

CICCH - EDUCATION

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TO: Common-Interest Community and Condominium Hotels Commission
FROM: Charvez Foger - Ombudsman
Monique Williamson - Education and Information Officer
SUBJECT: Education Summary – approvals from **December 2019 through February 2020**

NEWLY APPROVED COMMUNITY MANAGER CONTINUING EDUCATION COURSES (6)

1.

<p>Sponsor: Community Association Solutions Course Title: <i>Understating Capital Improvements in a CIC</i> Request: 2 Hours Law Classroom Objective: To assist community managers in understanding capital improvements, as this is a term often misused when adopting budgets, creating funding plans, etc. Standards: Complies with the following provisions of NAC 116A.232: 1(a) contains current information that will improve professional knowledge; 1(b) contains information that relates to pertinent Nevada laws and regulations; and 2(c) licensing and enforcement. Instructors: Sara Barry, Michael Schulman, Esq., Ted Boyack, Esq., Michael McKelleb, Esq. Determination: Approved – 2 Hours – General – Classroom</p>		
Content:	Minutes:	
I. Introduction	5	
II. Why is this class being taught? a. It is the board’s fiduciary duty to protect, preserve, maintain and enhance assets of the association b. When upgrading/modernizing/adding common element components over time, the board should ask itself whether this is a capital improvement or reserve expense?	5	
III. Scope of Authority a. NRS 116.3102(1)(g) b. Governing documents c. CC&R percentage caps	15	
IV. Capital improvement considerations a. Is this a new component, or part of an upgrade, repair or replacement? b. NRS 116.3115(9) – discussion at meeting c. NRS 116.345(3) – building or structure d. Structure examples – detached garages, car ports, pool restrooms, storage structures, pool sheds, children’s play areas, athletic courts, raised lighting foundations, etc. e. Example of required upgrade to the association’s water system (SNWA requirement) f. Getting bids – NAC 116.405	45	
V. Funding a. Loans – NRS 116.3112 i. Look to documents ii. Vote of the owners iii. Consult legal b. Using surplus funds i. Look to the governing documents	25	
VI. Reserve Study update a. Once capital improvement project is complete b. Funds necessary moving forward	10	
Questions	15	
TOTAL	120	

2.

Sponsor: Community Association Solutions Course Title: <i>Ups and Downs of Social Media in the CIC</i> Request: 2 Hours General Classroom Objective: To help community managers find proactive solutions to the abuse of social media in CICs. Standards: Complies with the following provisions of NAC 116A.232: 1(a) contains current information that will improve professional knowledge; 2(c) licensing and enforcement; 2(e) insurance and risk management; 2(f) administering the management office; 2(j) health and safety issues; 2(o) interpersonal communications; and 2(s) dispute resolution techniques. Instructors: Sara Barry, John Leach, Esq., Cheri Hauer, Esq., Ed Song, Esq., Donna Zanetti, Esq., Kirby Gruchow, Esq., Michael Schulman, Esq., Gayle Kern, Esq. and Greg Kerr, Esq. Determination: Approved – 2 Hours – General – Classroom	
Content:	Minutes:
I. Introduction – why is this class being taught? <ul style="list-style-type: none"> a. Social media can leave communities vulnerable to serious legal risks if managed inappropriately, resulting in exorbitant legal fees b. Social media can be abused by users through practices such as cyber bullying, defamation and invasion of privacy c. Comments made through social media can negatively impact property values as they go viral 	10
II. Example- Tennessee <ul style="list-style-type: none"> a. \$15,000 suite filed because of Facebook comments b. Manager and other staff were subsequently terminated 	10
III. Positives of social media <ul style="list-style-type: none"> a. Board can communicate quickly with residents and vice versa b. Saves money on postage, etc. c. Others? 	15
IV. Potential issues with social media <ul style="list-style-type: none"> a. Directors independently using sites to communicate directives b. Issues with “Apparent Authority” 	15
V. Different types <ul style="list-style-type: none"> a. Facebook, Instagram, etc. b. Twitter c. NextDoor d. Websites e. Youtube f. What have you seen? 	5
VI. Adopting a policy <ul style="list-style-type: none"> a. To minimize abuse b. Restrict communications to owners and tenants c. Prohibit anonymity d. Make clear what can be posted – announcements, reminders, events, photos (with permission) e. No ranting/personal opinions/attacks f. No commercial advertising g. Violators to be suspended 	25
VII. Insurance – what to look for <ul style="list-style-type: none"> a. Potential exclusions – breach of contract, injury or damage b. Transfer risk or defend an additional insured c. Risk of losing indemnification if board members are behaving badly 	15
VIII. Conclusion <ul style="list-style-type: none"> a. Board members should never act as bullies b. It could benefit the entire community if the association is proactive and puts codes of conduct in place; clearly stating expectations before anything occurs 	10
Questions	15
TOTAL	120

3.

