

BRIAN SANDOVAL
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STATE OF NEVADA



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Director

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Administrator

DEPARTMENT OF BUSINESS AND INDUSTRY
REAL ESTATE DIVISION

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**NOTICE & AGENDA OF PUBLIC
MEETING**

OF THE
NEVADA COMMISSION FOR COMMON-INTEREST COMMUNITIES AND
CONDOMINIUM HOTELS

MARCH 3-5, 2015

The Nevada Commission for Common-Interest Communities and Condominium Hotels will conduct a meeting **TUESDAY, MARCH 3, 2015 beginning at 9:00 a.m. each day thereafter through THURSDAY, MARCH 5, 2015** or until the Commission concludes its business at the following location:

MARCH 3-5, 2015 @ 9:00 A.M.
NEVADA STATE GAMING CONTROL BOARD
555 E. WASHINGTON AVE., HEARING ROOM 2450
LAS VEGAS, NV. 89101

VIDEO CONFERENCE:
NEVADA STATE GAMING CONTROL BOARD
1919 COLLEGE PARKWAY
CARSON CITY, NV. 89706

STACKED AGENDA: Below is an agenda of all items scheduled to be considered. Unless otherwise stated, items may be taken out of the order presented on the agenda at the discretion of the Chairperson. Items may also be combined for consideration, pulled or removed from the agenda at any time. Persons who have business before the Commission are solely responsible to see that they are present when their business is conducted. Public comment may be limited to three minutes per person at the discretion of the Chairperson. The Commission may only take action on those items denoted as potential action items. Prior to the commencement and conclusion of a contested case or a quasi judicial proceeding that may affect the due process rights of an individual the Commission may refuse to consider public comment (NRS 233B.126).

NOTICE: Reasonable efforts will be made to assist and accommodate physically handicapped persons desiring to attend the meeting. Please contact Claudia Rosolen at (702)486-4606, prior to the meeting so arrangements may be conveniently made.

1) COMMISSION/DIVISION BUSINESS:

- A) Introduction of Commissioners in attendance.
- B) Introduction of Division staff in attendance.

2) PUBLIC COMMENT

MEMBERS OF THE PUBLIC ARE ENCOURAGED TO ADDRESS THE COMMISSION REGARDING ANY MATTER. HOWEVER, NO ACTION MAY BE TAKEN ON A MATTER. NO COMMENTS MAY BE MADE REGARDING A MATTER THAT IS OR MAY BE THE SUBJECT OF A FORMAL COMPLAINT BEFORE THE COMMISSION. COMMENT MAY NOT BE LIMITED BASED ON VIEWPOINT. PERSONS WHO DESIRE TO SUBMIT WRITTEN TESTIMONY SHOULD SUBMIT TEN (10) COPIES TO THE COMMISSION COORDINATOR. ***PUBLIC COMMENT MAY BE LIMITED TO THREE MINUTES PER PERSON AT THE DISCRETION OF THE CHAIRPERSON.***

3) 3/3/15 @ 10:00 A.M. FOR POSSIBLE ACTION: ADOPTION HEARING FOR LCB FILE No. R152-13.

Adoption hearing by the Commission for Common-Interest Communities and Condominium Hotels to receive comments regarding proposed regulations known as LCB File No. R152-13 which establishes the following:

- Revise the minimum number of hours a course must consist of to receive for continuing education approval.

4) 3/3/15 @ 10:30 A.M. FOR POSSIBLE ACTION: ADOPTION HEARING FOR LCB FILE No. R049-13

Adoption hearing by the Commission for Common-Interest Communities and Condominium Hotels to receive comments regarding proposed regulations known as LCB File No. R049-13 which establishes the following:

- Prohibit a management agreement from providing for the compensation of a community manager or his or her employer based on the fines imposed against or collected from units' owners or tenants or guests of units' owners;
- Add the language from statute, "or his or her employer" to the regulation concerning the requirement that the community manager maintain insurance covering liability for errors or omissions, professional liability or a surety bond to compensate for losses actionable under chapter 116A in an amount of \$1,000,000 or more;
- Require that a client maintain crime insurance in accordance with NRS 116.3113; and
- Not allow a management agreement to indemnify a community manager for intentional misconduct, gross negligence or criminal misconduct.

