



UNDERSTANDING COMPLAINTS WITHOUT CAUSE FOR NRED OMBUDSMAN OFFICE TO PURSUE



Class Presentation - 2024

OBJECTIVES

- Understand the Role of NRED and HOAs
- Identify Common Non-Enforceable Complaints
- Identify the Proper Pathways for Filing Complaints
- Effective Strategies for Handling Complaints



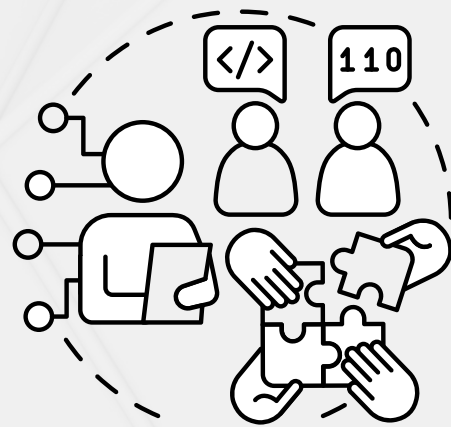
DISCLAIMER

Please be reminded that, as training officers, we are here to provide general information and education on NRS/NAC 116, NAC/NRS 116 A&B, and NAC 38. We do not provide legal advice, interpret the law, or give opinions on individual circumstances.

Our goal is to help you learn, understand, and apply the relevant statutes, regulations, and your community's CC&Rs. We want to equip you with the knowledge and tools necessary to effectively manage and live within your common-interest communities.

We will have dedicated time for questions and answers towards the end of the class. Please note that the Q&A session is intended to clarify the material covered today and not to address specific issues you might be facing. Feel free to jot down any questions regarding the class that you may have as we go along, and we will address them during the Q&A period. Thank you.

NRED OMBUDSMAN OFFICE FUNCTIONS



NRED'S ROLE

The Nevada Real Estate Division (NRED) is a regulatory entity. The CICCH Ombudsman Office primary duty is to assist homeowners and board members in CICs to better understand their rights and obligations under the law and the community's governing documents (CC&Rs).



JURISDICTION

Can only enforce statutes/regulations that are explicitly covered by NRS/NAC 116. Issues outside this scope are not enforceable.

NON- ENFORCEABLE

Why Something is Considered Non-Enforceable

- Outside Jurisdiction
- Subjective Preferences
- Civil or Private Matters

Definition

Refers to any issue or dispute that is **not governed by NRS/NAC 116**. These complaints fall outside the authority of the NRED.



COMMON NON- ENFORCEABLE COMPLAINTS

PERSONAL DISPUTES

Neighbor disagreements that do not involve HOA governing documents or NRS/NAC 116, 116a, 116b.

MAINTENANCE ISSUES

Issues that are not the obligation of the HOA under NRS/NAC 116 or governing documents and are neighbor-to-neighbor disputes

AESTHETIC PREFERENCES

Complaints about taste or preference that are not covered by governing documents

BOARD MEMBER BEHAVIOUR

Personal grievances against board members that do not constitute a violation

CASE STUDIES



HARRASMENT



PERSONAL DISPUTE
Scenario



AESTHETIC PREFERENCE

Scenario

MAINTENANCE ISSUE





AESTHETIC PREFERENCE



HARASSMENT
NRS 116.31184

FUTURE ACTS



REMINDER

NON-ENFORCEABLE

Always refer to your governing documents

Check NRS statutes

Only complaints that demonstrate a violation of law can be pursued by the Division.

KNOWLEDGE CHECK



3 MINUTES

ENFORCEABLE

- VIOLATIONS OF STATUTES
 - VIOLATIONS OF CC&R'S



ENFORCEABLE VIOLATIONS THAT FALL UNDER THE JURISDICTION OF NRED

FINANCIAL MISMANAGEMENT BY THE BOARD

The association is required to maintain accurate financial records and disclose them to homeowners upon written request. NRED can investigate this issue require corrective action by the board members involved.

IRREGULARITIES IN BOARD ELECTIONS

The Division may investigate allegations of improper election procedures.

FAILURE TO MAINTAIN COMMON AREAS

The board is obligated to maintain the common areas in a CIC.

A unit owner may file a complaint against the board for neglect should they deem a violation has occurred.

