

Empowering Unit Owners

Know your rights

Know the questions to ask

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Disclaimer

This is a general education class based on NRS 116 and related laws and regulations. It is not intended to provide a legal opinion or legal advice. If you feel there has been a violation of your governing documents or NRS116 statute you can file a complaint with the Ombudsman's office

Learning Objective

1. HOA Basic Truths
2. Unit Owner's Rights
3. What you need to know- Questions to ask
 - ❖ HOA
 - ❖ HOA rules
 - ❖ Fee's
 - ❖ Reserve Studies
 - ❖ Meetings- procedures, minutes
 - ❖ Records
 - ❖ Budgets

Learning Objective

4. Empowering Unit Owners

- ❖ Basic Tips
- ❖ Become Informed
- ❖ Management Agreements
- ❖ Attend Meetings
- ❖ Handling Violation Notices
- ❖ Renting Rights
- ❖ Attitude & Behavior

5. Division Assistance

6. Conclusion

HOA Basics



Truths about HOA's

When you buy property in a Common Interest Community :

- ❑ You agree to pay assessments.
- ❑ You agree to abide by the CC&Rs.
- ❑ You affirm that you have read the CC&Rs
- ❑ Failure to pay assessments you could lose your home.

- ❑ **NRS 116.41095 Required form of information statement.**

Truths about HOA's

- Homeowners' associations operate on democratic principles. Some decisions require all homeowners to vote, some decisions are made by the executive board or other boards or committees established by the association or governing documents.

- YOU HAVE CERTAIN RIGHTS REGARDING OWNERSHIP IN A COMMON-INTEREST COMMUNITY THAT ARE GUARANTEED YOU BY THE STATE?

Pursuant to provisions of [chapter 116](#) of Nevada Revised Statutes, you have the right:

- (a) To be notified of all meetings of the association and its executive board, except in cases of emergency.
- (b) To attend and speak at all meetings of the association and its executive board, except in some cases where the executive board is authorized to meet in closed, executive session.
- (c) To request a special meeting of the association upon petition of at least 10 percent of the homeowners.
- (d) To inspect, examine, photocopy and audit financial and other records of the association.
- (e) To be notified of all changes in the community's rules and regulations and other actions by the association or board that affect you.

Truths about HOA's

1. Obligated to join the HOA
2. Pay monthly or annual HOA fees for the upkeep of common areas
3. HOA can charge special assessments
4. HOA's have rules that must be followed
5. The board can make decisions which you may not agree with but must abide by
6. HOA boards can enforce the rules

Truths about HOA's

7. Hire and fire managing agents, employee, and independent contractors
8. May make contracts and incur liabilities.
9. May regulate the use, maintenance, repair, replacement and modification of common elements.
10. May direct the removal of vehicles improperly parked on property owned or leased by the association

(see **NRS 116.3102 Powers of unit-owners' association; limitations. For complete listing of powers**)

Truths about HOA's

- ❑ Meetings are controlled by the board or Community Manager with direction from the board.
- ❑ The board can limit the amount of time you speak at a meeting
- ❑ The board can table a meeting
- ❑ The board does not have to respond to any questions or comments at meeting
- ❑ The executive meeting is a closed meeting and not recorded

Unit Owner's Rights

Unit Owner Rights

NRS 116.31065 Rules. The rules adopted by an association:

1. Must be reasonably related to the purpose for which they are adopted.
2. Must be sufficiently explicit in their prohibition, direction or limitation to inform a person of any action or omission required for compliance.
3. Must not be adopted to evade any obligation of the association.
4. Must be consistent with the governing documents of the association and must not arbitrarily restrict conduct or require the construction of any capital improvement by a unit's owner that is not required by the governing documents of the association.
5. **Must be uniformly enforced under the same or similar circumstances against all units' owners.** Any rule that is not so uniformly enforced may not be enforced against any unit's owner.
6. May be enforced by the association through the imposition of a fine only if the association complies with the requirements set forth in [NRS 116.31031](#).

Unit Owner Rights

NRS 116.31085 Right of units' owners to speak at certain meetings-a unit's owner may attend any meeting of the units' owners or of the executive board and speak at any such meeting

NRS 116.31087 Right of units' owners to have certain complaints placed on agenda of meeting of executive board. If an executive board receives a written complaint from a unit's owner alleging that the executive board has violated any provision of this chapter or any provision of the governing documents of the association, the executive board shall, upon the written request of the unit's owner, place the subject of the complaint on the agenda of the next regularly scheduled meeting of the executive board.

Unit Owner Rights

NRS 116.3108 Meetings of units' owners of association -notice

Not less than 15 days or more than 60 days in advance of any meeting of the units' owners, the secretary or other officer specified in the bylaws shall cause notice of the meeting to be given to the units' owners in the manner set forth in [NRS 116.31068](#). The notice of the meeting must state the time and place of the meeting and include a copy of the agenda for the meeting. The notice must include notification of the right of a unit's owner to:

(a) Have a copy of the minutes or a summary of the minutes of the meeting provided to the unit's owner upon request, in electronic format at no charge to the unit's owner or, if the association is unable to provide the copy or summary in electronic format, in paper format at a cost not to exceed 25 cents per page for the first 10 pages, and 10 cents per page thereafter.

