*Creating a homeowners association (HOA) covenant involves careful consideration of the community's needs and values. Below is a basic template for an HOA covenant. Keep in mind that this is a general outline, and you should tailor it to meet the specific needs and regulations of your community. It's highly recommended to consult with legal professionals to ensure compliance with local laws.*

\*\*[Your Community] Homeowners Association Covenant\*\*

**\*\*Article I: Name and Purpose\*\***

\*\*Section 1: Name\*\*

The name of this association shall be [Your Community] Homeowners Association, hereinafter referred to as "the Association."

\*\*Section 2: Purpose\*\*

The purpose of the Association is to promote and maintain a harmonious and desirable community by establishing and enforcing standards for the use and appearance of properties within [Your Community].

**\*\*Article II: Membership\*\***

\*\*Section 1: Membership Qualifications\*\*

All property owners within the boundaries of [Your Community] shall be automatic members of the Association.

\*\*Section 2: Voting Rights\*\*

Each property owner shall be entitled to one vote for each property owned. Proxies may be permitted in accordance with state law.

**\*\*Article III: Architectural Control\*\***

\*\*Section 1: Approval of Alterations\*\*

No owner shall make any alterations or additions to the exterior of their property without the prior written approval of the Architectural Control Committee (ACC).

**\*\*Article IV: Maintenance and Common Areas\*\***

\*\*Section 1: Maintenance Responsibility\*\*

Each property owner is responsible for maintaining their property in a manner consistent with the community's standards. The Association may perform maintenance on common areas, and costs may be shared among members.

\*\*Section 2: Use of Common Areas\*\*

Common areas are intended for the enjoyment of all residents. Any special use, events, or modifications to common areas must be approved by the Association.

**Article V: Water Conservation**

Section 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.

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

Section 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.

Section 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.

Section 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.

**Article VI: Childcare**

Section 1. **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.

**Article VII: Neighborhood & Community Connectivity**

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

Section 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.

Section 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.

**Article VIII: Sustainability**

Section 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.

Section 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.

Section 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.

Section 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.

Section 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.

Section 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.

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

Section 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.

Section 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.

Section 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

**Article IX: Accessory Dwelling Units**

Section 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 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.

Section 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.

**Article X: Allowable Number of Units Per Lot**

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

**Article XI: Solid Waste**

Section 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.

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

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

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

**Article XII: General Covenant Definitions**

Section 1. **“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.

Section 2. **“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.

Section 3. **“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 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.

Section 4. **“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.

Section 5. **“Functional Turf Grass”-** Irrigated grass area that provides a recreational benefit to the community.

**\*\*Article XIII: Enforcement and Remedies\*\***

\*\*Section 1: Violations\*\*

Violation of this covenant may result in penalties, fines, or other remedies as determined by the Association.

\*\*Section 2: Dispute Resolution\*\*

Disputes between members or between a member and the Association shall be resolved through a fair and impartial process established by the Association.

**\*\*Article XIV: Amendments\*\***

\*\*Section 1: Amendment Process\*\*

This covenant may be amended by a vote of [percentage] of the members. Proposed amendments must be submitted in writing to the Association and distributed to all members for review.

\*\*Section 2: Legal Review\*\*

All amendments must be reviewed by legal counsel to ensure compliance with state and local laws.

**\*\*Article XV: Miscellaneous\*\***

\*\*Section 1: Governing Law\*\*

This covenant shall be governed by the laws of [Your State].

\*\*Section 2: Severability\*\*

If any provision of this covenant is held to be invalid, the remaining provisions shall continue in full force and effect.

\*\*IN WITNESS WHEREOF\*\*, the undersigned, being the duly authorized representatives of [Your Community] Homeowners Association, hereby adopt this covenant on [Date].

[Signature]

[Name of Association President]

President, [Your Community] Homeowners Association

[Signature]

[Name of Association Secretary]

Secretary, [Your Community] Homeowners Association

This is a basic template, and you should consult with legal professionals to customize it according to the specific needs and regulations of your community.