PATHWAYS FOR FILING A COMPLAINTS

Intervention Affidavit

Conference

*Alternative Dispute
Resolution*

Compliance

Conclusion



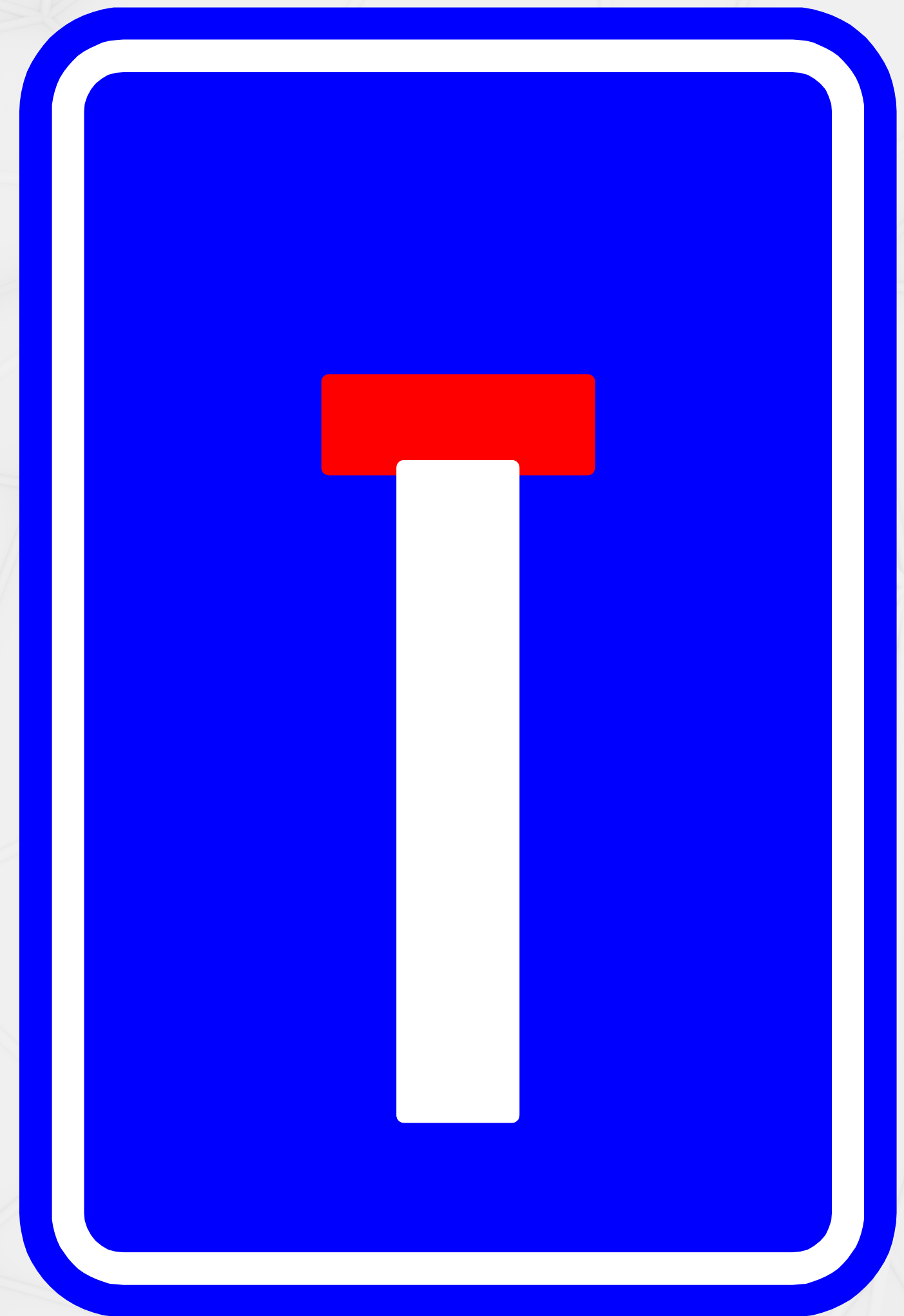
IMPORTANCE OF FOLLOWING THE RIGHT PATHWAY FOR YOU



DO YOU PROCEED?

Best Practice

- Attempt to resolve the issue by directly communicating with involved parties.
- Board notified.
- Resolution procedures outlined in CC&R followed.



Identify which has been violated

Potential conflict of NRS and CC&Rs

CC&R

**NRS/NAC
116?**



POTENTIAL PATHWAYS



IMPACT OF FOLLOWING THE CORRECT PATHWAY

- Issue properly addresses
- Avoid delays or dismissal
- Appropriate resolution



RECAP

CC&R'S VIOLATIONS

NRS/NAC 116 VIOLATIONS

TYPICALLY INVOLVE COMMUNITY-SPECIFIC RULES AND REGULATIONS THAT ARE ENFORCED BY THE HOA BOARD.