(b) Speak to the association or executive board, unless the executive board is meeting in executive session.

Unit Owner Rights

NRS 116.3108 Meetings of units' owners of association-minutes

The secretary or other officer specified in the bylaws shall cause minutes to be recorded or otherwise taken at each meeting of the units' owners.

Not more than 30 days after each such meeting, the secretary or other officer specified in the bylaws shall cause the minutes or a summary of the minutes of the meeting to be made available to the units' owners.

Except as otherwise provided in this subsection, a copy of the minutes or a summary of the minutes must be provided to any unit's owner upon request, in electronic format at no charge to the unit's owner or, if the association is unable to provide the copy or summary in electronic format, in paper format at a cost not to exceed 25 cents per page for the first 10 pages, and 10 cents per page thereafter.

Unit Owner Rights

NRS 116.3108 Meetings of units' owners of association- agenda

The agenda for a meeting of the units' owners must consist of:

(a) A clear and complete statement of the topics scheduled to be considered during the meeting, including, without limitation, any proposed amendment to the declaration or bylaws, any fees or assessments to be imposed or increased by the association, any budgetary changes and any proposal to remove an officer of the association or member of the executive board.

Unit Owner Rights

NRS 116.31083 Meetings of executive board -notice

Except in an emergency or unless the bylaws of an association require a longer period of notice, the secretary or other officer specified in the bylaws of the association shall, not less than 10 days before the date of a meeting of the executive board, cause notice of the meeting to be given to the units' owners. Such notice must be:

- (a) Given to the units' owners in the manner set forth in [NRS 116.31068](#); or
- (b) Published in a newsletter or other similar publication that is circulated to each unit's owner.

Unit Owner Rights

NRS 116.31083 Meetings of executive board-content of notice, audio, speak at the meeting

The notice of a meeting of the executive board must state the time and place of the meeting and include a copy of the agenda for the meeting or the date on which and the locations where copies of the agenda may be conveniently obtained by the units' owners. The notice must include notification of the right of a unit's owner to:

(a) Have a copy of the audio recording, the minutes or a summary of the minutes of the meeting provided to the unit's owner upon request, in electronic format at no charge to the unit's owner or, if the association is unable to provide the copy or summary in electronic format, in paper format at a cost not to exceed 25 cents per page for the first 10 pages, and 10 cents per page thereafter.

(b) Speak to the association or executive board, unless the executive board is meeting in executive session.

Unit Owner Rights

NRS 116.31083 Meetings of executive board- ability to speak

A period required to be devoted to comments by the units' owners and discussion of those comments must be scheduled for both the beginning and the end of each meeting. During the period devoted to comments by the units' owners and discussion of those comments at the beginning of each meeting, comments by the units' owners and discussion of those comments must be limited to items listed on the agenda

Unit Owner Rights

NRS 116.3108 Meetings of units' owners of association/ NRS 116.31083 Meetings of executive board-audio record

A unit's owner may record on audiotape or any other means of sound reproduction a meeting of the units' owners if the unit's owner, before recording the meeting, provides notice of his or her intent to record the meeting to the other units' owners who are in attendance at the meeting.

A unit's owner may record on audiotape or any other means of sound reproduction a meeting of the executive board, **unless the executive board is meeting in executive session**, if the unit's owner, before recording the meeting, provides notice of his or her intent to record the meeting to the members of the executive board and the other units' owners who are in attendance at the meeting.

Unit Owner Rights

NRS 116.31085 Right of units' owners to speak at certain meetings-violation hearings

An executive board shall meet in executive session to hold a hearing on an alleged violation of the governing documents unless the person who may be sanctioned for the alleged violation requests in writing that an open hearing be conducted by the executive board. If the person who may be sanctioned for the alleged violation requests in writing that an open hearing be conducted, the person:

- (a) Is entitled to attend all portions of the hearing related to the alleged violation, including, without limitation, the presentation of evidence and the testimony of witnesses;
- (b) Is entitled to due process, as set forth in the standards adopted by regulation by the Commission, which must include, without limitation, the right to counsel, the right to present witnesses and the right to present information relating to any conflict of interest of any member of the hearing panel; and
- (c) Is not entitled to attend the deliberations of the executive board.

Unit Owner Rights

NRS 116.31175 Maintenance and availability of books, records and other papers of association: General requirements; exceptions; general records concerning certain violations; enforcement by Ombudsman; limitations on amount that may be charged to conduct review.

1. Except as otherwise provided in subsection 4, the executive board of an association shall, **upon the written request** of a unit's owner, **make available the books, records and other papers of the association for review at the business office of the association or a designated business location not to exceed 60 miles from the physical location of the common-interest community and during the regular working hours of the association, including, without limitation:**

- (a) The financial statement of the association;
- (b) The budgets of the association required to be prepared pursuant to [NRS 116.31151](#);
- (c) The study of the reserves of the association required to be conducted pursuant to [NRS 116.31152](#); and
- (d) All contracts to which the association is a party and all records filed with a court relating to a civil or criminal action to which the association is a party.

