

A Newsletter from the Common-Interest Communities &
Condominium Hotels Program

Community Insights

Ombudsman's Corner

Real Estate Division

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Over the last quarter, my staff and I attended various events, including community workshops and town hall meetings. I myself have conducted a number of one-on-one meetings with individual boards in order to remain responsive and committed to making myself available to those associations in need of additional guidance.

At the end of August, I flew out to Reno with the Training Officer to conduct four targeted educational sessions at the Eldorado Resort and Casino. On September 14th, I, along with my Program Officer, attended the Northern Nevada Trade Show at the Peppermill Resort and Casino to present updates affecting HOAs resulting from the 79th Legislative Session. On both occasions, constituents raised fantastic questions regarding living and sitting on the board of an HOA.

While we understand that oftentimes the issues raised in northern Nevada are much different than those raised in the south, the Office of the Ombudsman is committed to noticing patterns and providing answers to constituents regarding any repetitious topics of concern.

Most recently, elections have become a contentious issue. I have observed that a number of associations, pursuant to their governing documents, do not enforce the provision of board members having staggered terms (NRS 116.31034.3). In this situation, NRS 116 would trump any provision of the governing documents to the contrary.

Among other changes, newly enrolled senate bill 195 has removed the requirement of sending out a second notice with regards to duly elected individuals and sets in stone the fact that ballots *must* now be opened and counted at the annual meeting of the unit owners. Staying abreast of these new senate bills is crucial for both community managers and board members, and the Office of the Ombudsman is on-hand to answer any questions as they arise.



Pictured left to right: April Parsons (CAI), Ombudsman Charvez Foger, NRED Administrator Sharath Chandra, Dr. Robert Rothwell (CAI), Attorney Adam Clarkson, Vicki Niggemeyer (CAI), Commissioner Chuck Niggemeyer, Andrea Behrens (Clarkson Law Group).

CIC Program Training

The Office of the Ombudsman appreciates those who take the time to educate themselves regarding NRS 116. Just this last month alone, over 130 constituents attended educational seminars offered by the Training Officer. Below are a few pertinent questions that were raised during recent classes:

Q. Does the association have the right to tow a vehicle from streets, roads, etc. that are not owned by the HOA (NRS 116.3102.1s)?

A. The association MAY direct the removal of vehicles parked in violation of the governing documents as long as the association:

- 1) Displays a sign in plain view declaring parking to be prohibited or restricted in said area. The sign must also display a telephone number to call to ascertain the location where the vehicle can be retrieved (NRS 487.038).
- 2) Posts written notice on a conspicuous place on the vehicle or provides oral or written notice to the owner *or operator* of the vehicle at least 48 hours prior to the tow, stating the date and time after which the vehicle will be towed (SB 320).

If the vehicle is blocking a fire hydrant, fire lane or parking space designated for the handicapped; or poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community, it can be towed *without* the 48 hour notice.

Q. What type of approvals must the association obtain prior to initializing a capital improvement?

A. The governing documents of the association must first provide the board with the authority to *initialize* a capital improvement. Typically, a capital improvement is limited in cost to a certain percentage of the annual budget. Prior to beginning any capital improvement

project the association must:

- 1) Obtain the written consent of a majority of unit owners and residents who own property or reside within 500 ft. of the proposed addition (NRS 116.345.3).
- 2) Provide written notice to each unit owner of a meeting at which an assessment for a capital improvement is to be considered or action is to be taken at least 21 calendar days before the date of the meeting (NRS 116.3115.9).

Q. What restrictions are placed on a homeowner when altering a single-family home (NRS 116.2111)?

A. Pursuant to the governing documents of an association, a unit owner may not change the exterior appearance of a unit without permission of the association.

An association may NOT unreasonably restrict, prohibit or withhold approval for a unit owner to add to a unit:

- 1) Ramps, railings or elevators necessary for access for any occupant who has a disability;
- 2) Locks or shutters to improve security or reduce the costs of energy;
- 3) A system that uses wind energy if the boundaries of the unit encompass 2 acres or more, as long as the unit owner first obtains the written consent of each owner within 300 feet.

Any alteration that is visible from the street must be added in accordance with the procedures set forth in the governing documents and must be selected or designed to the maximum extent feasible to be compatible with the style of the common-interest community.



REMINDER—New Senate Bills (SB) can be found at:

<https://www.leg.state.nv.us/Session/79th2017/Reports/HistListBills.cfm?DoctypeID=2>

New senate bills impacting HOAs:

SB 33	SB 258
SB 195	SB 281
SB 239	SB 476

Governor Sandoval Appoints a New Director to the Department of Business and Industry

On August 21, 2017 Governor Brian Sandoval announced the appointment of Bruce Breslow to the Public Utilities Commission of Nevada (PUCN). Breslow will replace Paul Thomsen who stepped down from the Commission earlier this year.

Governor Sandoval also announced the promotion of C.J. Manthe from Housing Administrator to Director of Business and Industry, replacing Breslow. Both appointments are effective September 5, 2017.

