

NEVADA'S BUSY SESSION ENDS: 19 INDUSTRY-IMPACTING BILLS PASS

The 2009 Legislative Session has come and gone, and we are now left with 19 bills that will affect our communities, companies and service providers, the impact of which are currently being digested and analyzed.

The Nevada LAC extends its sincere appreciation to all who have taken the time to participate in this unpredictable session. Please look for announcements of classes, seminars and updates from attorney service providers in the upcoming weeks and months as to the impact of these bills on industry's daily operations and liabilities.

Of those bills, 14 have been signed into law by Governor Gibbons, and five are awaiting his consideration. According to the legislative process: "The Governor must act on a bill within five days after he receives it if the Legislature is still in session, or 10 days if the session has ended. He may sign the bill into law, allow it to become law without his signature, or veto it."

- 1) To obtain the latest information on bills before the Governor, go to: <http://www.leg.state.nv.us/75th2009/Reports/GovernorsOffice.cfm>.
- 2) For the latest status of legislation, **as well as the full text of any legislation**, go to: <http://www.leg.state.nv.us/75th2009/Reports/>, and in the middle of the page find Status Reports for either [Assembly Legislation](#) or [Senate Legislation](#).

Bills (as of 6/8/09) pending before the Governor mean that they can be approved or vetoed, and constituents have the opportunity to make their voices heard by emailing or calling the Governor's office to express their opinion. To contact Governor Jim Gibbon:

Carson City
State Capitol
101 N. Carson Street
Carson City, NV 89701
(775) 684-5670
Fax: (775) 684-5683

Las Vegas
Grant Sawyer State Office Building
555 East Washington, Suite 5100
Las Vegas, NV 89101
(702) 486-2500
Fax: (702) 486-2505

[To e-mail Governor Gibbons](mailto:Gibbons@leg.state.nv.us)

BILLS SIGNED BY THE GOVERNOR

- [SB 114](#) Wind & Solar Energy ~ Effective October 1, 2009 Allows for wind energy systems in HOA's under certain circumstances; prohibits requiring certain colors for solar energy devices.

- [SB 128](#) Foreclosures ~ Effective July 1, 2009 Requires foreclosures be recorded within 30 days.
- [AB 129](#) Utility Vehicles ~ Effective October 1, 2009 Requires that all HOA's allow parking of utility services vehicles used for emergency response weighing 20,000 lbs or less, and law enforcement and emergency vehicles to park in the community by an owner or tenant if they are required to respond to emergency situations. The association may require written conformation from the utility company or agency.
- [SB 137](#) Recycling Containers ~ Effective October 1, 2009 Provides for the placement of recycling containers in certain locations including condos
- [AB 163](#) Golf Carts ~ Effective July 1, 2009 Addresses golf carts and energy efficient vehicles within a planned community
- [AB 204](#) Super Priority Lien ~ Effective October 1, 2009 Requires that all HOA's adopt a collection policy and distribute it to all owners with the annual budget. Increases the super priority lien to 9 months in foreclosures unless federal regulations require a lesser time (in the case of condo's for instance).
- [AB 207](#) Rural Communities ~ Effective July 1, 2009 "Spring Creek bill" ~ only applies to rural communities under certain circumstances
- [SB 216](#) Rolling Shutters ~ Effective July 1, 2009 Allows for rolling shutters that are attached to interior and exterior windows and doors, including condominiums.
- [AB 251](#) Reduces Ballot Requirements ~ Effective July 1, 2009 Eliminates the need to mail out ballots when the number of candidates equals the number of seats open on the Board.
- [SB 253](#) Bids, Rental Restrictions, Resale Packages, Etc. ~ Effective October 1, 2009 Increases Board disclosure requirements; requires all bids be opened at a meeting; limits rental restrictions in an HOA; requires units owner to pay for resale package; requires HOA to include statement of transfer fees and all fees associated with the resale of a unit; increases RED administrative fines to \$10,000.
- [SB 261](#) UCIOA Bill ~ Effective October 1, 2009 Makes various changes to the Uniform Common-Interest Ownership Act.
- [AB 311](#) Financial Statements Effective ~ October 1, 2009 Reduces audit requirements for small associations
- [SB 351](#) Insurance & Reserve Funding Requirements ~ Effective October 1, 2009 Pertains to insurance requirements for HOA funds; further defines reserve funding requirements; provides that architectural plans of another unit's owner are confidential; amends legal disclosure statement.
- [AB 361](#) Maintenance of Vacant Properties ~ Effective October 1, 2009 Allows the HOA to maintain vacant properties in certain situations at the expense of the owner (lien can

be foreclosed for owners failure to pay); requires foreclosing party to maintain the property.

**BILLS THAT HAVE PASSED BOTH HOUSES --- GOVERNOR'S ACTION
PENDING (as of 6/8/09)**

- [AB 140](#) Foreclosure Issues ~ Effective July 1, 2009 & October 1, 2009 Requires lender (or purchaser) to maintain property, notice requirements when foreclosing, etc.
- [SB 68](#) Block Walls ~ Effective January 1, 2013 Effective date applies to communities created prior to October 1, 2009, requires HOA to maintain certain portions of block walls.
- [SB 182](#) Various ~ Effective October 1, 2009 & other dates; certain sections are effective at later dates. Requires Manager bonding, Board and manager subject to Class D felonies under certain circumstances, Prohibits HOA from charging entry fee for service providers, Limits imposition of fines for tenants, revises election and reduces votes necessary for removal, provides that punitive damages may not be recovered from the Board, requires that meetings be audio recorded, requires homeowner forum at both the beginning and end of the meeting, clarifies that Board can impose a Reserve Assessment without a vote of the membership, revises requirements related to availability of records, expands political sign provisions, requires HOA to allow artificial turf, provides that managers can be subject to punitive damages, increases CICC to seven members (two more homeowners), requires that Affidavit filed with the RED is confidential, provides for temporary certificate for highly qualified managers under certain circumstances, and more.
- [SB 183](#) Various ~ Effective July 1 & October , 2009 Section specific as to effective dates, some sections are effective later than 2009 Prohibits use of delegates under certain circumstances, exempts certain owners (i.e. Churches & Temples, etc. constructed after July 1, 2009) from assessments, revises fine provisions, requires separate assessment and fine accounts for all owners (i.e. in accounting software), revises candidate disclosure requirements, increases maximum term for board members to 3 years, requires HOA to distribute candidacy information, revises check signatory requirements for operating expenses, specifies that unapproved, "working" documents do not have to be given to owners under certain circumstances, requires that certain opinions or views be published in HOA newsletter, etc.
- [AB 350](#) Various ~ Effective various dates Section specific, some provisions effective upon passage. Affects costs of collection of past due assessments and fines, eliminates ability to charge interest for past due fines, allows for punitive damages under certain circumstances, requires certain documents to be made available in electronic format at no charge, revises copy charges allowed, requires that two board meetings a year be held outside of business hours, requires that resale packages include additional information, incorporates certain sections of NAC into NAS related to management agreements and community manager responsibilities, exempts privately owned swimming pools from the supervision of the Health Authority, etc.

Donna Erwin, Chair
Nevada LAC

info@cai-nevada.org