Unit Owner Rights

NRS 116.31031 Power of executive board to impose fines and other sanctions for violations of governing documents-written notice of violation

The executive board may not impose a fine pursuant to subsection 1 against a unit's owner for a violation of any provision of the governing documents of an association committed by an invitee of the unit's owner or the tenant unless the unit's owner:

- (a) Participated in or authorized the violation;
- (b) Had prior notice of the violation; or
- (c) Had an opportunity to stop the violation and failed to do so.

3. If the association adopts a policy imposing fines for any violations of the governing documents of the association, the secretary or other officer specified in the bylaws shall prepare and cause to be hand-delivered or sent prepaid by United States mail to the mailing address of each unit or to any other mailing address designated in writing by the unit's owner, a schedule of the fines that may be imposed for those violations.

4. The executive board may not impose a fine pursuant to subsection 1 unless:

(a) Not less than 30 days before the alleged violation, the unit's owner and, if different, the person against whom the fine will be imposed had been provided with written notice of the applicable provisions of the governing documents that form the basis of the alleged violation; and

(b) Within a reasonable time after the discovery of the alleged violation, the unit's owner and, if different, the person against whom the fine will be imposed has been provided with:

(1) **Written notice:**

(I) Specifying in detail the alleged violation, the proposed action to cure the alleged violation, the amount of the fine, and the date, time and location for a hearing on the alleged violation; and

(II) Providing a clear and detailed photograph of the alleged violation, if the alleged violation relates to the physical condition of the unit or the grounds of the unit or an act or a failure to act of which it is possible to obtain a photograph; and

(2) **A reasonable opportunity to cure the alleged violation** or to contest the alleged violation at the hearing.

Unit Owner Rights

NRS 116.31031 Power of executive board to impose fines and other sanctions for violations of governing documents

A member of the executive board shall not participate in any hearing or cast any vote relating to a fine imposed pursuant to subsection 1 if the member has not paid all assessments which are due to the association by the member. If a member of the executive board:

(a) Participates in a hearing in violation of this subsection, any action taken at the hearing is void.

NRS 116.31085 Right of units' owners to speak at certain meetings

An executive board shall meet in executive session to hold a hearing on an alleged violation of the governing documents unless the person who may be sanctioned for the alleged violation requests in writing that an open hearing be conducted by the executive board. If the person who may be sanctioned for the alleged violation requests in writing that **an open hearing be conducted**, the person:

(a) Is entitled to attend all portions of the hearing related to the alleged violation, including, without limitation, the presentation of evidence and the testimony of witnesses;

(b) Is entitled to due process, as set forth in the standards adopted by regulation by the Commission, which must include, without limitation, the right to counsel, the right to present witnesses and the right to present information relating to any conflict of interest of any member of the hearing panel; and

(c) Is not entitled to attend the deliberations of the executive board.

Unit Owner Rights

NRS 116.31031 Power of executive board to impose fines and other sanctions for violations of governing documents

For the purposes of this subsection, a unit's owner shall not be deemed to have received written notice unless written notice is mailed to the address of the unit and, if different, to a mailing address specified by the unit's owner.

The executive board must schedule the date, time and location for the hearing on the alleged violation so that the unit's owner and, if different, the person against whom the fine will be imposed is provided with a reasonable opportunity to prepare for the hearing and to be present at the hearing.

The executive board must hold a hearing before it may impose the fine, unless the fine is paid before the hearing or unless the unit's owner and, if different, the person against whom the fine will be imposed:

- (a) Executes a written waiver of the right to the hearing; or
- (b) Fails to appear at the hearing after being provided with proper notice of the hearing.

If a fine is imposed pursuant to subsection 1 and the violation is not cured within 14 days, or within any longer period that may be established by the executive board, the violation shall be deemed a continuing violation. Thereafter, the executive board may impose an additional fine for the violation for each 7-day period or portion thereof that the violation is not cured. Any additional fine may be imposed without providing the opportunity to cure the violation and without the notice and an opportunity to be heard required by paragraph (b) of subsection 4.

Unit Owner Rights

NRS 116.31184 Threats, harassment and other conduct prohibited; penalty.- no harassment

1. A community manager, an agent or employee of the community manager, a member of the executive board, an officer, employee or agent of an association, a unit's owner or a guest or tenant of a unit's owner shall not willfully and without legal authority threaten, harass or otherwise engage in a course of conduct against any other person who is the community manager of his or her common-interest community or an agent or employee of that community manager, a member of the executive board of his or her association, an officer, employee or agent of his or her association, another unit's owner in his or her common-interest community or a guest or tenant of a unit's owner in his or her common-interest community which:

- (a) Causes harm or serious emotional distress, or the reasonable apprehension thereof, to that person; or
- (b) Creates a hostile environment for that person.

2. A person who violates the provisions of subsection 1 is guilty of a misdemeanor.

Unit Owner Rights

NRS 116.31183 Retaliatory action prohibited; separate action by unit's owner.