INVOLVE STATE LAWS THAT GOVERN THE OPERATION AND MANAGEMENT OF HOAS AND ARE ENFORCEABLE BY NRED.

KNOWLEDGE CHECK



3 MINUTES

BEST PRACTICES FOR UNIT OWNERS



**UNDERSTAND
YOUR
GOVERNING
DOCUMENTS**



**EFFECTIVE
COMMUNICATION**



ADR



**RIGHTS AND
RESPONSIBILITIES**

BEST PRACTICES

GOVERNING DOCUMENTS

Available to unit owners when purchasing
Available upon written request from the
Board and or management company.

EFFECTIVE COMMUNICATION

Practice effective communication by being
clear and respectful.

Avoid legal jargon, use plain language.

BEST PRACTICES

ADR

NRS 38 requires matters involving the interpretation, application of CC&Rs to participate in ADR.

RIGHTS & RESPONSIBILITIES

Know your rights and responsibilities as a unit owner

Best Practices



Community Engagement

Attend board meetings get involved in the decision making of matters in your community.

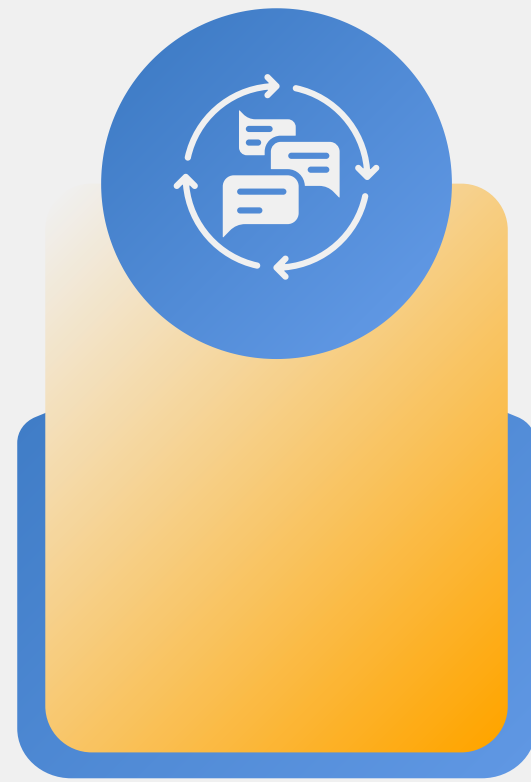
▶ develop clear policies

▶ education

▶ community engagement

Board Members

Develop Clear Rules



Ensure rules are not in violation or conflict with the law



Best Practices



Complaint Process

Ensure the HOA's governing documents are readily available and provided when requested.

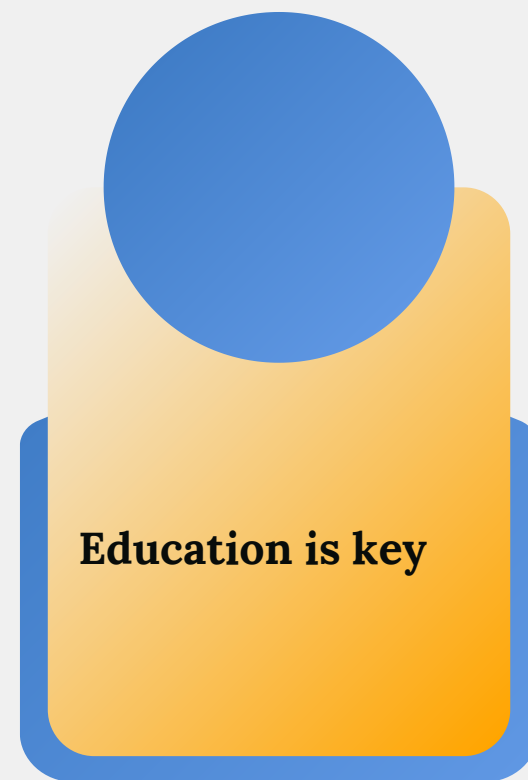
▶ develop clear policies

▶ education

▶ complaint process

Board Members


Education



- Read your governing documents
- Review NRS/NAC 116 statutes and regulations
- Attend classes offered by the Division







Before we move on to the Q&A session, I'd like to remind everyone that we are here to provide general information and guidance. We cannot give legal advice, interpret the law, or provide opinions on individual circumstances.

The purpose of this Q&A session is to help clarify the material covered in today's class. Please keep your questions focused on understanding and the application of the statutes, regulations, and CC&Rs relevant to your roles within your community.

For specific legal concerns or individual issues, please consult with a qualified attorney.





Questions?



Comments



THANK YOU!



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