

Report on Violations

John Stelly, Vice President



West Winds Master Homeowners' Association, Inc.

www.westwindsHOAbozeman.org

Governance and Enforcement

- ▶ The West Winds HOA is governed by a volunteer Board of Directors, elected in accordance with Montana law and the Association's governing documents.
- ▶ The Board is legally obligated to uphold the CC&Rs, which are **binding on all Lots as a condition of property ownership**, and has the full authority to enforce them.



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Violations Process & Prioritization Policy

- ▶ The Board implemented a **structured and transparent process for addressing covenant violations.**
- ▶ Reported or observed violations will be documented and reviewed using objective factors, including **health and safety risks, severity, visibility, recurrence, timing, and overall community impact.**
- ▶ For efficiency and fairness, **properties with multiple or more significant violations** will generally be addressed first.
- ▶ **All violations will be processed in due course,** and enforcement will not be selective.
- ▶ The West Winds CC&Rs apply equally to all Owners, and all enforcement actions will follow **the same documented, fair, and consistent procedures.**

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Enforcement is Ongoing and Fair

- ▶ The Board has been undertaking a **renewed and systematic enforcement initiative beginning in mid 2024.**
- ▶ We are **actively receiving, documenting, responding to complaints, issuing new notices, and escalating repeat violations**, all according to due process and in full compliance with our governing documents.
- ▶ The **presence of widespread violations (like visible Garbage Cans on non-collection days) is not a reason to excuse individual ones; it is a reason to ensure consistent enforcement across the board.**
- ▶ We **do not and cannot issue every violation at once**, and enforcement may not always be visible to neighbors; however, we assure you that it is occurring.

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Enforcement is Ongoing and Fair

- ▶ The HOA holds all homeowners to the **same standards**, and the Board is actively enforcing compliance throughout the neighborhood.
- ▶ **No individual is exempt from enforcement**, and no property is being singled out.
- ▶ While we've seen meaningful improvements across the community, each violation requires individualized communication and follow-up, **which takes a significant amount of time**. As we bring each Lot into compliance, **we will be better able to shift resources toward resolving additional outstanding issues**.



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Confidentiality & Reporting Procedures

- ▶ Please note that the HOA cannot discuss the specifics of violations involving other properties.
- ▶ **Each violation is treated individually**, and owners are contacted directly. When a homeowner receives a violation notice, they are provided an opportunity to resolve the issue and submit written and photographic confirmation.
- ▶ **If violations continue or remain unresolved**, the HOA is obligated to proceed with further enforcement, including additional notices and fines, as authorized by our governing documents.



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Allegations of Targeted Enforcement

We want to be absolutely clear:

- ▶ the West Winds HOA **does not target or single out any individual household.**
- ▶ Enforcement actions are based solely on documented observations and verified violations of the HOA's recorded Covenants, Conditions, and Restrictions (CC&Rs).
- ▶ These rules **apply equally to all properties**, and all owners are held to the same standards, regardless of personal reputation, relationships, or neighborly goodwill.



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Allegations of Targeted Enforcement

- ▶ The Board has received, documented, and/or processed numerous violations **across the entire neighborhood** and is **actively engaged in a community-wide effort to bring all properties into compliance.**
- ▶ We understand that **violations may feel personal**, especially when they involve you or a family you care about, but enforcement is never driven by emotion or personal opinion.
- ▶ No owner is exempt from the rules, and no one is being targeted.



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Board-Adopted Fines Policy

► Adopted tiered violations & fine schedule in May 2025

Category	Definition	Typical Board Response
Minor Violation	Temporary or cosmetic issues with minimal community impact.	1st Notice: Warning 2nd Notice: \$25 + \$10/day or \$100/week 3rd Notice: \$50 + \$10/day or \$100/week
Moderate Violation	Issues creating disruption, aesthetic decline, or city code overlap.	1st Notice: Warning 2nd Notice: \$125 + \$25/day or \$250/week 3rd Notice: \$250 + \$25/day or \$250/week
Major Violation	Serious, deliberate, or hazardous non-compliance; unapproved ACC changes or safety threats.	1st Notice: Warning 2nd Notice: \$500 + \$100/day or \$1,000/week 3rd Notice: \$1,000 + \$100/day or \$1,000/week

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Examples by Classification

► Minor Violations

- Trash bins visible on non-collection days
- RVs parked in driveway > 24 hrs (but < 30 days)
- A/C units in windows
- No lease on file / room-by-room rental listing
- Holiday décor > 30 days post-holiday
- Overhead encroachments (tree limbs blocking sidewalk)
- Parking commercial vehicles on street or lot
- Signs, flags, or decorative items violating standards
- Unsightly/cosmetic conditions not affecting neighbors
- Boulevard tree - single missing tree

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Examples by Classification

► Moderate Violations

- Multiple missing boulevard trees (esp. for sale lots)
- Overflowing or bagged garbage in visible areas
- Installation or storage of prohibited fire pits (not actively lit)
- Active room-by-room rentals
- Snow not removed from sidewalks
- RV > 20 ft blocking sidewalk/right-of-way
- Parking in yard or storing inoperable vehicles
- Fence needing repair or stain
- Unkempt yards or no irrigation (affecting values)
- Disposal of debris into open space/parks
- Unapproved plantings in open space
- Visible kennels or dog runs
- Minor sidewalk damage
- Noxious weeds or neglected vacant lots

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Examples by Classification

► Major Violations

- Active prohibited fires or fire pits creating hazard
- Structures or Encroachments in open spaces or city parks
- **Unapproved ACC projects** (fence, shed, solar, etc.)
- Failure to apply or cease unauthorized work
- Short-term rental operations (< 6 months)
- Driving/parking on HOA common areas
- Unsafe or collapsing fences/structures
- Dumping waste, feces, or debris in open space
- Major sidewalk hazard (no sidewalk, unsafe condition)
- Intentional or repeated disregard for rules or noticed violations

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Moving Forward

- ▶ The HOA Board remains committed to **enforcing the rules fairly**, responding to concerns professionally, and **ensuring lot owners understand and meet their responsibilities**.
- ▶ If the owners wish to discuss their situation further, we encourage them to [contact](#) the Board directly in writing.