1. An executive board, a member of an executive board, a community manager or an officer, employee or agent of an association shall not take, or direct or encourage another person to take, any retaliatory action against a unit's owner because the unit's owner has:

(a) Complained in good faith about any alleged violation of any provision of this chapter or the governing documents of the association;

(b) Recommended the selection or replacement of an attorney, community manager or vendor; or

(c) Requested in good faith to review the books, records or other papers of the association.

2. In addition to any other remedy provided by law, upon a violation of this section, a unit's owner may bring a separate action to recover:

(a) Compensatory damages; and

(b) Attorney's fees and costs of bringing the separate action.

Unit Owner Rights

NRS 116.320 Right of units' owners to display flag of the United States or of the State of Nevada in certain areas

1. Except as otherwise provided in subsection 2, the executive board of an association shall not and the governing documents of that association must not prohibit a unit's owner from engaging in the display of the flag of the United States or of the State of Nevada within such physical portion of the common-interest community as that owner has a right to occupy and use exclusively.

Unit Owner Rights

NRS 116.330 Right of units' owners to install or maintain drought tolerant landscaping; conditions and limitations on exercise of right; installation of drought tolerant landscaping within common elements.

1. The executive board shall not and the governing documents must not prohibit a unit's owner from installing or maintaining drought tolerant landscaping within such physical portion of the common-interest community as that owner has a right to occupy and use exclusively, including, without limitation, the front yard or back yard of the unit's owner, except that:

(a) Before installing drought tolerant landscaping, the unit's owner must submit a detailed description or plans for the drought tolerant landscaping for architectural review and approval in accordance with the procedures, if any, set forth in the governing documents of the association; and

(b) The drought tolerant landscaping must be selected or designed to the maximum extent practicable to be compatible with the style of the common-interest community.

È The provisions of this subsection must be construed liberally in favor of effectuating the purpose of encouraging the use of drought tolerant landscaping, and the executive board shall not and the governing documents must not unreasonably deny or withhold approval for the installation of drought tolerant landscaping or unreasonably determine that the drought tolerant landscaping is not compatible with the style of the common-interest community.

2. Installation of drought tolerant landscaping within any common element or conversion of traditional landscaping or cultivated vegetation, such as turf grass, to drought tolerant landscaping within any common element shall not be deemed to be a change of use of the common element unless:

(a) The common element has been designated as a park, open play space or golf course on a recorded plat map; or

(b) The traditional landscaping or cultivated vegetation is required by a governing body under the terms of any applicable zoning ordinance, permit or approval or as a condition of approval of any final subdivision map.

3. As used in this section, "drought tolerant landscaping" means landscaping which conserves water, protects the environment and is adaptable to local conditions. The term includes, without limitation, the use of mulches such as decorative rock and artificial turf.

Unit Owner Rights

NRS 116.325 Right of units' owners to exhibit political signs in certain areas; conditions and limitations on exercise of right.

1. The executive board shall not and the governing documents must not prohibit a unit's owner or an occupant of a unit from exhibiting one or more political signs within such physical portion of the common-interest community as that owner or occupant has a right to occupy and use exclusively, subject to the following conditions:

(a) All political signs exhibited must not be larger than 24 inches by 36 inches.

(b) If the unit is occupied by a tenant, the unit's owner may not exhibit any political sign unless the tenant consents, in writing, to the exhibition of the political sign.

(c) All political signs exhibited are subject to any applicable provisions of law governing the posting of political signs.

(d) A unit's owner or an occupant of a unit may exhibit as many political signs as desired, but may not exhibit more than one political sign for each candidate, political party or ballot question.

Unit Owner Rights

NRS 116.332 Right of units' owners to store containers for collection of solid waste or recyclable materials; adoption of rules by association.

1. Except as otherwise provided in this section, an association of a planned community may not regulate or restrict the manner in which containers for the collection of solid waste or recyclable materials are stored on the premises of a residential unit with curbside service.

2. An association of a planned community may adopt rules, in accordance with the procedures set forth in the governing documents, as defined in subsections 1 and 2 of [NRS 116.049](#), or the bylaws of the association, that reasonably restrict the manner in which containers for the collection of solid waste or recyclable materials are stored on the premises of a residential unit with curbside service during the time the containers are not within the collection area, including, without limitation, rules prescribing the location at which the containers are stored during that time. The rules adopted by the association:

(a) Must:

(1) Comply with all applicable codes and regulations; and

(2) Allow the unit's owner, or a tenant of the unit's owner, to store containers for the collection of solid waste or recyclable materials outside any building or garage on the premises of the unit during the time the containers are not within the collection area.

(b) May:

(1) Provide that the containers for the collection of solid waste or recyclable materials must be stored in the rear or side yard of the unit, if such locations exist, and in such a manner that the containers are screened from view from the street, a sidewalk or any adjacent property; and

(2) Include, without limitation, rules prescribing the size, location, color and material of any device, structure or item used to screen containers for the collection of solid waste or recyclable materials from view from the street, a sidewalk or any adjacent property and the manner of attachment of the device, structure or item to the structure on the premises where the containers are stored

Unit Owner Rights

NRS 116.31036 Removal of member of executive board.

