landscaping, composting, local food, recycling, energy efficiency, and renewable energy; and

WHEREAS, homeowners' associations and property owner associations (HOA/POA) covenants are formal agreements between private parties, and as such, the City of Bozeman does not enforce covenants between private parties, nor will the City mandate HOAs (Homeowner Associations) and POAs (Property Owner Associations) adopt the model language. The City of Bozeman will not be involved in governance of HOA/POA covenants.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Bozeman, Montana, to wit: Model Homeowner Association (HOAs) and Property Owner Association (POAs) covenants are encouraged for both existing homeowners' associations (HOAs), property owners' associations (POAs), and new HOAs/POAs to consider and adopt to align with the City of Bozeman and community goals.

PASSED, ADOPTED, AND APPROVED by the City Commission of the City of Bozeman, Montana, at a regular session thereof held on the 21st day of November, 2024.

DocuSigned by:

Terry Cunningham

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TERRY CUNNINGHAM

Mayor

ATTEST:

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DocuSigned by:

Mike Maas

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MIKE MAAS

City Clerk

APPROVED AS TO FORM:

DocuSigned by:

Greg Sullivan

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GREG SULLIVAN

City Attorney

Model Homeowner Association (HOA)/Property Owner (POA) Covenants | Suggested Language
Developed in November 2023



Purpose:

One of the identified priorities of the City of Bozeman is to establish model homeowners' association (HOAs*) covenants that promote policies focused on sustainability, improving the lives of its citizens and enhancing the natural environment around us. These policies include water conservation, neighborhood and community connectivity, use of accessory dwelling units, availability of affordable childcare, installation of drought tolerant landscaping, composting, local food systems, recycling, and energy efficiency.

The outcome of this effort is draft language that can be accessed and included in new or existing covenants. The language is informed by public input, guided by community goals, and supported by the City Commission.

HOA covenants are formal agreements between private parties, and as such, the City does not enforce covenants between private parties, nor will the City mandate HOAs (Homeowners Associations) and POAs* (Property Owners Associations) adopt the model language. The City of Bozeman will not be involved in governance of HOA/POA covenants.

The draft language is intended to serve as policy language. Should an HOA/POA Board wish to adopt any of these model covenants, the HOA/POA Board is welcome to modify the language as they see fit, while still serving the purpose of the policy.

*Definitions for select terms included at the ending of the document.

Water Conservation Model Covenants

1. Turfgrass: The installation of high water use turfgrass is not required and should be limited to areas used for active and passive recreation, sometimes referred to as functional turf grass*. The installation of high water use turfgrass is discouraged in all boulevard strips.

2. Rain Gardens: Rain gardens* are permitted and encouraged within the landscape.

3. Drought Tolerant/Native Plants: The installation of drought tolerant/native plants, including perennials, shrubs, and drought tolerant/native seed mixes, are permitted in all areas of the yard including the front yard, back yard, and boulevard strip. Drought tolerant/native plants refer to plants that thrive in Bozeman's semi-arid environment and are listed as having a plant factor of 0.3 or less on the City of Bozeman Plant List.

4. Landscape Maintenance: Landscape maintenance requirements and aesthetic standards that require the use of supplemental irrigation to be met do not apply during a City of Bozeman drought declaration. Residents are required to adhere to City of Bozeman outdoor watering restrictions, especially those associated with a drought declaration.

Model Homeowner Association (HOA)/Property Owner (POA) Covenants | Suggested Language
Developed in November 2023

5. Landscaping: As part of the landscape plan, the requirement for boulevard trees and water-smart landscaping shall be as required by the City of Bozeman. Landscape plans that prioritize water conservation are encouraged. Compliance with Bozeman Municipal Code: All landscape and irrigation must comply with the City of Bozeman's Unified Development Code, and the Utilities Code.

Childcare Model Covenants

Licensed Childcare: A licensed family day-care home as defined in Montana Code Annotated 52-2-703 (6) and/or a group day-care home as defined in Montana Code Annotated 52-2-703 (7) is permitted on all lots.

Neighborhood & Community Connectivity Model Covenants

1. Sidewalks: All lots must have sidewalks built within one year of ownership.

2. Trash Receptacles: Trash receptacles are not permitted to be put in marked bike lanes. If trash receptacles must be placed in bike lanes, they may only be on-street during designated hours.

3. Snow Plowing on Neighborhood Sidewalks: All residents must comply with snow removal standards in accordance with Bozeman Municipal Code; if unable to comply, the HOA/POA reserves the right to contract for snow plowing.

Sustainability Covenants

1. Energy Efficiency: Home energy improvements such as installing solar energy systems, geothermal energy systems, and energy efficient technology such as heat pumps are permitted.

2. Solar Energy Systems: Solar panels are permitted on all roof structures, consistent with City of Bozeman and building codes. Solar collectors shall be integrated into the overall roof design and shall be placed flush with the slope of the roof or wall of the building. Solar panels are permitted on all sides of the roof and may be visible from the public view.

4. Outdoor Heat Pumps: Outdoor heat pump units are permitted on any side of a building if consistent with City of Bozeman building codes. Outdoor units should not obstruct parking or walkway access. When feasible, place any mechanical outdoor unit away from windows and doors of neighboring homes.