<p>Sponsor: Community Association Solutions Course Title: <i>Understanding Asbestos</i> Request: 2 Hours General Classroom Objective: To help community managers understand how asbestos issues fit into the reserve study, budgeting and insurance. Standards: Complies with the following provisions of NAC 116A.232: 1(a) contains current information that will improve professional knowledge; 2(c) licensing and enforcement; 2(d) reserve studies; 2(e) insurance and risk management; and 2(j) health and safety. Instructors: Sara Barry, John Temoyan Determination: Approved – 2 Hours – General – Classroom</p>	
Content:	Minutes:
I. Introduction <ul style="list-style-type: none"> a. HARBRO is a full-service restoration contractor providing emergency services to damaged structures 	10
II. When does the community manager need to worry about asbestos? <ul style="list-style-type: none"> a. During a renovation project b. Whenever adding a new structure 	5
III. What is asbestos? <ul style="list-style-type: none"> a. Only mineral that grinds into fiber instead of grains b. Extremely fire resistant c. Awesome temperature insulator d. Great electricity insulator e. Powerful noise retardant f. High tensile strength g. Flexible h. High chemical resistance i. Inexpensive j. Still being used today 	20
IV. When do the fibers become airborne? <ul style="list-style-type: none"> a. Renovations, repairs, emergencies b. Deterioration, impact, other disturbances 	10
V. Asbestos exposure <ul style="list-style-type: none"> a. Enters the body through the respiratory system or the gastro-intestinal tract b. Diseases caused: <ul style="list-style-type: none"> i. Asbestosis – scar tissue, lung shrinkage ii. Mesothelioma – tumors iii. Lung cancer iv. Colon cancer c. Latency – 10 to 50 years from exposure d. Smokers have 50 to 90 times higher risk 	20
VI. Asbestos abatement <ul style="list-style-type: none"> a. Worker/environmental safety drives the cost of abatement – containment, PPE, etc. b. Air testing – air samples taken before, during and after abatement c. Area is watered down to prevent dust particles d. Everything but the tools is toxic waste and disposed of accordingly e. Decontamination room f. Bagging and encapsulation 	20
VII. Asbestos in the U.S. and Nevada <ul style="list-style-type: none"> a. It was never completely banned in the U.S., but it is heavily regulated b. In 1991, the EPA ban was overturned c. OSHA concerned with workers d. EPA concerned with environment e. DOT concerned with transportation 	15

<ul style="list-style-type: none"> f. NV Division of Industrial Relations g. Clark County Department of Air Quality h. Building departments i. Fire and police j. National emission standards for hazardous air pollutants – regulations require the owner of the building or operator to notify the appropriate state agency before any demolition or renovation 	
<p>VIII. Review of State forms</p> <ul style="list-style-type: none"> a. Surveys prior to commencement of the project b. Notification for all demolition 	10
<p>IX. Conclusion</p> <ul style="list-style-type: none"> a. Always keep asbestos in mind when renovating b. Once disturbed, asbestos fibers may be rendered airborne c. The U.S. has not banned asbestos d. Asbestos removal should only be done by trained and licensed abatement workers e. Regarding NRS, provisions pertaining to budgeting, meetings, bids, reserve studies, insurance, surplus and capital improvements should be kept in mind. 	10
Questions	
TOTAL	120

4.