1. Notwithstanding any provision of the declaration or bylaws to the contrary, any member of the executive board, other than a member appointed by the declarant, may be removed from the executive board, with or without cause, if at a removal election held pursuant to this section, the number of votes cast in favor of removal constitutes:

- (a) At least 35 percent of the total number of voting members of the association; and
- (b) At least a majority of all votes cast in that removal election.

2. A removal election may be called by units' owners constituting at least 10 percent, or any lower percentage specified in the bylaws, of the total number of voting members of the association. To call a removal election, the units' owners must submit a written petition which is signed by the required percentage of the total number of voting members of the association pursuant to this subsection and which is mailed, return receipt requested, or served by a process server to the executive board or the community manager for the association. If a removal election is called pursuant to this subsection and:

(a) The voting rights of the units' owners will be exercised through the use of secret written ballots pursuant to this section:

(1) The secret written ballots for the removal election must be sent in the manner required by this section not less than 15 days or more than 60 days after the date on which the petition is received; and

(2) The executive board shall set the date for the meeting to open and count the secret written ballots so that the meeting is held not more than 15 days after the deadline for returning the secret written ballots and not later than 90 days after the date on which the petition was received.

Unit Owner Rights

NRS 116.31034 Election of members of executive board and officers of association- become a board member

Not less than 30 days before the preparation of a ballot for the election of members of the executive board, the secretary or other officer specified in the bylaws of the association shall cause notice to be given to each unit's owner of the unit's owner's eligibility to serve as a member of the executive board.

Each unit's owner who is qualified to serve as a member of the executive board may have his or her name placed on the ballot along with the names of the nominees selected by the members of the executive board or a nominating committee established by the association.

Unit Owner Rights

NRS 116.31035 Publications containing mention of candidate or ballot question: Requirements; limitations. –right to opposing view

1. If an official publication contains any mention of a candidate or ballot question, the official publication must, upon request and under the same terms and conditions, provide equal space to all candidates or to a representative of an organization which supports the passage or defeat of the ballot question.

2. If an official publication contains the views or opinions of the association, the executive board, a community manager or an officer, employee or agent of an association concerning an issue of official interest, the official publication must, upon request and under the same terms and conditions, provide equal space to opposing views and opinions of a unit's owner of the common-interest community.

3. If an association has a closed-circuit television station and that station interviews, or provides time to, a candidate or a representative of an organization which supports the passage or defeat of a ballot question, the closed-circuit television station must, under the same terms and conditions, allow equal time for all candidates or a representative of an opposing view to the ballot question.

Unit Owner Rights

NRS 116.311 Voting by units' owners; use of absentee ballots and proxies; voting by lessees of leased units; association prohibited from voting as owner of unit; voting without a meeting. -proxy

1. Unless prohibited or limited by the declaration or bylaws and except as otherwise provided in this section, units' owners may vote at a meeting in person, by absentee ballot pursuant to paragraph (d) of subsection 2, by a proxy pursuant to subsections 3 to 8, inclusive, or, when a vote is conducted without a meeting, by electronic or paper ballot pursuant to subsection 9.

3. Except as otherwise provided in this section, votes allocated to a unit may be cast pursuant to a proxy executed by a unit's owner. **A unit's owner may give a proxy only to a member of his or her immediate family, a tenant of the unit's owner who resides in the common-interest community, another unit's owner who resides in the common-interest community, or a delegate or representative when authorized pursuant to [NRS 116.31105](#).** If a unit is owned by more than one person, each owner of the unit may vote or register protest to the casting of votes by the other owners of the unit through an executed proxy. A unit's owner may revoke a proxy given pursuant to this section only by actual notice of revocation to the person presiding over a meeting of the association.

Unit Owner Rights

NRS 116.31151 Annual distribution to units' owners of operating and reserve budgets or summaries of such budgets and policy for collection of fees, fines, assessments or costs; ratification of budget.

1. Except as otherwise provided in subsection 2 and unless the declaration of a common-interest community imposes more stringent standards, the executive board shall, **not less than 30 days** or more than 60 days before the beginning of the fiscal year of the association, prepare and distribute to each unit's owner a copy of:

(a) The budget for the daily operation of the association. The budget must include, without limitation, the estimated annual revenue and expenditures of the association and any contributions to be made to the reserve account of the association.

(b) The budget to provide adequate funding for the reserves required by paragraph (b) of subsection 2 of [NRS 116.3115](#). The budget must include, without limitation:

(1) The current estimated replacement cost, estimated remaining life and estimated useful life of each major component of the common elements and any other portion of the common-interest community that the association is obligated to maintain, repair, replace or restore;

(2) As of the end of the fiscal year for which the budget is prepared, the current estimate of the amount of cash reserves that are necessary, and the current amount of accumulated cash reserves that are set aside, to repair, replace or restore the major components of the common elements and any other portion of the common-interest community that the association is obligated to maintain, repair, replace or restore;

(3) A statement as to whether the executive board has determined or anticipates that the levy of one or more special assessments will be necessary to repair, replace or restore any major component of the common elements or any other portion of the common-interest community that the association is obligated to maintain, repair, replace or restore or to provide adequate funding for the reserves designated for that purpose; and

(4) A general statement describing the procedures used for the estimation and accumulation of cash reserves pursuant to subparagraph (2), including, without limitation, the qualifications of the person responsible for the preparation of the study of the reserves required by [NRS 116.31152](#).

