

ASSEMBLY BILL NO. 161—ASSEMBLYMEN HANSEN, LEAVITT;
BILBRAY-AXELROD, COHEN, EDWARDS, HARDY, KRAMER,
ROBERTS, SWANK, TITUS AND WATTS

FEBRUARY 15, 2019

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing common-interest communities. (BDR 10-705)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to common-interest communities; prohibiting common-interest communities from restricting the ownership of pets by a unit’s owner under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires the unit-owners’ association of a common-interest
2 community to adopt bylaws and authorizes an association to amend such bylaws
3 and to adopt rules and regulations concerning the community. (NRS 116.3102)
4 **Section 1** of this bill restricts an association from prohibiting a unit’s owner from
5 keeping at least one pet within his or her residence, subject to the association’s
6 reasonable rules relating to the ownership of pets in the common-interest
7 community. If an association adopts a rule restricting the number of pets kept by a
8 unit’s owner, this bill requires the rule to apply prospectively, prohibiting the
9 association from restricting a unit’s owner from continuing to keep a pet that
10 otherwise complied with the previous rules of the association. **Section 2** of this bill
11 makes a conforming change.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 116 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. Except as otherwise provided in subsections 2 and 3, the*
4 *executive board of an association shall not and the governing*



1 *documents of that association must not prohibit a unit's owner*
2 *from keeping at least one pet within such physical portion of the*
3 *common-interest community as that owner has a right to occupy*
4 *and use exclusively.*

5 *2. This section does not preclude an association from*
6 *adopting, and does not preclude the governing documents of the*
7 *association from setting forth, rules that reasonably restrict the*
8 *ownership of pets by a unit's owner.*

9 *3. If an association adopts a new rule restricting the number*
10 *of pets kept by a unit's owner, the rule must not prohibit a unit's*
11 *owner from continuing to keep his or her pet within such physical*
12 *portion of the common-interest community as that owner has a*
13 *right to occupy and use exclusively, if the pet otherwise conformed*
14 *to the previous rules of the association.*

15 *4. Nothing in this section shall be construed to affect any*
16 *other right provided by law to a unit's owner concerning his or her*
17 *right to keep a pet within such physical portion of the common-*
18 *interest community as that owner has a right to occupy and use*
19 *exclusively.*

20 *5. For purposes of this section, "pet" means any domesticated*
21 *bird, cat, dog or aquatic animal kept within an aquarium or other*
22 *animal as agreed upon by the association and the unit's owner.*

23 **Sec. 2.** NRS 116.1203 is hereby amended to read as follows:

24 116.1203 1. Except as otherwise provided in subsections 2
25 and 3, if a planned community contains no more than 12 units and is
26 not subject to any developmental rights, it is subject only to NRS
27 116.1106 and 116.1107 unless the declaration provides that this
28 entire chapter is applicable.

29 2. The provisions of NRS 116.12065 and the definitions set
30 forth in NRS 116.005 to 116.095, inclusive, to the extent that the
31 definitions are necessary to construe any of those provisions, apply
32 to a residential planned community containing more than 6 units.

33 3. Except for NRS 116.3104, 116.31043, 116.31046 and
34 116.31138, the provisions of NRS 116.3101 to 116.350, inclusive,
35 *and section 1 of this act*, and the definitions set forth in NRS
36 116.005 to 116.095, inclusive, to the extent that such definitions are
37 necessary in construing any of those provisions, apply to a
38 residential planned community containing more than 6 units.