During C.J.'s tenure with the Division, homebuyer programs have been revitalized and the agency

has helped over 13,000 Nevadans achieve the dream of homeownership.

Manthe is a certified public accountant with both public and private sector experience. She has worked in the fields of banking, healthcare, public accounting, non-profits and state and local governments. Previously she was elected to serve as a council member for the City of Blaine in Washington State and as a county commissioner for Marathon County in Wisconsin. We congratulate her on her new position!

For additional details visit: <http://business.nv.gov/>.

Nevada State Business Center Ribbon Cutting Ceremony and Reception



In March of 2017, nine divisions and the Las Vegas Office of the Director moved into 3300 W. Sahara Avenue. In total, 181 employees moved in.

On September 19, 2017, C.J. Manthe (pictured above) cut the ribbon along with Agency Administrators, Commissioners and the Deputy Director at an Open House that was held along with the official grand opening of the Nevada Department of Business and Industry's new location. .

Plans are underway to move the Division of Industrial Relations to the same campus by May of 2018.

Sending Notifications to Unit Owners



HOAs send out a variety of notices to homeowners every month. If your association is looking to save money and expedite this process, Mailmax Mailing Solutions might be the right option for you.

Mailmax Mailing Solutions has a history that dates back over 20 years in Southern Nevada, supporting many of the highest volume and highest profile mailing accounts.

Their success is built on leading-edge technology and an uncompromising commitment to customer service.

Today, over 1,400 postage meter users rely on Mailmax as their partner in mailing automation.

With Mailmax you can: control postage costs and speed of mail delivery, capture maximum discounted postage rates, eliminate costly manual labor and boost security, maximize mailing accuracy, ship, receive and track with total precision, increase address accuracy and response rates, and optimize work flow for ultimate productivity.

Visit www.mailmaxsolutions.com to learn more about the many other solutions Mailmax has to offer.

Neighbor-to-Neighbor Dispute Resolution

The Neighborhood Justice Center (NJC) was established by the Nevada Legislature in 1991 to provide no-cost dispute resolution services to Clark County residents, businesses and organizations. The NJC helps resolve conflicts through information, referral and mediation.

Mediation is a process that assists disputing parties resolve their differences confidentially and reach a mutually satisfactory agreement with the help of a trained, neutral third party. Mediation is successful in a variety of disputes, including neighborhood disputes, consumer/merchant disputes, employer/employee disputes, family disputes, landlord/tenant disputes, hospital-doctor/patient disputes, and parent/child disputes. Within HOAs, if a neighbor-to-neighbor dispute exists that does not pertain to the association's CC&Rs, NJC can be utilized.

To get started, call (702) 455-3898 and provide your name, address, telephone number and a brief description of the situation. You will then receive a call from a case manager who will have you explain your situation in its entirety and ask what you would like the outcome to be.

The case manager will discuss your options and contact the responding party for mediation. Mediation typically last two to four hours and is conducted by a well-trained, neutral representative of NJC.

The NJC does not provide legal advice or an attorney. Read more at:

http://www.lasvegasjusticecourt.us/divisions/neighborhood_justice_center/index.php#lsJ0rekvpdgezv2o.99.



Tragedy on the Las Vegas Strip



In light of the recent shooting that took place in our city on October 1, 2017, the Office of the Ombudsman would like to offer our condolences to all those affected by this terrible tragedy.

The Office of the Ombudsman deals with homeowners in this amazing and unique city every day and has been able to put a face to many that were directly impacted. As we have heard leaders in our community convey, the Las Vegas community is

actually quite small and extremely interconnected.

Whether working the event as part of our comprehensive tourism industry, working in the medical or law enforcement professions or donating blood, food, water, etc., we are touched by the many local heroes that were brought to light in the aftermath of this tragedy, and are proud of our community's unilateral, organized response during this emergency.

Earthquake Preparedness

With the devastating 7.1 magnitude earthquake in Mexico that claimed 360 lives still fresh in our minds, it behooves us all to be prepared and know how to best respond to an earthquake both at work and at home. It is especially important for Nevadans to be prepared because we live in an earthquake prone region.

According to The Nevada Seismological Laboratory, there are active faults at the base of nearly every mountain range in the state. They estimate that each Nevada resident lives no more than several miles from an earthquake fault.