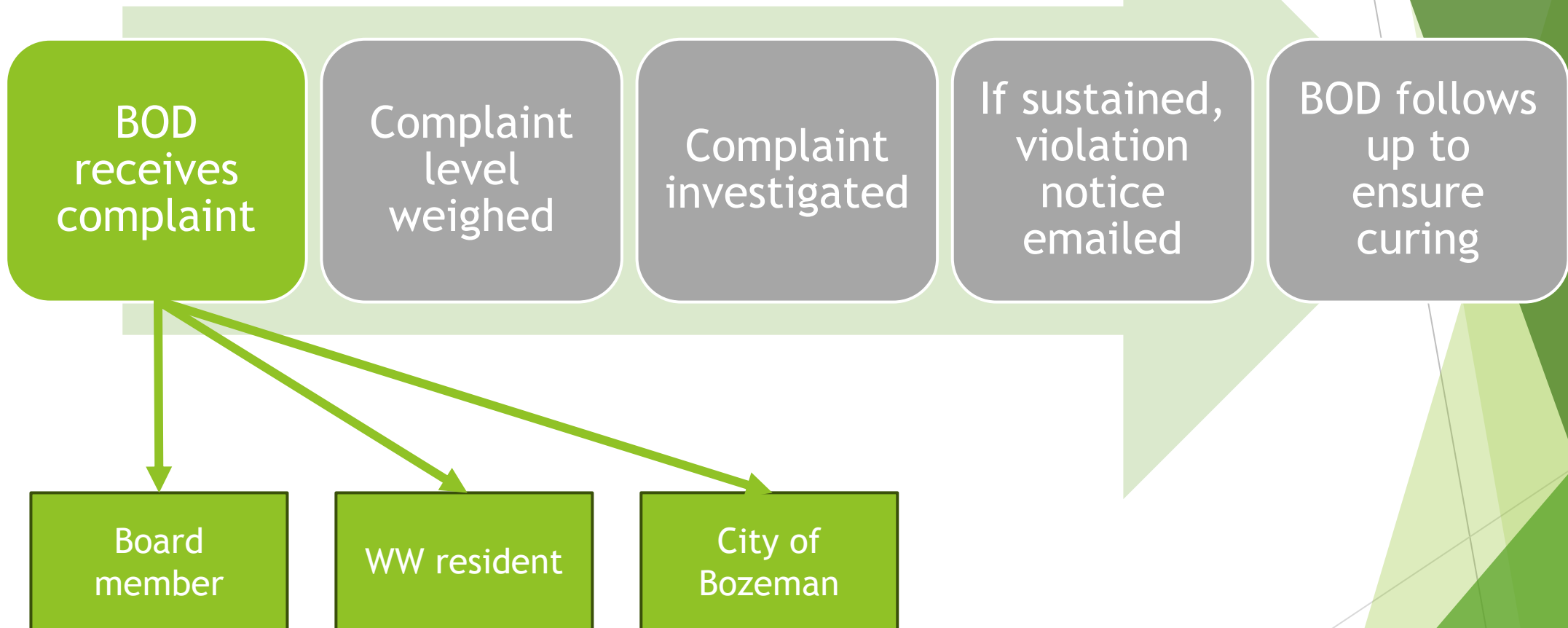


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Violation procedure



Violation procedure

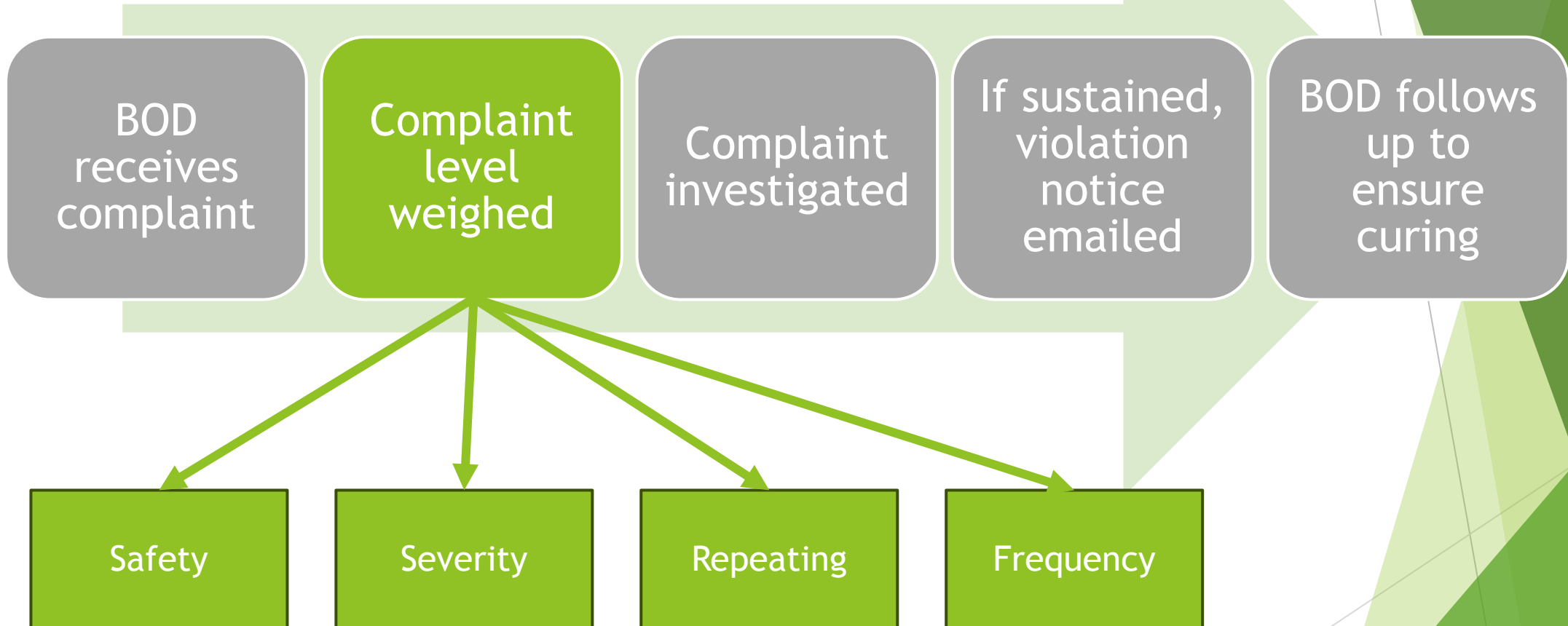