Unit Owner Rights

NRS 116.335 Association prohibited from requiring unit's owner to obtain approval to rent or lease unit; exceptions.

1. Unless, at the time a unit's owner purchased his or her unit, the declaration prohibited the unit's owner from renting or leasing his or her unit, the association may not prohibit the unit's owner from renting or leasing his or her unit.
2. Unless, at the time a unit's owner purchased his or her unit, the declaration required the unit's owner to secure or obtain any approval from the association in order to rent or lease his or her unit, an association may not require the unit's owner to secure or obtain any approval from the association in order to rent or lease his or her unit.
3. If a declaration contains a provision establishing a maximum number or percentage of units in the common-interest community which may be rented or leased, that provision of the declaration may not be amended to decrease that maximum number or percentage of units in the common-interest community which may be rented or leased.
4. If the governing documents of an association require a unit's owner who leases or rents his or her unit, or the tenant of a unit's owner, to register with the association or its agent or otherwise submit to the association or its agent information concerning the lease or rental agreement or the tenant, the association or its agent:
 - (a) Must conduct such activities in accordance with the governing documents;
 - (b) May not require the unit's owner or tenant of the unit's owner to provide information which the association or its agent does not require to be provided to the association or its agent by a unit's owner who occupies his or her unit, except that the association or its agent may require the unit's owner to provide a copy of the lease or rental agreement; and
 - (c) May not charge a fee to the unit's owner for the registration or submission of information.

Right to file a complaint

Before submitting the Intervention Affidavit, you are required to contact the person or persons with whom you have a dispute via a written notice sent to their last known address.

In the written notice you must describe the situation including: (a) any alleged violations, (b) any damages that resulted from the alleged violation, and (c) any proposed corrective action to resolve the alleged violation. The written notice must be sent by certified mail, return receipt requested only.

No other method of delivery will be accepted by the Division as mandated by Nevada Revised Statutes (NRS) 116.760(2).

You must allow a reasonable amount of time for a response regarding the allegations. 2. If after contacting the person a resolution is not reached, you may complete the Intervention Affidavit form and submit it to the Office of the Ombudsman no later than one (1) year after discovery of the alleged violation (or after the alleged violation should have reasonably been discovered). You should also reference any applicable statutes regarding the alleged violation

Form 530a/530
Intervention Affidavit

**Start to ask the
questions!**

What you need to know as a unit owner- HOA

- ❑ HOA name, address, phone, website, email address
- ❑ Community Management contact- name, address, phone or email
- ❑ Board members- how many, are all the seats filled, terms of office
- ❑ Correspondence- through the Community Manager, board members, website, email

What you need to know as a unit owner- HOA Rules

- ❑ Verify and read your CC&R's (covenants, conditions and restrictions)
- ❑ Verify and read your bylaws
- ❑ Verify and read rules
- ❑ Read collection and fine policies
- ❑ Request any of the above records if unable to locate
- ❑ Required forms for architectural approvals
- ❑ How long is the approval process

What you need to know as a unit owner- Fees

- ❑ What are the current fees?
- ❑ How are HOA fee increases set? Does the HOA explain any increases before the budget meeting?
- ❑ How often have increases occur, and by how much have they historically been raised?
- ❑ Can you get a printed history of HOA dues by year for the last 10 years?
- ❑ Also, ask for a record of special assessments that have been made in the past and ask if any special assessments are planned for the near future.
- ❑ Find out what the monthly dues cover. Will you still have to pay extra for garbage pickup? Is cable included? If in doubt contact the HOA for a complete listing.

What you need to know as a unit owner- Reserve Study

- ❑ How large is the HOA's reserve fund?
- ❑ When was the last reserve study completed?
- ❑ What percent funded is the reserve account vs what is the suggested percentage funded?
- ❑ Have any of the common areas been changed in the last few years?
- ❑ What is scheduled for repair or replacement in the next year, two to three years?

What you need to know as a unit owner- Meetings

- ❑ Do you understand the various types of meeting? (Unit Owners, Executive Meeting, Executive Session, Special Meeting, Emergency Meetings)
- ❑ When is the annual unit owners meeting?
- ❑ When are the quarterly board members meetings?
- ❑ How is notification sent?
- ❑ What are the procedures when attending a meeting?
- ❑ How much time to speak at meeting?
- ❑ How to add items to agenda?
- ❑ How can a unit owner review the past unit owners meeting minutes before the upcoming minutes?

What you need to know as a unit owner- Actions During Meetings

- ❑ Do we need to arrive early?
- ❑ Is sign in required?
- ❑ Is sign in required to speak?
- ❑ What are the procedures when I have a comment to make to the board?
- ❑ How can my comments be added to the meeting minutes?
- ❑ Can I record the meeting? How do I notify everyone present that I am audio record?
- ❑ What should I do if I have follow-up concerns?
- ❑ Was the audio tape from the previous meeting verified to be in good working order?
- ❑ Can tenants or rents attend or speak at the meetings?

