

NOTICE OF INTENT TO ACT UPON A REGULATION

NOTICE OF HEARING FOR THE ADOPTION, AMENDMENT OR REPEAL OF REGULATIONS OF THE COMMISSION FOR COMMON- INTEREST COMMUNITIES & CONDOMINIUM HOTELS

LCB FILE No. R115-15

The Nevada Commission for Common-Interest Communities and Condominium Hotels will conduct a public hearing at **9:00 a.m. on Tuesday, March 29, 2016, at the Legislative Building 401 S. Carson Street, Room 2134, Carson City, Nevada 89701 with video conference to the Grant Sawyer Building 555 E. Washington Avenue, Room 4412, Las Vegas, Nevada 89101.** The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulations that pertain to Chapters 116 and 116A of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.060:

Information Regarding Adoption

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.

1. Purpose and need of the proposed regulations

LCB File No. R115-15 proposed changes would increase the fee required to be paid by homeowners' associations to the Real Estate Division (Division) from \$3 to \$4.25 effective July 1, 2016. During the 2015 Nevada Legislative Session, Assembly Bill 474 increased the authorized maximum fee from \$3 to \$5. The increase to \$4.25 has been included in the Division's approved budget.

The proposed changes also include increasing application fees for a community manager certificate from \$200 to \$300 and temporary community manager certificate from \$100 to \$200.

These fee increases will stabilize the depletion to the Ombudsman's Office budget account reserve funds and provide adequate funding for operating expenses.

2. Terms of the proposed regulations

The proposed regulation increases certain fees required to be paid by homeowners' associations and increases the fees for the application and issuance of certificates and temporary certificates for community managers.

3. Estimated Economic Effect

- (a) Adverse effects: Possible adverse effect for future community managers. The proposed changes to NAC 116A.515 will increase existing regulatory fees for the application fee for a community manager certificate or a temporary community manager certificate.
- (b) Beneficial effects: Proposed changes to NAC 116A.515 to increase application fees for community managers certificates and temporary community managers certificates would be beneficial to the Division, Ombudsman's Office and homeowners in the State of Nevada by ensuring that the Ombudsman's budget account and reserve account is sufficiently funded so that the Ombudsman's Office can efficiently function and assist homeowners and community managers in the State of Nevada.
- (c) Immediate effect: No immediate effect.
- (d) Long term effects: The long term effect would be the adequate funding of the Ombudsman's Office budget account 3820.

4. Estimated Cost to the Agency.

There is no additional cost to the agency for this change in regulation.

5. Duplication with other Agencies:

The proposed regulation does not duplicate any existing federal, state or local standards regulating the same activity.

6. Federal Law:

Not addressed in federal law.

7. Federal Regulation:

Not addressed in federal regulations.

8. New Fee Established:

The proposed change to NAC 116.445 to increase the annual fee from \$3 to \$4.25 would result in collecting \$628,260.00 in FY 17. The proposed change to NAC 116A.515 to increase the application fees for a community manager certificate and a temporary community manager certificate will result in collecting an estimated \$34,200.00.

Existing fees fund the Ombudsman's Office budget account through the use of reserve funds. The increase in fees will stabilize the depletion of the reserve fund and provide adequate funding for operating expenses.

Comments and Written Submissions

Persons wishing to comment on the proposed action of the Commission may appear at the scheduled public hearings or may address their comments, data, views or arguments, in written form to:

Nevada Real Estate Division
2501 E. Sahara Avenue, Room 303
Las Vegas, NV. 89104-4137
Attn: Teralyn Thompson, Administration Section Manager

Written submissions must be received by the Division no later than Wednesday, March 30, 2016. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Division may proceed immediately to act upon any written submissions.

Copies of Proposed Regulation

A copy of this notice and the proposed regulation will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the proposed regulation are available on the Division website at <http://www.red.nv.gov/> and at the Division office:

Real Estate Division
2501 East Sahara, Suite 303
Las Vegas, NV. 89104-4137

The text of each regulation will include the entire text of any section of the Nevada Administrative Code, which is proposed for amendment or repeal. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653 and on the Internet at:

<https://www.leg.state.nv.us/Register/2015Register/R115-15P.pdf>

Copies will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations:

Nevada Real Estate Division
1818 E. College Parkway, Suite 110
Carson City, Nevada 89706

Carson City Library
900 N. Roop Street
Carson City, Nevada 89701

Churchill County Library
553 S. Maine Street
Fallon, Nevada 89406

Elko County Library
720 Court Street
Elko, Nevada 89801

Lincoln County Library
63 Main Street
PO Box 330
Pioche, Nevada 89043

Lyon County Library
20 Nevin Way
Yerington, Nevada 89447

Tonopah Public Library
167 S. Central Street
Tonopah, Nevada 89049

Washoe County Library-Reno
301 S. Center Street
Reno, Nevada 89501

Battle Mountain Library
625 S. Broad Street
Battle Mountain, Nevada 89820

Nevada Public Notice Website
<https://notice.nv.gov/>

Nevada Real Estate Division
2501 E. Sahara Avenue, Suite 102
Las Vegas, Nevada 89104
www.red.nv.gov

Las Vegas-Clark County Library
833 N. Las Vegas Boulevard
Las Vegas, Nevada 89101

Douglas County Public Library
1625 Library Lane
Minden, Nevada 89423

Goldfield Public Library
PO Box 430
Goldfield, Nevada 89013

Humboldt County Library
85 E. Fifth Street
Winnemucca, Nevada 89445

Storey County Library
PO Box 999
175 E. Carson Street
Virginia City, Nevada 89440

Mineral County Library
PO Box 1390
Hawthorne, Nevada 89415

Pershing County Library
400 Main Street
Lovelock, Nevada 89419

White Pine County Library
950 Campton Street
Ely, Nevada 89301