5) 3/3/15 @ 11:00 A.M. REGULATION WORKSHOP FOR LCB FILE No. R052-13

Workshop by the Commission for Common-Interest Communities and Condominium Hotels to receive comments regarding proposed regulations known as LCB File No. R052-13 which establishes the following:

- Adopting provisions governing motions filed after the close of a hearing before the Commission for Common-Interest Communities and Condominium Hotels; and
- Providing other matters properly relating thereto.

6) 3/3/15 @ 1:30 P.M. REGULATION WORKSHOP FOR LCB FILE No. R050-13

Workshop by the Commission for Common-Interest Communities and Condominium Hotels to receive comments regarding proposed regulations known as LCB File No. R050-13 which establishes the following:

- Revising provisions governing reserve studies;
- Revising provisions governing the duties of a member of the executive board of a homeowners' association;
- Amending provisions governing the preparation of financial statements by an association;
- Revising provisions governing the qualifications and duties of a person who conducts reserve studies; and
- Providing other matters properly relating thereto.

7) 3/3/15 @ 2:30 P.M. REGULATION WORKSHOP FOR LCB FILE No. R065-14

Workshop by the Commission for Common-Interest Communities and Condominium Hotels to receive comments regarding proposed regulations known as LCB File No. R065-14 which establishes the following:

- Prescribing requirements for notice provided to a person against who a fine for a violation will be imposed;
- Prohibiting a governing board from imposing a fine in a manner not in accordance with the governing documents;
- Providing for procedures for an association to conduct a hearing on an alleged violation;
- Allowing a party to make a recording or request a transcript of a hearing on an alleged violation or arrange for an interpreter at a hearing on an alleged violation at his or her expense;
- Authorizing a party aggrieved by the decision of an executive board or hearing committee to submit a claim to mediation or a program of dispute resolution maintained by the Real Estate Division of the Department of Business and Industry; and
- Providing other matters properly relating thereto.

8) COMMISSION BUSINESS: DISCUSSION AND POSSIBLE ACTION BY THE COMMISSION:

A) For possible action: Discussion and decision on proposed changes, additions and deletions to NAC 116, NAC 116A or NAC 116B including but not limited to:

1. LCB File No. R052-13; including review of public comments from regulation workshop held March 3, 2015;
2. LCB File No. R050-13; including review of public comments from regulation workshop held March 3, 2015; and
3. LCB File No. R065-14; including review of public comments from regulation workshop held March 3, 2015.

B) For possible action: Discussion and decision regarding 2015 Legislative Bills and Bill Draft Requests ("BDR") that relate to NRS Chapters 38, 116, 116A and 116B which may impact the Commission, Ombudsman's Office or Real Estate Division including:

1. Assembly Bill 125 relating to constructional defects; enacting provisions governing the indemnification of a controlling party by a subcontractor for certain constructional defects; enacting provisions governing wrap-up insurance policies or consolidated insurance programs covering certain claims for constructional defects; authorizing the parties to a claim for a constructional defect to agree to have a judgment entered before the filing of a civil action under certain circumstances; revising the definition of "constructional defect"; revising provisions governing the information required to be provided in a notice of constructional defect; removing provisions authorizing claimants to give notice of common constructional defects in residences or appurtenances; requiring a claimant to pursue a claim under a

homeowner's warranty under certain circumstances; revising provisions governing the damages recovered by a claimant; revising the statutes of repose regarding actions for damages resulting from certain deficiencies in construction; revising provisions governing the tolling of statutes of limitation and repose regarding actions for constructional defects; prohibiting a homeowners' association from pursuing an action for a constructional defect unless the action pertains exclusively to the common elements of the association. (BDR 3-588)