What you need to know as a unit owner- Meetings Minutes

- ❑ Who do I contact for meeting minutes?
- ❑ How can I obtain an audio recording?
- ❑ What if I want to have comments added to the meeting minutes?
- ❑ How do we inform the HOA about meeting minutes errors?
- ❑ How much time to speak at meeting?
- ❑ Is sign in required for meetings?
- ❑ How to add items to agenda?
- ❑ What costs are involved for meeting minutes? (there should not be any)

What you need to know as a unit owner- Violations

- ❑ Who do I contact for violation questions?
- ❑ Does the HOA provide warning notices?
- ❑ What is the best way to contact HOA ?
- ❑ What happens if I can't make a hearing?
- ❑ How often are violation checks completed?
- ❑ Who is completing the violation checks?
- ❑ Do we have a violation committee and do they have final determination?
- ❑ What actions can I take if I disagree with outcome?

What you need to know as a unit owner- Violations

- ❑ Will pictures be provide in the violation notice? (**NRS 116.31031 Power of executive board to impose fines**)
- ❑ If a tenant is responsible for the violation who is the notice sent to unit owner or tenant?
- ❑ How much time can I speak at the hearing ?
- ❑ How do I notify the HOA that I want the hearing in the open board meeting?
- ❑ How can I obtain a listing of all violations within the community in the last year?
- ❑ Where do I locate the fees for fines?
- ❑ How will I be contacted with regards to a decision from the hearing?
- ❑ Will I be sent a confirmation letter that I am no longer in violation or do I have to request a letter?

(**NRS 116.31031 Power of executive board to impose fines**)

What you need to know as a unit owner- Records

- ❑ Who do I contact for a records request the community manager or a board member?
- ❑ How do I request records-form, email?
- ❑ Where do I go to review records?
- ❑ What charges if any for records request?
- ❑ How long will it take for my records request?
- ❑ Why can I be denied access to record?

NRS 116.31175 Maintenance and availability of books, records and other papers of association

What you need to know as a unit owner- Budgets

- ❑ When are the budgets sent out?
- ❑ Is a complete budget sent or a summary?
- ❑ Who do I contact if I have budget question?
- ❑ Does the HOA offer a open forum to discuss the budget before the vote?
- ❑ How are the surplus funds being used?
- ❑ Is our budget vision short term or long term?
- ❑ HOA budget -over or under?

NRS 116.31151 Annual distribution to units' owners of operating and reserve budgets or summaries of such budgets

Empowering Unit Owners

7/28/2016



Basic Tips

- ❑ Know your point of contact for the Association
- ❑ Contact the HOA before making any landscape changes or exterior changes to property (gates, bricks, color, driveway)
- ❑ Get it in writing! Make all requests in writing
- ❑ Ask questions but do not wait forever for a response
- ❑ Educate yourself about the rules
- ❑ Attend the association meetings
- ❑ Listen to meeting audio's
- ❑ Join a committee
- ❑ Request records (financials, contracts, billing receipts, any civil or criminal action, correspondence from the Division)
- ❑ Concerns-do more than lip service

Become Informed

Visit Division website (www.red.nv.gov)

Request past minutes to determine past happenings in the HOA

Request contracts with vendors, community manager, contractors

Request copies of bills or checks to see how the money has been spent

Request yearly account information

Learn the inner workings of the association

Community Manager

- ❑ Works under the direction of the board
- ❑ Shall not refuse to accept from a unit's owner payment of any assessment, fine, fee or other charge that is due because there is an outstanding payment due.
- ❑ Shall not intentionally apply a payment of an assessment from a unit's owner towards any fine, fee or other charge that is due
- ❑ Shall not be a signer on a withdrawal from a reserve account of a client
- ❑ Shall not commingle money or other property of a client with the money or other property of another client, another association, the community manager or the employer of the community manager.
- ❑ Use money or other property of a client for his or her own personal use.

(NRS 116A.640 Community manager prohibited from engaging in certain acts)

Management Agreements

- ❑ Any management agreement must:
- ❑ Be in writing and signed by all parties
- ❑ State the term of the management agreement
- ❑ State the basic consideration for the services to be provided and the payment schedule
- ❑ Include a complete schedule of all fees, costs, expenses and charges to be imposed by the community manager, whether direct or indirect, including, without limitation:
 - (1) The costs for any new client or start-up costs;
 - (2) The fees for special or non-routine services, such as the mailing of collection letters, the recording of liens and foreclosing of property;
 - (3) Reimbursable expenses;
 - (4) The fees for the sale or resale of a unit or for setting up the account of a new member; and
 - (5) The portion of fees that are to be retained by the client and the portion to be retained by the community manager
- ❑ Include a statement of the scope of work of the community manager;
- ❑ State the spending limits of the community manager;
- ❑ Include provisions relating to the grounds and procedures for termination of the community manager;
- ❑ Include provisions for dispute resolution
- ❑ Acknowledge that all records and books of the client are the property of the client, except any proprietary information and software belonging to the community manager;
- ❑ State the frequency and extent of regular inspections of the common-interest community
- ❑ State the extent, if any, of the authority of the community manager to sign checks on behalf of the client in an operating account

After signing a management agreement, the community manager shall provide a copy of the management agreement to each member of the executive board. Within 30 days after an election or appointment of a new member to the executive board, the community manager shall provide the new member with a copy of the management agreement.