<p>Sponsor: Marquis Aurbach Coffing P.C. Course Title: <i>Analyzing Service Animal Requests: ADA & FHA</i> Request: 1 Hour Law Classroom Objective: To help community managers distinguish between service animals as defined by FHA and ADA. Standards: Complies with the following provisions of NAC 116A.232: 1(a) contains current information that will improve professional knowledge; 1(b) contains information that relates to pertinent Nevada laws and regulations; 2(i) FHA and ADA; 2(j) health and safety issues; and 2(o) interpersonal communications. Instructors: Troy R. Dickerson, Esq., Avece Higbee, Esq. Determination: Approved – 1 Hour – Law – Classroom</p>	
Content:	Minutes:
<p>I. Introduction</p> <ul style="list-style-type: none"> a. What is a service animal? <ul style="list-style-type: none"> i. Certified, specially trained for tasks ii. Uncertified, untrained for disability assistance iii. Uncertified, untrained for emotional support iv. Therapy or comfort pet v. Pet therapist vi. Assistance/assistive animal vii. It depends 	5
<p>II. Which law applies?</p> <ul style="list-style-type: none"> a. Fair Housing Act? <ul style="list-style-type: none"> i. Federal law ii. Prohibits several forms of discrimination, including on the basis of disability iii. Protects classes of people by ensuring equal access to housing, housing facilities and housing services iv. Broader than the ADA v. Includes HOAs as housing providers b. Americans with Disabilities Act? <ul style="list-style-type: none"> i. Federal law ii. Prohibits discrimination based on disability only iii. Applies to areas of employment and public accommodation 	15

<ul style="list-style-type: none"> iv. Strict, limited application v. Only applies to areas in HOA where public can go 	
<p>III. Evaluation analysis</p> <ul style="list-style-type: none"> a. General <ul style="list-style-type: none"> i. Service animal assistance must be for assistance related to a disability ii. Animal must perform a disability-related function iii. There must be a logical nexus between the disability and assistance provided b. Specific <ul style="list-style-type: none"> i. FHA for use of assistance animals where pets are forbidden ii. ADA for use of service animals in public areas 	5
<p>IV. Vetting an ADA animal</p> <ul style="list-style-type: none"> a. Never for emotional support b. Working animal, not a pet c. Only two questions can be asked: <ul style="list-style-type: none"> i. Is the animal required because of a disability? ii. What work or task has the animal been trained to perform? d. Never request documentation for an ADA dog e. Never require dog to demonstrate task f. Never ask the nature of the owner’s disability g. Examples of duties: guiding the blind, alerting the deaf, pulling a wheelchair, alerting and protecting from seizures, reminding to take meds, calming anxiety attacks 	10
<p>V. Vetting an FHA animal</p> <ul style="list-style-type: none"> a. Animal is not required to be individually trained or certified b. Not just limited to dogs c. Recognized as a “reasonable accommodation” d. A request must be made by the user e. There must be a qualified disability – physical or mental impairment which substantially limits one or more major life activities f. Assume the disability is valid g. Can request verification of disability if not readily apparent 	10
<p>VI. Summary</p> <ul style="list-style-type: none"> a. FHA <ul style="list-style-type: none"> i. Assistance animal ii. Almost any type of domesticated animal iii. Subject to reasonable accommodation analysis iv. Emotional support animals are allowed b. ADA <ul style="list-style-type: none"> i. Service animal ii. Almost always a dog iii. Only applies in HOA areas where the public is allowed iv. Does not allow animals for emotional support 	15
<p>Questions</p>	
<p>TOTAL</p>	60

5.