https://www.leg.state.nv.us/Session/78th2015/Bills/AB/AB125_EN.pdf

2. Assembly Bill 141 relating to common-interest communities revising provisions relating to the foreclosure of liens by a homeowners' association. (BDR 10-751)
<https://www.leg.state.nv.us/Session/78th2015/Bills/AB/AB141.pdf>
3. Assembly Bill 149 relating to common-interest communities revising provisions governing retaliatory action by certain persons in common-interest communities. (BDR 10-815)
<https://www.leg.state.nv.us/Session/78th2015/Bills/AB/AB149.pdf>
4. Assembly Bill 169 relating to graywater, requiring the State Board of Health to adopt regulations concerning systems for the collection and application of graywater for a single-family residence, requiring a permit for such graywater systems, providing that state and local governmental agencies must not prohibit graywater systems that meet certain requirements, allowing restrictions on graywater systems within common-interest communities. (BDR 40-804)
<https://www.leg.state.nv.us/Session/78th2015/Bills/AB/AB169.pdf>
5. Assembly Bill 192 relating to common-interest communities revising certain provisions concerning a period of declarant's control of a unit-owners' association; revising certain provisions relating to elections of the members of the executive board of a unit-owners' association. (BDR 10-661)
<https://www.leg.state.nv.us/Session/78th2015/Bills/AB/AB192.pdf>
6. Senate Bill 154 relating to common-interest communities requiring the adoption of regulations concerning continuing education requirements for community managers. (BDR 10-725)
<https://www.leg.state.nv.us/Session/78th2015/Bills/SB/SB154.pdf>
7. Senate Bill 174 relating to common-interest communities revising provisions governing eligibility to be a member of the executive board or an officer of a unit-owners' association. (BDR 10-617)
<https://www.leg.state.nv.us/Session/78th2015/Bills/SB/SB174.pdf>

C) For possible action: Discussion and decision to approve minutes of the November 18-19, 2014 Commission meeting.

D) Discussion regarding Commissioners' speaking engagement requests.

9) EDUCATION: DISCUSSION AND POSSIBLE ACTION BY THE COMMISSION

The Commission may take the following actions:

1. To change the designation of any of the following courses; or
2. To approve or disapprove any of the following courses for the amount of hours requested, recommended or any amount the Commission deems appropriate.

NEW COMMUNITY MANAGER CONTINUING EDUCATION COURSES

1. Seacoast Commerce Bank

“HOA Banking - Hollywood Squares Style”

Request: 3 Hours

General

Classroom

2. Gomez Consulting Group
 “Basics of Common-Interest Community Infrastructure Management for Community Managers”
 Request: 4 Hours General Classroom

3. Leach Johnson Song & Gruchow
 “How to Define and Understand Common Elements and Limited Common Elements”
 Request: 3 Hours General Classroom

4. Leach Johnson Song & Gruchow
 “HOA Committees”
 Request: 3 Hours General Classroom

5. Community Association Solutions
 “2013 Legislative Update – The Facts”
 Request: 3 Hours Law & Legislative Update Classroom

10) DIVISION BUSINESS:

- A) Administrator’s report.
- B) Ombudsman’s report:
 1. Intervention;
 2. Informal Conference;
 3. Alternative Dispute Resolution filings and subsidy claims;
 4. Homeowner Association and Compliance Audits;
 5. Program Training Officer’s Report;
 6. Number and types of associations registered within the State;
- C) Compliance Section’s report.
- D) Administrative fine report pursuant to NAC 116A.350 (4).
- E) Licensee and board member discipline report.

11) FOR POSSIBLE ACTION: DISCUSSION AND DECISION ON DATE, TIME, PLACE, AND AGENDA ITEMS FOR UPCOMING MEETINGS.

12) PUBLIC COMMENT

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13) COMMISSIONER COMMENTS

14) FOR POSSIBLE ACTION: ADJOURNMENT

THIS NOTICE AND AGENDA HAS BEEN POSTED ON OR BEFORE 8:30 A.M. ON THE THIRD WORKING DAY BEFORE THE MEETING AT THE FOLLOWING LOCATIONS:

NV Real Estate Division
1179 Fairview Drive, Suite E
Carson City, NV 89701-5453

NV Real Estate Division
2501 E. Sahara Avenue, #102
Las Vegas, NV 89104-4137
Website: www.red.state.nv.us

NV Association of REALTORS
760 Margrave Drive, Ste. 200
Reno, NV 89502

Sierra Nevada Association of REALTORS
300 South Curry St., #3
Carson City, NV 89703

Elko Board of REALTORS
557 W. Silver Street
Suite #201 B
Elko, NV 89801

Greater Las Vegas
Association of REALTORS
1750 East Sahara Avenue
Las Vegas, NV 89104

CAMEO, Inc.
9101 W. Sahara Ave. Suite 105-J24
Las Vegas, NV 89117

Nevada State Library
100 Stewart Street
Carson City, NV 89710

Community Associations Institute - Nevada
Chapter
9171 W. Flamingo Rd. #100
Las Vegas, NV 89147

Reno/Sparks Association of REALTORS
5650 Riggins Court
Reno, NV 89502

Incline Village Board of REALTORS
924 Incline Way, Suite 1
Incline Village, NV 89452

CONTACT FOR SUPPORTING MATERIALS FOR LISTED AGENDA ITEMS:

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Commission Coordinator
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