Attend Meetings

Ask to have items added to agenda-**NRS 116.31087 Right of units' owners to have certain complaints placed on agenda of meeting of executive board.**

Be prepared when you speak at a meeting and stay focused

Stay on topic

Bring a copy of what you are saying and ask to have it put in the meeting minutes

Do not interrupt others

*Understand board does not have to respond

Bring a solution not just a complaint

What parliamentary procedure does your board use?
(Roberts Rules or another procedure)

Handling Violation Notices

- ❑ Read to determine if it is a informal or formal notice of a violation
- ❑ *Determine if you want an open hearing or closed hearing – closed contact HOA to change
- ❑ Respond and acknowledgement notice and attendance
- ❑ Be prepared to explain or defend situation
- ❑ Take photo's to prove violation has been corrected.
- ❑ Show up for hearing or contact if unable to be present
- ❑ Request to whom do you contact for results
- ❑ Ask how long till a determination

Attitude & Behavior

- ❑ A smile goes a long way
- ❑ Stop Look and Listen
- ❑ Think before you speak
- ❑ Watch your non-verbal communication
- ❑ Keep vocal tone neutral and keep voice level down
- ❑ Avoid threatening body movements
- ❑ Avoid use of threatening words
- ❑ Stay calm and let somethings go
- ❑ Get all the facts before drawing a conclusion
- ❑ Follow up with an email

Nevada Real Estate Division Assistance

NRED Website

WWW.RED.NV.GOV

Links to statutes and regulations
Commission meeting information
Educational power points
Educational videos
Fast Reference
Presentation Calendars
CE Calendars

Intervention Affidavit

| Number | Form Name |
|--------|--|
| 514A | Statement of Fact Against Community Managers |
| 530 | Intervention Affidavit |
| 530A | Intervention Affidavit Instructions |

You must file a complaint for any Division involvement!

Be very detailed in your certified letter to the board or community manager- think three parts

1. Violation of NRS statute or Governing Document-list
2. Actions which are proof of allegations
3. Resolution-what do you want to accomplish

Informal conference is through the Intervention Affidavit

Statement of Fact is a complaint against a Community Manager and will go to Compliance/ Enforcement for review because complaint may cause a Community Manager to lose their license.

Alternative Dispute Resolution

- The process may provide a faster resolution.
- Administered by a neutral third party.
- Improves communication between the parties.
- ADR is a neutral process that leads the parties to a greater commitment to reach a settlement.
- Increases control over the process and the outcome.
- Required by statute if intending to proceed to civil court.

Alternative Dispute Resolution

| Number | Form Name |
|--------|---|
| 520 | Alternative Dispute Resolution (ADR) Claim Form |
| 520A | Alternative Dispute Resolution - Additional Claimant Form |
| 520B | Alternative Dispute Resolution - Additional Respondent Form |
| 521 | Alternative Dispute Resolution (ADR) Respondent Form |
| 522 | Alternative Dispute Resolution - Mediator Application Form |
| 522A | Alternative Dispute Resolution - Referee/Arbitrator Application Form |
| 523 | Residential Common Interest Alternative Dispute Resolution (ADR) Overview |
| 631 | Mediator/Referee Invoice |
| 668 | Subsidy Application for Mediation |

Fill out at time of filing if you want subsidy

Request for Records

780

Request for Record of Complaints Against Community Managers

781

Request for Books, Records and Other Documents

NRS 116.31175 Maintenance and availability of books, records and other papers of association:

1. Except as otherwise provided in subsection 4, the executive board of an association shall, upon the written request of a unit's owner, make available the books, records and other papers of the association for review at the business office of the association or a designated business location not to exceed 60 miles from the physical location of the common-interest community and during the regular working hours of the association, including, without limitation:

(a) The financial statement of the association;

(b) The budgets of the association required to be prepared pursuant to [NRS 116.31151](#);

(c) The study of the reserves of the association required to be conducted pursuant to [NRS 116.31152](#); and

(d) All contracts to which the association is a party and all records filed with a court relating to a civil or criminal action to which the association is a party.

Request for Records of Complaints

To request a record of complaints for a community manager or reserve study specialist; submit a completed Request for Record of Complaints form to the Ombudsman's Office. Below is the link to the Request for Record of Complaints form.

<http://red.nv.gov/uploadedFiles/rednvgov/Content/Forms/780.pdf>

Only be provided with closed complaints and no details of the complaint will be given.

NRS Monthly

Once a month (usually the last Friday of the month)

Open forum to discuss concerns of unit owners, board members while living in Common Interest Community

Discuss ideas how to handle various situations

Contact OMBclasses@red.nv.gov with any questions in regards to NRS 116 statutes



Conclusion

It is up to you:

Level of involvement

Level of HOA knowledge

Level of NRS 116 statutes knowledge

Quality of Life – choices – stay or leave

