

TESTIMONY
House Taxation Committee
04-17-23

Good afternoon, Chairman and members of the Committee. My name is Greg Sullivan (S U L L I V A N). I serve as the city attorney for the City of Bozeman.

Bozeman supports SB376. Section 1 of the bill implements two critical policy considerations of importance to the Bozeman community: (i) the availability of childcare; and (ii) ensuring an adequate supply of housing.

Section 2 of the bill requires covenants on residential property to be subject to a ratifying vote of a majority of the members of a homeowner's association every five years. The City of Bozeman supports these amendments to address critical public policy ideas including childcare, the responsible use of public resources, and private restrictions on development that may be contrary to allowable uses and density authorized by local zoning regulations.

Section 2 also makes it clear the five-year ratification requirement does NOT apply to covenants that allow for easements and rights-of-way, is necessary for the maintenance of shared infrastructure, or was required by a government agency. The City of Bozeman believes these exceptions address concerns raised during a previous hearing in Senate Local Government.

Section 5 of the bill clearly indicates Section 1 of the bill applies only to covenants adopted or amended after the effective date of the bill. This means only covenants adopted after the effective date of the bill will no longer be authorized to prohibit childcare or prohibit occupancy or rental of accessory dwelling units.

Thank you for the opportunity to comment. The City of Bozeman requests this committee vote in favor of SB376.