Over the last year, the following earthquakes occurred (statistics obtained on October 5, 2017):

Carson City has had: (M1.5 or greater)

0 earthquakes in the past 24 hours
 2 earthquakes in the past 7 days
 10 earthquakes in the past 30 days
 148 earthquakes in the past 365 days

The largest earthquake in Carson City:

this week: 1.9 in Smith Valley, Nevada, United States
 this month: 2.8 in Gardnerville Ranchos, Nevada, United States
 this year: 5.7 in Hawthorne, Nevada, United States

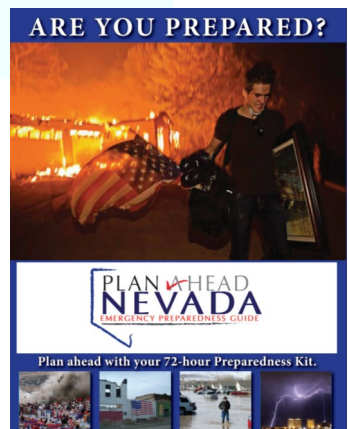
Las Vegas has had: (M1.5 or greater)

0 earthquakes in the past 24 hours
 0 earthquakes in the past 7 days
 2 earthquakes in the past 30 days
 22 earthquakes in the past 365 days

The largest earthquake in Las Vegas:

this month: 2.6 in Nellis Air Force Base, Nevada, United States
 this year: 4.1 in Pahrump, Nevada, United States

For information on how to keep yourself and your community prepared for emergencies, please access the Department of Public Safety's Division of Emergency Management website at <http://dem.nv.gov/preparedness/>.



How Does Water Get to Your Home?

DID YOU KNOW: The Las Vegas Valley water system connects nearly 400,000 homes and businesses to the community's water supply through a vast labyrinth of water mains and service lines.

Strategically situated throughout the valley are:

- 79 reservoir basins and tanks that collectively hold nearly a billion gallons of water.
- 53 pumping stations with the capacity to move more than 1 million gallons of water per minute.
- More than 6,500 miles of water transmission and distribution pipelines.
- 76 production wells and 26 recharge wells capable of producing more than 200 million gallons of water per day.

A complex network of pipes, pumps and reservoirs work in harmony to supply drinking water to our community.

Storing and pumping water around the valley

After water from Lake Mead (the source of most of Southern Nevada's drinking water) has been treated, it's pumped uphill to reservoirs throughout the valley. These reservoirs store the water until it's needed.

High-power pumps at pumping stations force water from the reservoirs to transmission pipelines, usually at night when the cost of power is less.

Major transmission mains move water from treatment plants and reservoirs, and, finally, gravity delivers water through distribution pipelines to your home or business.

One of the nation's most reliable water systems

Instances of water main breaks in Southern Nevada are below the national average and our water system has an efficiency rating that is considered world-class.



<https://www.lvvwd.com/>

Leaks in Your Home

Leaks are hidden water wasters in your home. Save water and money by finding the leak as soon as possible.

Locate your water meter. About 90% of all area residential water meters are located in the front sidewalk. The first step is to check your water meter for movement. Look at the top of the meter. You will notice a red or white triangle or pinwheel called a flow indicator. This indicator will move whenever water is passing through it. If you have turned the water off, as well as shut off the sprinkler system and bypassed the water softener, a moving indicator may indicate that there is a leak or malfunction.

Check your toilets, because they are the most common cause of leaks. Replacing worn rubber toilet flappers usually corrects the problem.

NOTE: Senate Bill 239 has amended NRS 116.310312 to state the following:

If a unit is in a building that contains units divided by horizontal or vertical boundaries that comprise common walls between units [condominiums and townhomes], and the unit is vacant, the association may enter the grounds and interior of the unit to abate a water or sewage leak and remove any water or sewage from the unit that is, or may cause damage to the common elements or another unit.

After providing the unit's owner with notice in accordance with the provisions of NRS 116.31031, the association may remove any furniture, fixtures, appliances and components of the unit, including flooring, baseboards and drywall, that were damaged as a result of the water or sewage leak.

The association has the authority to remove an element that: threatens the health or safety of the residents of the common-interest community, results in blighting or deterioration of the unit or the surrounding area, and adversely affects the use and enjoyment of nearby units.

A unit owner must always be provided with ample opportunity to cure a potential health hazard and be provided with significant notice prior to the association or any of its agents entering the condominium or townhouse.

If the association remediates or removes any water or mold damage in the unit resulting from a water or sewage leak that the unit owner failed to take care of, the association can charge the unit owner for the costs of removal and abatement, and is not responsible for replacing any portion of the unit that was removed.

Only under these very specific circumstances can the association enter a unit without direct permission or an invitation from the unit owner.



Community Insights

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Nevada Real Estate Division Mission

To protect the public and Nevada's real estate sectors by fairly and effectively regulating real estate professionals through licensure, registration, education and enforcement.

Office of the Ombudsman Mission

To provide a neutral and fair venue to assist homeowners, board members and community managers in handling issues that may arise while living in a common-interest community or condominium hotel.

Community Insights is an official publication of the

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COMMON-INTEREST COMMUNITIES &
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HOTELS
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CIC COMMISSION
MEETING
NOVEMBER
14-16, 2017
SOUTH
More details at:
[http://red.nv.gov/
Content/Meetings/
CIC_Calendar/](http://red.nv.gov/Content/Meetings/CIC_Calendar/)

Happy Thanksgiving!



Our office will be Closed:
Nevada Day
Friday, October 27, 2017
Veterans Day
Friday, November 10, 2017
Thanksgiving Holiday
Thursday & Friday - November 23 & 24, 2017



**Happy
Holiday
Wishes!**