

SENATE BILL NO. 240—SENATOR JACOBSEN (BY REQUEST)

FEBRUARY 23, 1999

Referred to Committee on Judiciary

SUMMARY—Excludes certain actions from mediation and arbitration requirement for certain claims relating to residential property within common-interest community. (BDR 3-1044)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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EXPLANATION —Matter in **bold italics** is new ; matter between brackets ~~for omitted material~~ is material to be omitted.

AN ACT relating to common-interest ownership; excluding small claims actions from the requirement of mediation and arbitration for certain claims relating to residential property within a common-interest community; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 38.300 is hereby amended to read as follows:
2 38.300 As used in NRS 38.300 to 38.360, inclusive, unless the context
3 otherwise requires:
4 1. “Assessments” means:
5 (a) Any charge which an association may impose against an owner of
6 residential property pursuant to a declaration of covenants, conditions and
7 restrictions, including **, without limitation,** any late charges, interest and
8 costs of collecting the charges; and
9 (b) Any fines, fees and other charges which may be imposed by an
10 association pursuant to paragraphs (j), (k) and (l) of subsection 1 of NRS
11 116.3102.
12 2. “Association” has the meaning ascribed to it in NRS 116.110315.
13 3. “Civil action” includes an action for money damages or equitable
14 relief. The term does not include ~~an~~ :
15 **(a)** An action in equity for injunctive relief in which there is an
16 immediate threat of irreparable harm ~~[-or an]~~ ;
17 **(b)** An action relating to the title to residential property ~~[-]~~ ; **or**

1 ***(c) An action for a small claim pursuant to chapter 73 of NRS.***

2 4. “Division” means the real estate division of the department of
3 business and industry.

4 5. “Residential property” includes, but is not limited to, real estate
5 within a planned community subject to the provisions of chapter 116 of
6 NRS. The term does not include commercial property if no portion thereof
7 contains property which is used for residential purposes.

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