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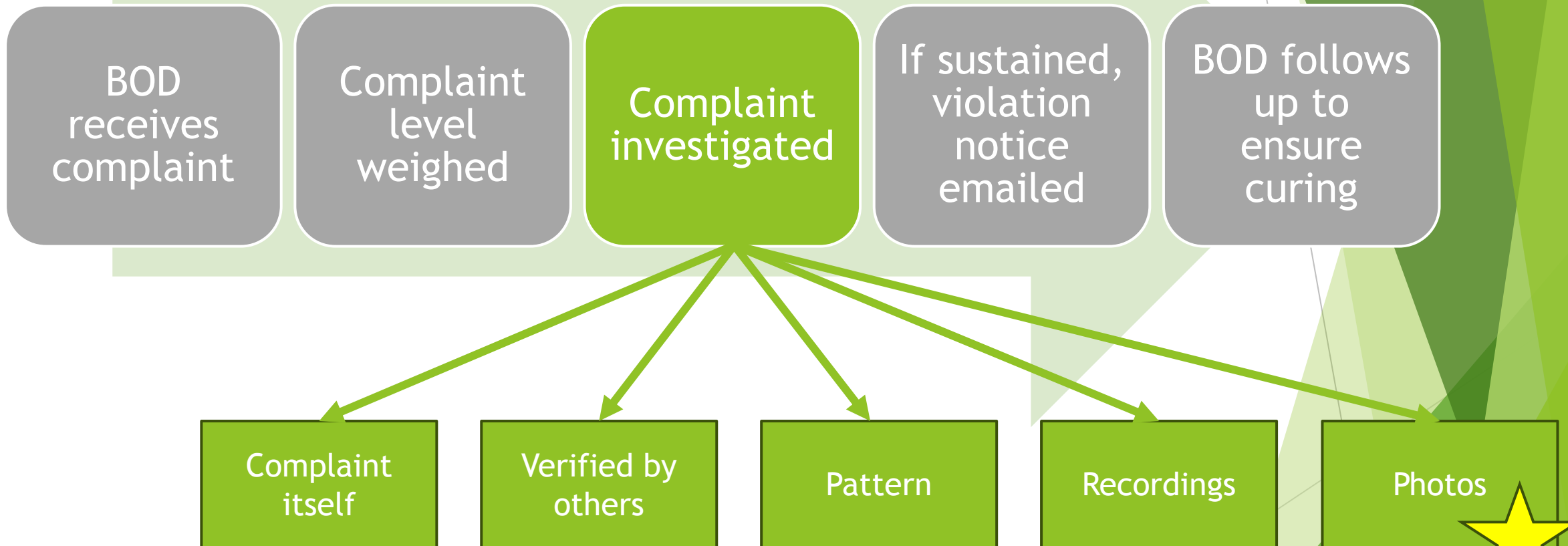
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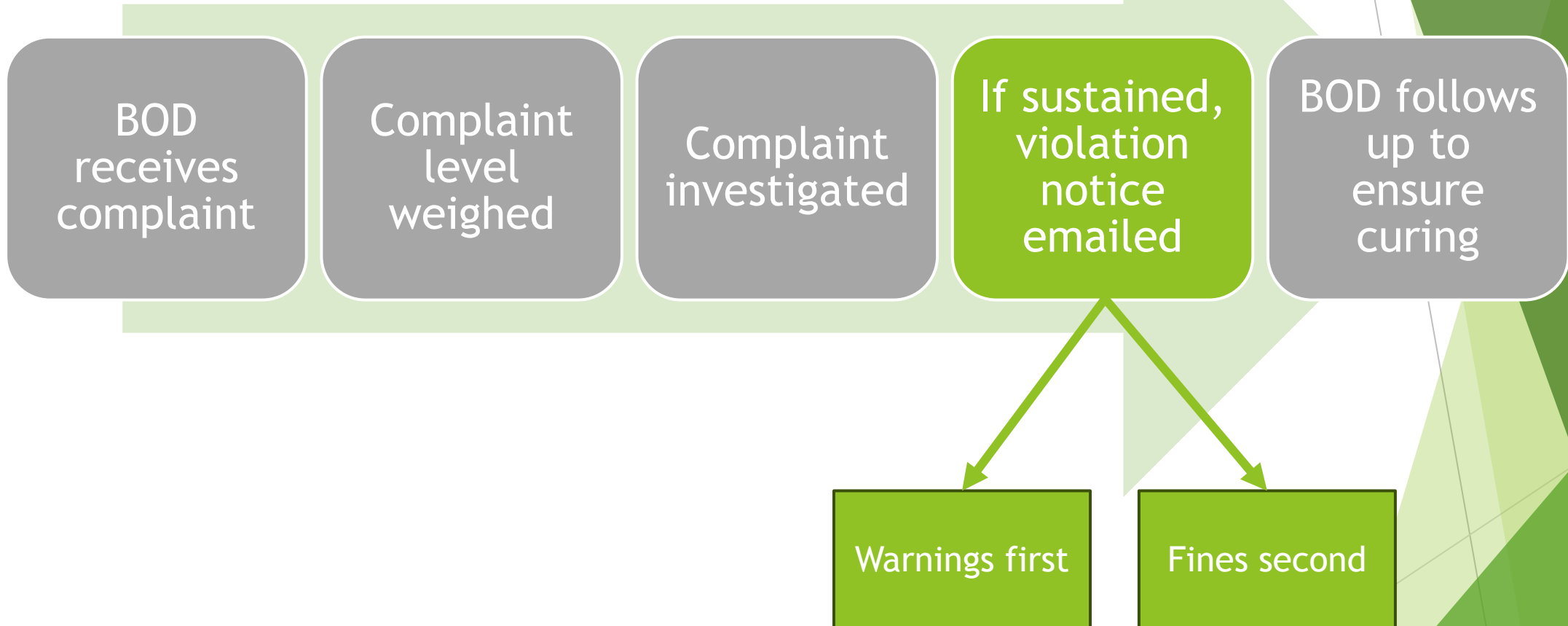
Violation procedure



