

ASSEMBLY BILL NO. 21—ASSEMBLYMEN BACHE AND GIUNCHIGLIANI

PREFILED JANUARY 8, 1999

Referred to Committee on Judiciary

SUMMARY—Makes various changes relating to common-interest communities. (BDR 10-13)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: 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; providing for the use of secret ballots for voting in an election for the officers and members of the executive board of a unit-owners' association in certain common-interest communities; prohibiting discrimination in common-interest communities; and providing other matters properly relating thereto.

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

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

1. After the secretary of a unit-owners' association has registered all proxies to be used at a meeting of the association, upon request for a secret ballot for the election of the officers and members of the executive board, all voting at the meeting of the association related to that election must be by secret ballot.

2. If a vote is taken by secret ballot, the president shall appoint tellers to count the ballots cast, unless the governing documents of the association provide otherwise.

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

116.1203 1. Except as otherwise provided in subsection 2, if a planned community:

(a) Contains no more than 12 units and is not subject to any developmental rights; or

(b) Provides, in its declaration, that the annual average liability for common expenses of all units restricted to residential purposes, exclusive of optional users' fees and any insurance premiums paid by the association, may not exceed \$500 per unit, ~~fit~~ *the planned community* is subject only to NRS 116.1105, 116.1106 and 116.1107 unless the declaration provides that this entire chapter is applicable.

2. Except for NRS 116.3104, 116.31043, 116.31046 and 116.31138, *the provisions of* NRS 116.3101 to 116.3119, inclusive, *and section 1 of this act*, and , ~~[116.11031 to 116.110393, inclusive,]~~ to the extent necessary in construing any of those sections, *NRS 116.11031 to 116.110393, inclusive*, apply to a residential planned community containing more than six units.

Sec. 3. NRS 116.1204 is hereby amended to read as follows:

116.1204 Except as otherwise provided in NRS 116.1205, the provisions of NRS 116.1105, 116.1106, 116.1107, 116.2103, 116.2104 and 116.2121, paragraphs (a) to (f), inclusive, and (k) to (r), inclusive, of subsection 1 of NRS 116.3102, NRS 116.3103, 116.31031, 116.31036, 116.3106, 116.31065, 116.3108 to 116.3111, inclusive, 116.31139, 116.31145 to 116.31168, inclusive, 116.3118, 116.4109, 116.41095 and 116.4117, *and section 1 of this act*, and , ~~[NRS 116.11031 to 116.110393, inclusive,]~~ to the extent necessary in construing any of those sections, *NRS 116.11031 to 116.110393, inclusive*, apply to a common-interest community created in this state before January 1, 1992, if the common-interest community levies an annual assessment against each unit in the common-interest community of \$500 or more on or after July 1, 1998.

Sec. 4. Chapter 118 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The provisions of NRS 118.010 to 118.120, inclusive, apply to a common-interest community. The declaration and bylaws of a common-interest community may not contain any provision the application of which would violate those statutory provisions.

2. As used in this section, "common-interest community" has the meaning ascribed to it in NRS 116.110323.

Sec. 5. NRS 118.010 is hereby amended to read as follows:

118.010 The provisions of NRS 118.010 to 118.120, inclusive, *and section 4 of this act* may be cited as the Nevada Fair Housing Law.

Sec. 6. Any declaration or bylaw of a common-interest community in effect on October 1, 1999, that does not conform to sections 1 and 4 of this act, as appropriate, shall be deemed to have been conformed to those sections by operation of law. Notwithstanding any other provision of law to the contrary, not later than October 1, 2000, any such provision of a

- 1 declaration or bylaw must be changed to conform with section 1 or 4 of this
- 2 act, as appropriate, and may be so changed without complying with the
- 3 procedural requirements generally applicable to the adoption of an
- 4 amendment to such a declaration or bylaw.

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