5. Clotheslines: The installation and use of clotheslines is permitted on all lots for the purpose of drying clothes and linens. When feasible, clotheslines must be positioned in a manner that minimizes visibility from neighboring properties and the street.

Model Homeowner Association (HOA)/Property Owner (POA) Covenants | Suggested Language
Developed in November 2023

6. Sustainable Building Materials: Building materials used in alterations shall be of similar or higher quality as the original improvements. The sustainability and durability of materials shall be considered during the material selection process and, where applicable, should be represented in the proposal to the Architectural Review Committee. Sustainable materials refer to building materials that are produced, sourced, and/or used in a manner that minimizes their negative impact on the environment. Attributes of sustainable materials may be characterized by:

- *Low Embodied Carbon:* Materials are manufactured, sourced, and transported in ways that minimize energy consumption, water usage, waste generation, and greenhouse gas emissions, thus reducing their overall carbon footprint from production to installation.
- *Locally Sourced:* Materials that are locally produced reduce carbon emissions associated with long-distance transportation.
- *Energy-Efficient:* Materials that can improve the energy efficiency of buildings.
- *Durable:* Higher performance materials that can withstand environmental stresses, reducing the need for frequent replacements and lowering life-cycle environmental impact.
- *Responsibly Sourced:* Materials that are harvested, extracted, and/or produced using practices that promote positive environmental, social, and economic benefits.

7. Dark-Sky Compliant Lighting: All exterior lighting fixtures must be LED and achieve Dark-sky compliance by meeting the requirements and standards set forth by the International Dark-Sky Association (IDA) and City of Bozeman lighting standards. Exterior lighting fixtures should not intrude on the use or enjoyment of adjacent properties.

8. Urban Chickens: Keeping of chickens is permitted on all lots provided they comply with regulations enacted by the City of Bozeman.

9. Gardens: Food gardens are permitted in all yard areas, included front yards, if gardens do not impede or encroach upon the public right of way or obstruct parking or walkway access.

10. Greenhouses and Garden Sheds: Greenhouses and garden sheds are permitted on all lots provided they comply with zoning and appurtenant regulations enacted by the City of Bozeman.

11. Farm Stand: Farm stands are accessory tables, areas, structures, or kiosks for the sale of crops, products, and/or nonfood items such as ornamental crops (i.e., flowers) are permitted on all lots if they comply with regulations enacted by the City of Bozeman

Accessory Dwelling Units

1. Accessory buildings: *Accessory dwelling units(ADUs) are permitted on all lots, provided they comply with zoning and appurtenant regulations enacted by the City of Bozeman. Nothing

Model Homeowner Association (HOA)/Property Owner (POA) Covenants | Suggested Language
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in these covenants may be interpreted to prevent a property owner from establishing or maintaining an ADU as defined by the City and as outlined by City zoning regulations.

2. Minimum Lot Requirements: All lots may be of any size that meets minimum City of Bozeman municipal code requirements. Lots may contain more than one dwelling provided all dwellings comply with zoning, building, and any appurtenant City codes and regulations.

Allowable Number of Units Per Lot

1. Lots may contain more than one dwelling provided all dwellings comply with zoning, building, and any appurtenant City codes and regulations.

Solid Waste Model Covenants

1. Refuse Containers: Garbage, recycling, and compost containers may be stored inside the garage, or an outdoor space located to the side or rear of the home.

Outdoor storage should be enclosed by materials matching the fencing and siding requirements of the HOA. Outdoor storage of containers for homes located in the north and south Bear Zones should [utilize bear-resistant container technology](#).

2. Refuse Incineration: Incinerators or trash disposal by means of burning is not permitted.

3. Refuse Accumulation: Accumulation of trash and debris may be disposed of by the HOA in situations where the homeowner is unresponsive at the homeowner's expense.

4. Recycling and Composting: Appropriate recycling and composting as outlined by the City of Bozeman's Solid Waste Division is encouraged.

***General Definitions/Descriptions:**

ADU Accessory Dwelling Unit- An accessory dwelling unit (ADU) is a legal and regulatory term for a secondary house or apartment either attached or detached, that shares the building lot of a larger, primary home. The unit cannot be bought or sold separately, but they are often used to provide additional income through rent or to house a family member.

HOA/Homeowners Association- A homeowner association (HOA) is an organization in a subdivision, planned community, or condominium building that makes and enforces rules for the properties and residents. Those who purchase property within an HOA's jurisdiction automatically become members and are required to pay dues, which are known as HOA fees.

POA/Property Owners Association- A property owners association (POA) is like an HOA, and often the terms are used interchangeably. There are differences. One main difference is that a

Model Homeowner Association (HOA)/Property Owner (POA) Covenants | Suggested Language
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HOA works with a community of the same type of properties, a POA is usually a mix of property types, including single family residences and businesses.

Rain Garden- Areas within the landscape that passively collect rainwater that runs off impervious surfaces such as roofs and driveways. A rain garden does not include the capture and storage of water in reservoirs such as rain barrels. More information on [stormwater management](#) can be on the City of Bozeman's website.

Functional Turf Grass- Irrigated grass area that provides a recreational benefit to the community.