Violation procedure



Violation procedure

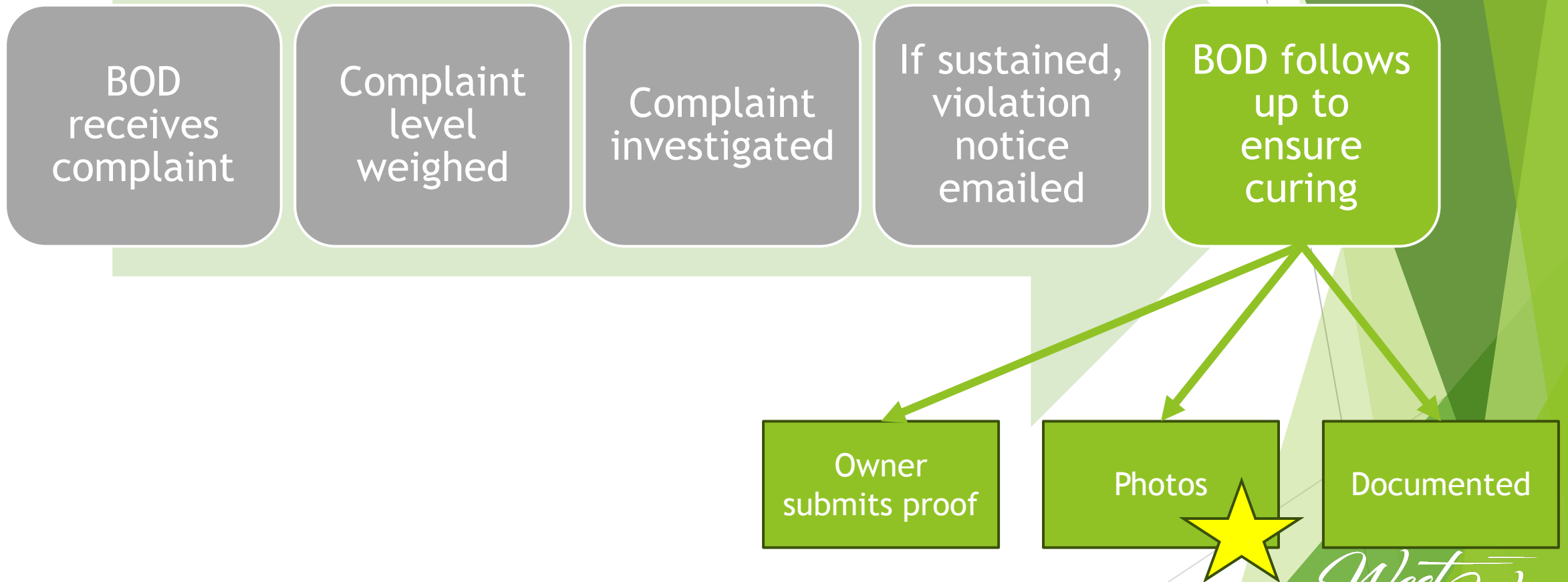


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Violation procedure



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Violation history

We have database records on complaints starting in Aug 2024.

Since then, approximately 278 complaints have been made.

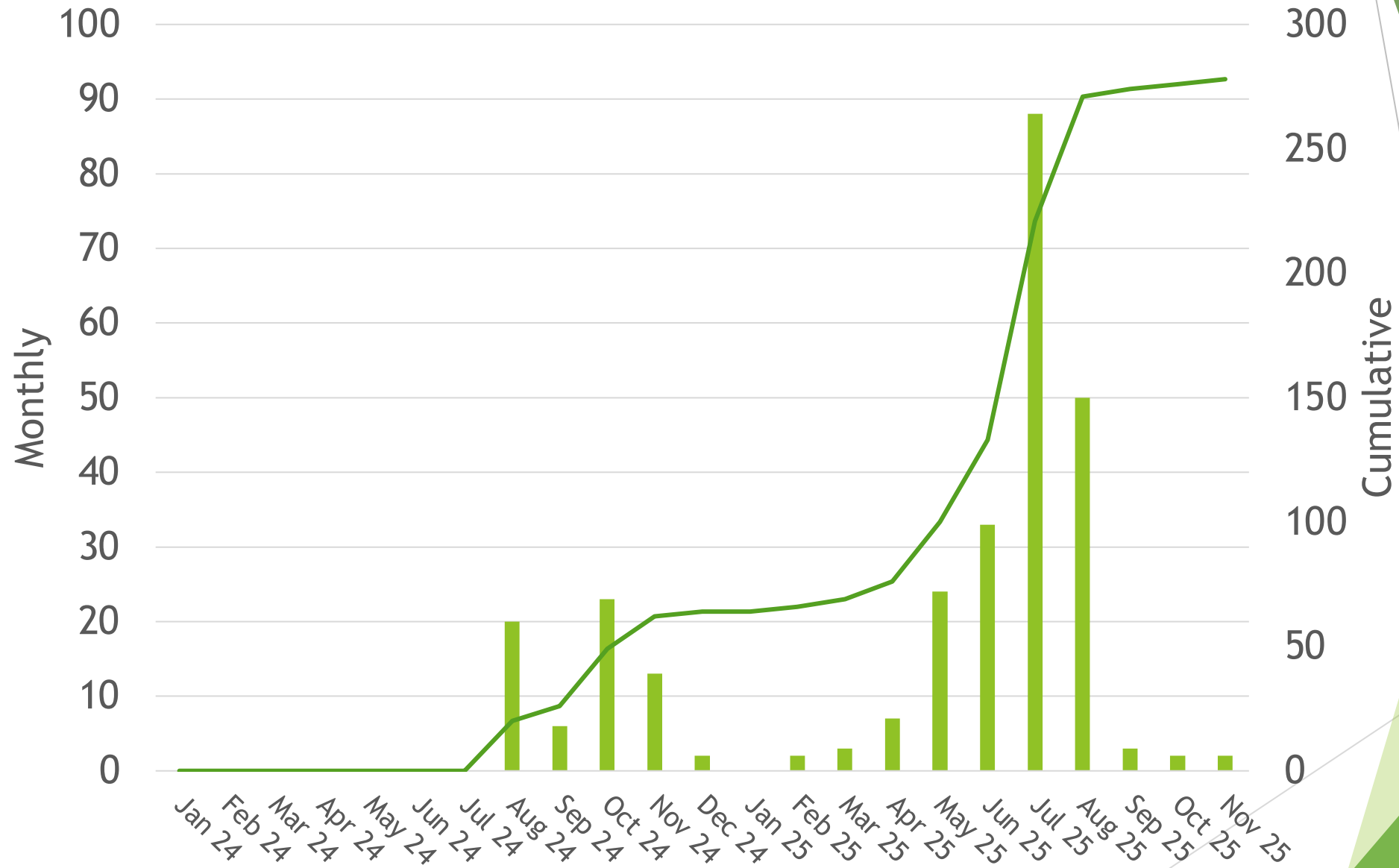
Of those 278 complaints ...

- 17 have been deemed not in violation
- 241 have been deemed in violation
- 7 are pending
- 13 are unknown