Sponsor: Community Association Solutions Course Title: <i>Explaining Special Assessments</i> Request: 1 Hour General Classroom Objective: To help community managers understand the importance of wording when explaining assessments, especially special assessments, to unit owners. Standards: Complies with the following provisions of NAC 116A.232: 1(a) contains current information that will improve professional knowledge; 1(b) contains information that relates to pertinent Nevada laws and regulations; 2(g) accounting, including the preparation and monitoring of budgets, the monitoring of expenditures and reserves and the use of financial statements; and 2(q) the enforcement of financial obligations, including, without limitation, liens and collections procedures. Instructors: Sara Barry, Lara Garrell, Gayle Kern, Esq., Gregory Kerr, Esq., Michael Schulman, Esq. Determination: Approved – 1 Hour – General – Classroom		
Content:	Minutes:	
I. Introduction - Issues <ul style="list-style-type: none"> a. Understanding the different types of assessments b. Why is additional money, outside of what is already being assessed, being requested? Emergency? Improvement? Poor budgeting? c. When do unit owners potentially get to vote? d. What do the governing documents say? 	5	
II. Types of assessments <ul style="list-style-type: none"> a. Annual – NRS 116.3115(1) b. Special, based on the reserves – NRS 116.31151(1)(b)(3); 116.3115(2)(b) c. Other, as indicated in an association’s governing documents – NRS 116.3102(1) 	15	
III. Other assessments <ul style="list-style-type: none"> a. Capital improvement assessments <ul style="list-style-type: none"> i. NRS 116.3115(9) – notice of a meeting discussing use of assessment money ii. NRS 116.345 – if improvement is a building or structure b. Damage/Negligence assessments <ul style="list-style-type: none"> i. NRS 116.3115(6) – common expense cause by willful acts ii. NRS 116.3116(1) – costs of collecting 	10	
IV. Transparency <ul style="list-style-type: none"> a. While unit owners don’t have the right to vote on “standard annual assessments” and “special assessments based on the reserves,” they may have the right to vote on “other” assessments depending on what the governing documents state and how those assessments were incurred. b. Owners do get to know that the increased or additional assessment is coming, whether through a Statement of Demand, for a new owner, or board meeting agenda. 	10	
V. Governing document examples <ul style="list-style-type: none"> a. Language to look for regarding the board’s authority b. Other types of assessments often mentioned 	10	
VI. Using surplus funds <ul style="list-style-type: none"> a. Why do you have a surplus? Budgeting correctly? b. NRS 116.3114 – declaration matters when deciding what to do with the money 	5	
VII. Conclusion <ul style="list-style-type: none"> a. Special assessments should be rare b. If the executive board is budgeting correctly, it should be collecting enough to cover expenses c. Standard annual assessments can be increased incrementally over time d. Reserve projects may be deferred at times e. Unforeseen, emergency events are luckily not a common occurrence 	5	
Questions		
TOTAL	60	

6.

Sponsor: Leach Kern Gruchow Anderson Song Course Title: <i>Statutory Treatment of Units, Common Elements and Limited Common Elements: Maintenance and Insurance</i> Request: 1 Hour Law Classroom Objective: To teach community managers about maintenance and insurance obligations as they relate to units, common elements and limited common elements within the community. Standards: Complies with the following provisions of NAC 116A.232: 1(a) contains current information that will improve professional knowledge; 1(b) contains information that relates to pertinent Nevada laws and regulations; 2(a) the ethics of managing; 2(b) legislative issues concerning community management; 2(c) the administration of laws and regulations concerning community managers; 2(e) insurance and risk management; and 2(h) inspecting a community for the purposes of maintenance, planning or enforcing the governing documents. Instructors: John Leach, Esq. Determination: Approved – 1 Hour – Law – Classroom		
Content:	Minutes:	
I. Introduction and purpose <ul style="list-style-type: none"> a. Relevance of topic to CAMs <ul style="list-style-type: none"> i. NRS 116A.630 ii. NRS 116A.640 b. Difficulties confronting CAMs – differing messages c. Statutory provisions subject to declaration 	10	
II. Standard analysis <ul style="list-style-type: none"> a. Nevada law b. Governing documents c. Insurance d. Misconduct 	5	
III. Statutory interpretation and analysis <ul style="list-style-type: none"> a. Unit and unit boundaries – NRS 116.093; 116.2102 b. Common elements – NRS 116.017; 116.2102(1); 116.0605 c. Limited common elements – NRS 116.059; 116.2102; 116.2105 d. Statutory conflict – NRS 116.059 vs. 116.2102(2) e. Upkeep of the CIC – NRS 116.3107(1) f. Duty to bear expense – NRS 116.3115(4) g. Why consider governing documents? – NRS 116.2102; 116.3107(1); 116.3115(4) 	20	
IV. Insurance <ul style="list-style-type: none"> a. Property insurance – NRS 116.3113(1)(a) b. Horizontal/vertical boundaries – NRS 116.3113(2) c. Multiple insurance policies – NRS 116.31133(1) d. Conflict between law and governing documents 	15	
V. Misconduct <ul style="list-style-type: none"> a. Defined – willful misconduct and gross negligence b. Shifting liability – NRS 116.3115(6) 	5	
Questions	5	
TOTAL	60	