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Complaints made frequency



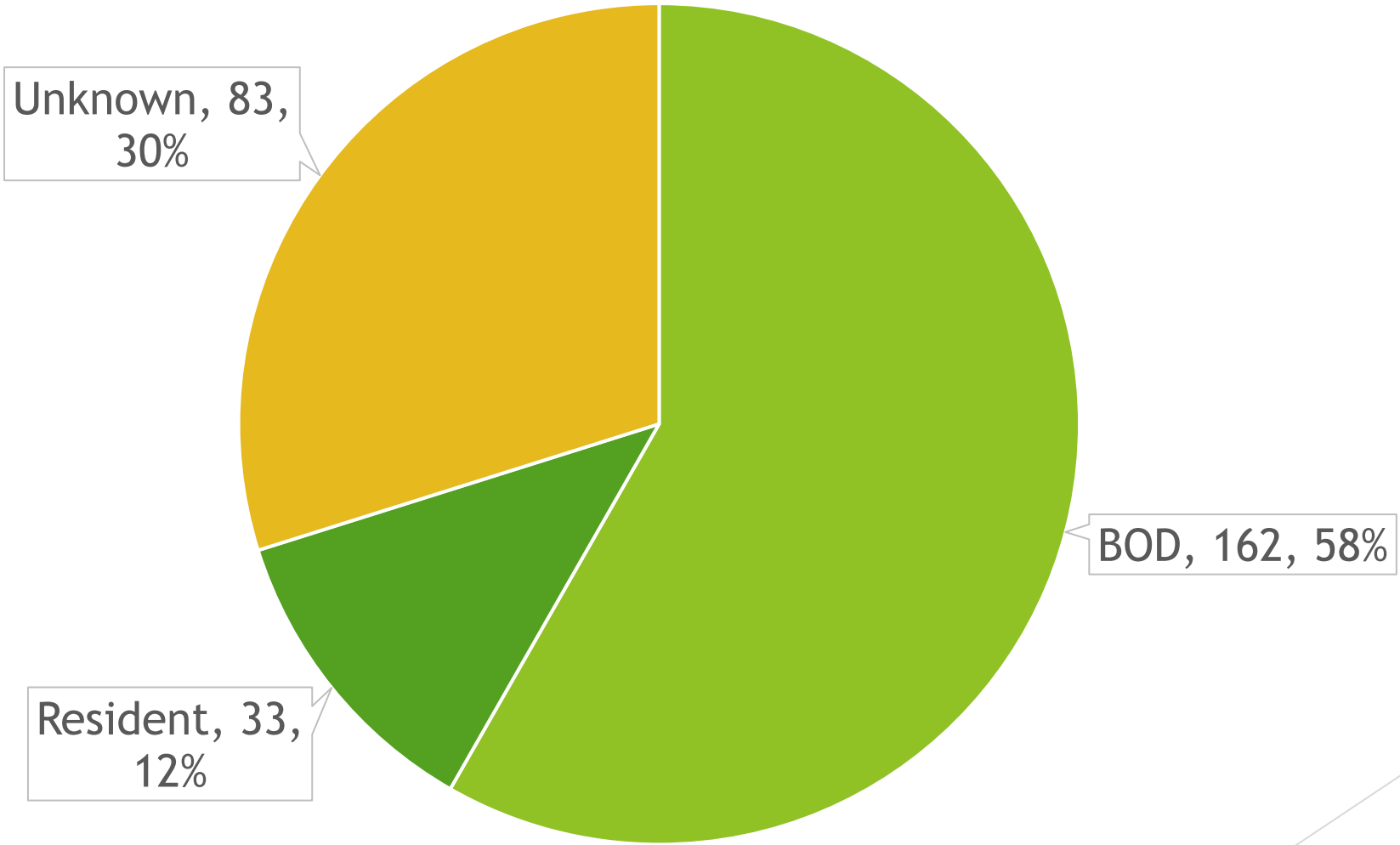
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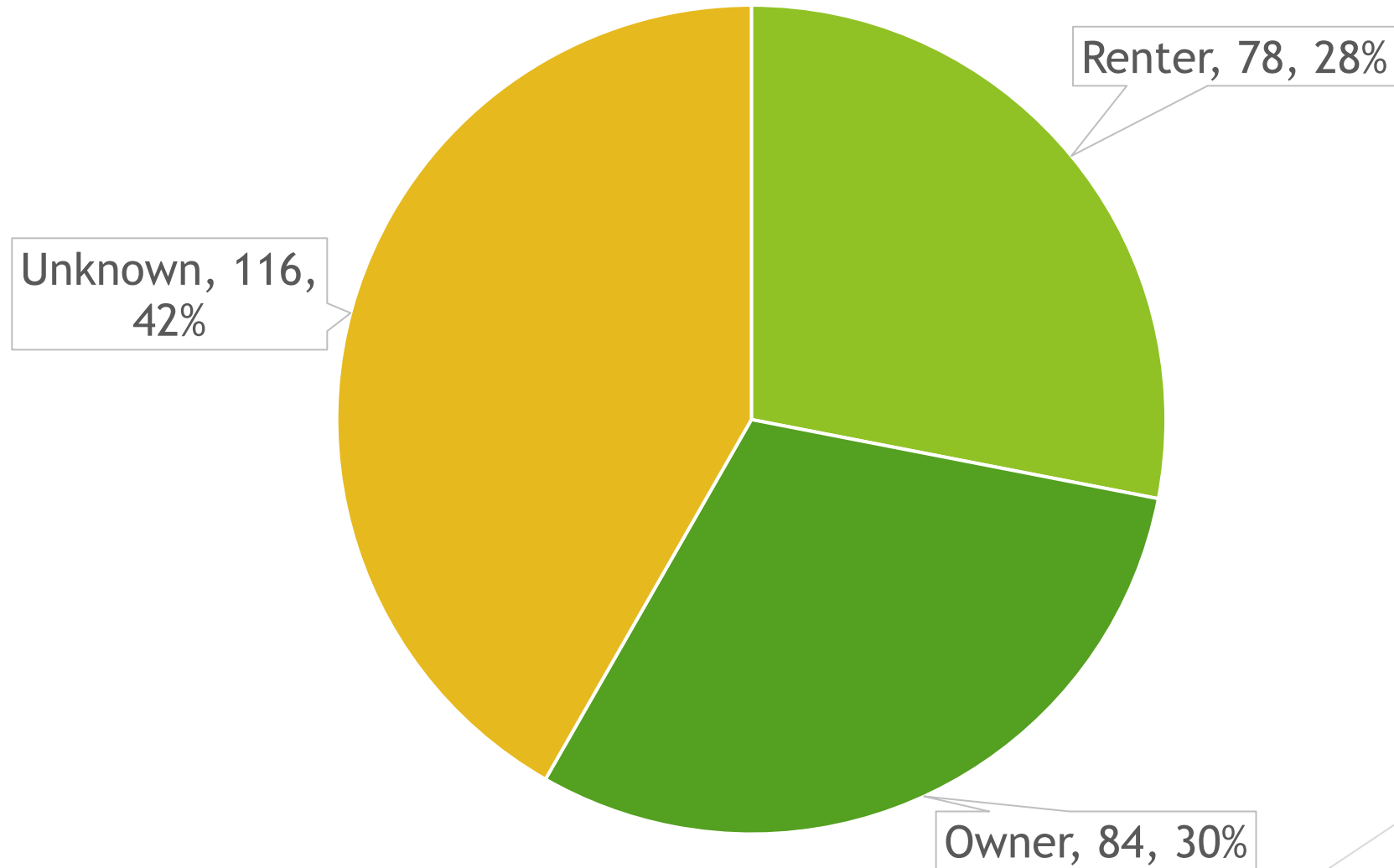
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Complaints made by



Complaints made against



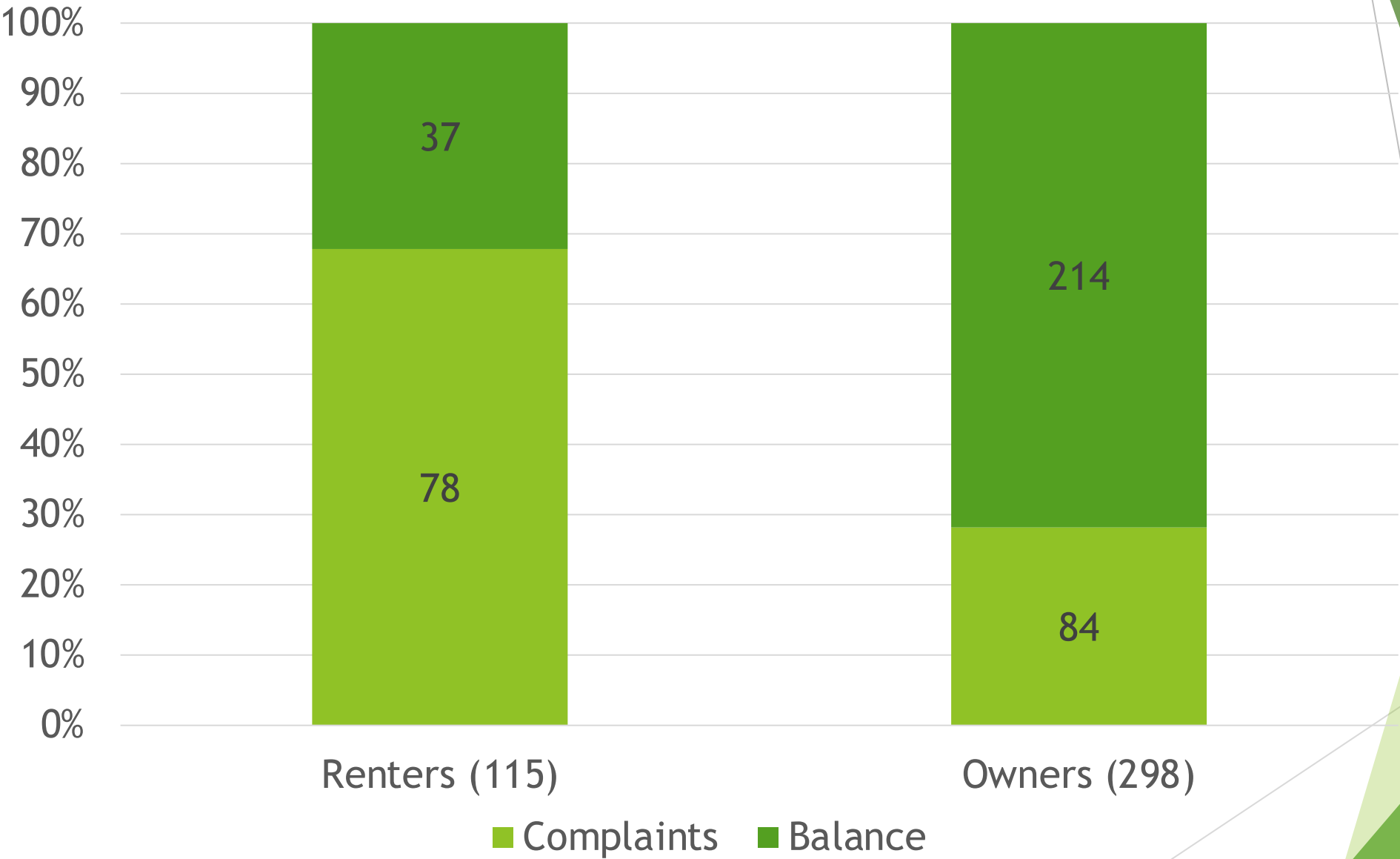
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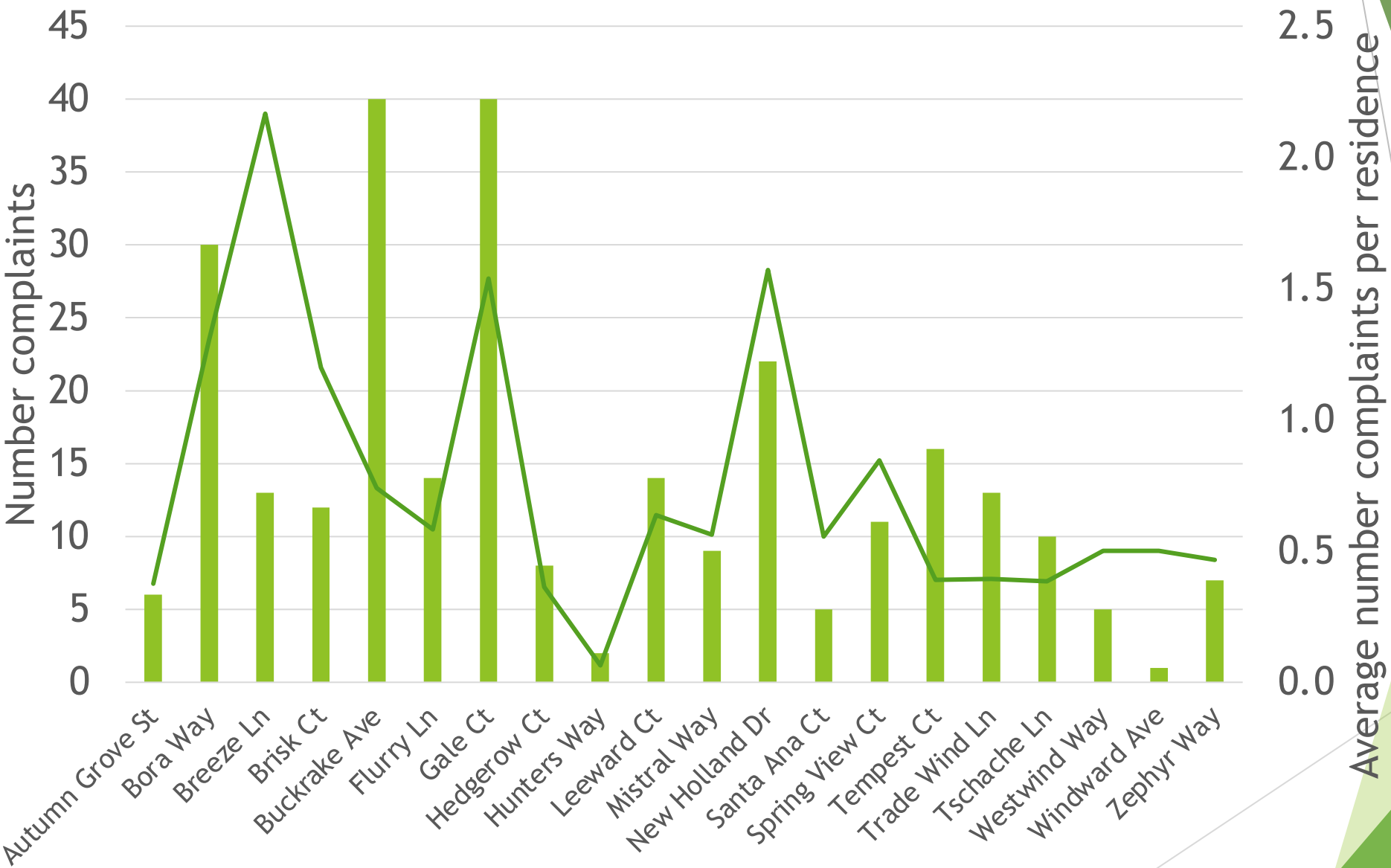
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Complaints made against (May 10 - Aug 17, 2025)



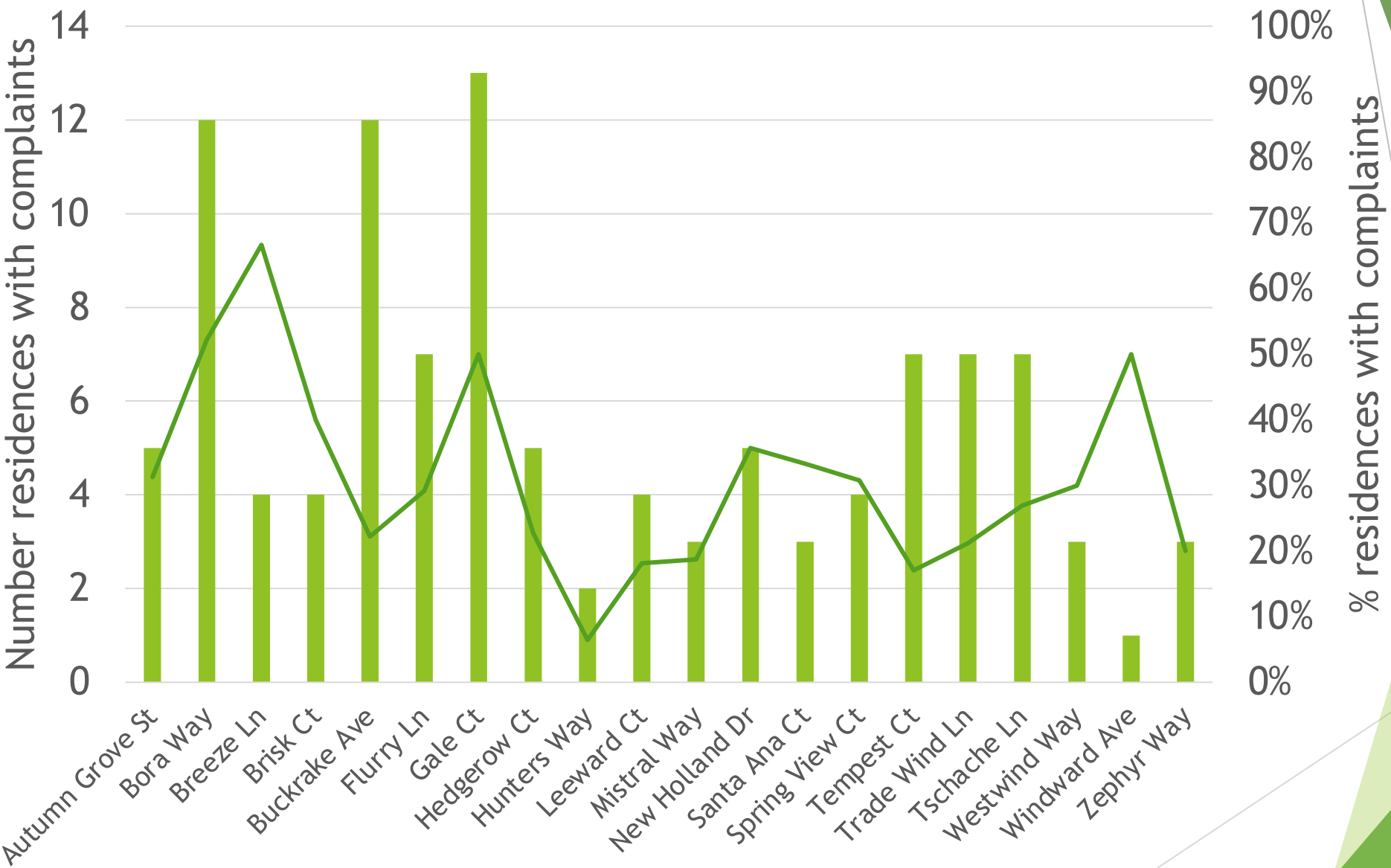
Complaints made against by street



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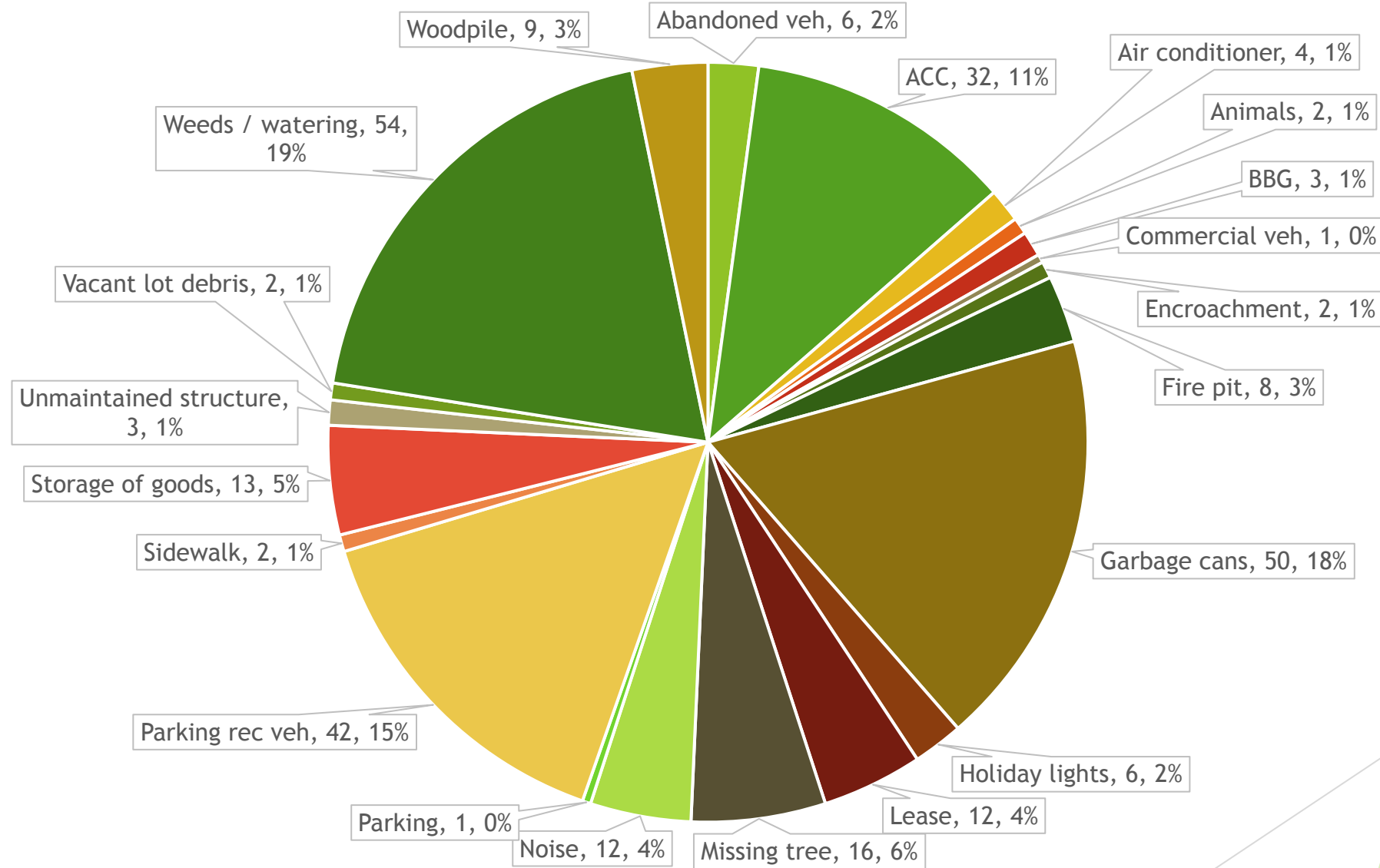
Complained about residences by street



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Complaints made by topic

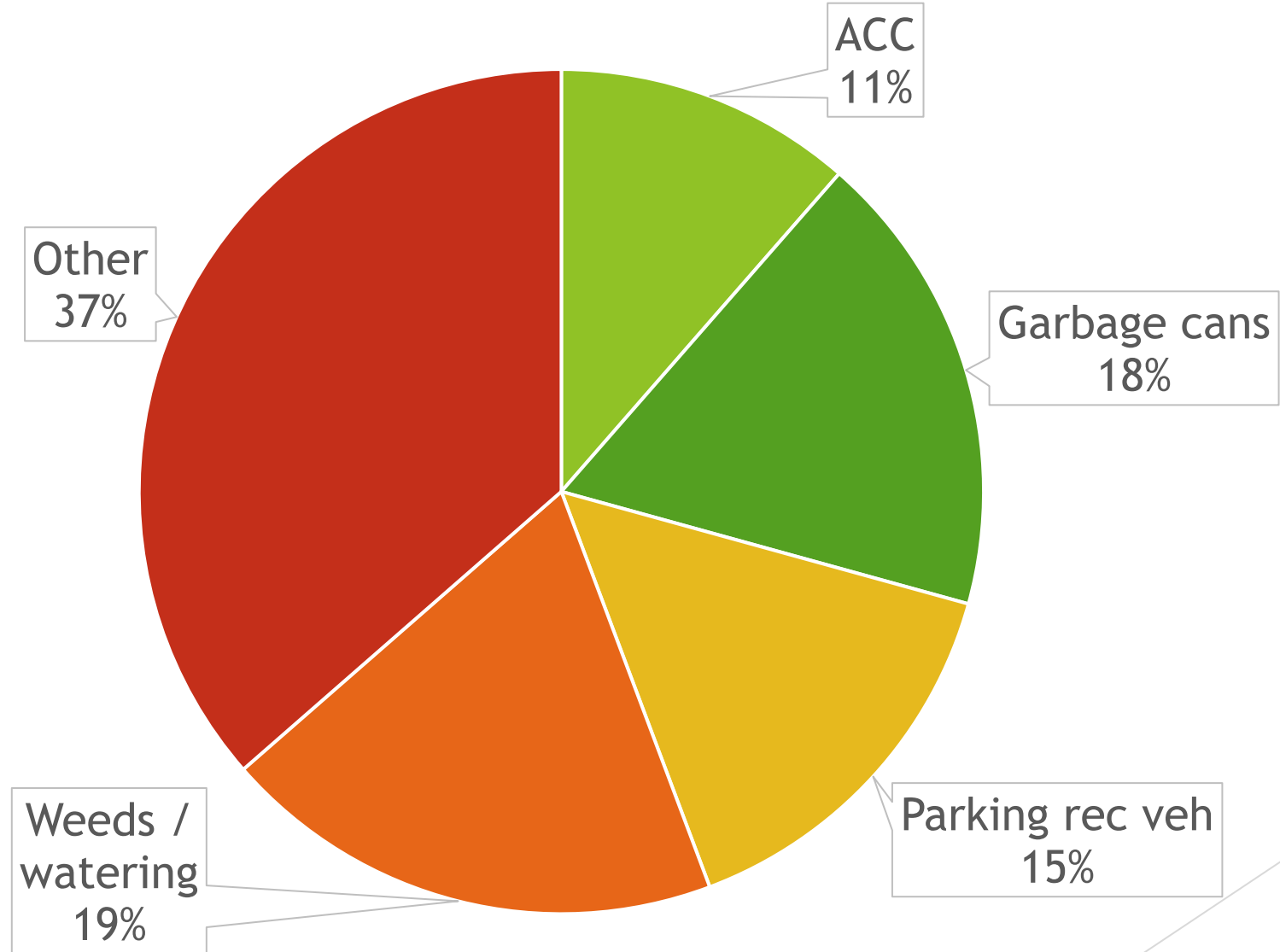


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Complaints made by topic



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The Good, The Bad, and The Ugly

- ▶ The Board is compelled to consider all CC&Rs equal.
- ▶ The Board may not simply choose to disregard one of the rules because the Board does not like it or it is an unpopular rule.
- ▶ A rule you dislike might be loved by someone else.
- ▶ If it could pick and choose rules, how would the Board decide what to enforce?
- ▶ The answer is that it could not fairly do so.
- ▶ Meaning all rules are enforced.
 - ▶ Many might dislike the garbage can rule.
 - ▶ Some residents have complained about garbage cans being left out.
 - ▶ Many might dislike the basketball goal rule.
 - ▶ Some residents have complained about basketball goals being left out.
- ▶ The current rules are the operating guidelines.
- ▶ If a rule is not liked, follow the procedure to change it.

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