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Terri Janison

We are in the middle of a dispute with the Summerlin HOA, that began almost two years ago as a trivial matter about a basketball hoop. We put one next to our driveway so our kids could play. The Summerlin Homeowners Association sent us notices that we had to remove it. Even though in a neighborhood one block away, dozens of hoops had been standing 24 hours a day, for years. This didn't seem to matter to the HOA even though:

NRS 116 states "The rules adopted by an association: Must be uniformly enforced under the same or similar circumstances against all units' owners. Any rule that is not so uniformly enforced may not be enforced against any unit's owner." (31065.5)

When we questioned Summerlin about NRS 116, they say, "well, that's a new law and it hasn't been tested yet." After ten months of us standing up for our kids' rights, the Summerlin HOA changed the rule to grandfather in the selected homeowners, letting them keep their hoops, while at the same time, continuing to send threatening and harassing letters to other homeowners. This in spite of:

NRS 116 stating: Every contract or duty governed by this chapter imposes an obligation of good faith in its performance or enforcement. (.1113)

Then we asked for their records on basketball hoops, enforcement, internal minutes, emails, notes, etc. We also asked for their records dealing with property dedicated to the City of Las Vegas. We were ignored, which would be in violation of:

NRS 116 stating: Except as otherwise provided in this subsection, the executive board of an association shall, upon the written request of a unit's owner, make available the books, records and other papers of the association for review during the regular working hours of the association. (31175)

So we contacted Ombudsman Eldon Hardy by phone and certified letter. Mr. Hardy contacted Summerlin on our behalf. They told him, "We're not giving our friend a thing." Mr. Hardy said he would try and get a subpoena. That was in September and we haven't heard anything formal from his office despite the fact

NRS 116. states: If the executive board refuses to allow a unit's owner to review the books, records or other papers of the association, the ombudsman for owners in common-interest communities may:

(a) On behalf of the unit's owner and upon written request, review the books, records or other papers of the association during the regular working hours of the association; and

(b) If he is denied access to the books, records or other papers, request the commission to issue a subpoena for their production (31175.2)

During our dispute, we have received two threats from the Summerlin HOA that they may foreclose on our home if we don't pay the fines. The threats were signed by Pamela Scott, who is a registered lobbyist for the Howard Hughes Corporation. We believe Ms. Scott was in Carson City when this part of NRS 116 was passed:

The association may not foreclose a lien by sale for the assessment of a fine for a violation of the declaration, bylaws, rules or regulations of the association, unless the violation is of a type that threatens the health, safety or welfare of the residents of the common-interest community. (31162.4)

Finally, we have expressed an interest in making a difference by running for the board, but they have a delegate voting system that permits the delegates and Board Members to repeatedly vote for themselves to retain office by proxy, regardless of:

NRS 116 stating: A vote may not be cast pursuant to a proxy for the election of a member of the executive board of an association. (311.2c)

All we are asking is that if we abide by the rules of the Summerlin Homeowners Association, they abide by NRS 116. Please help the common homeowner so the Goliaths of our neighborhoods can't hide behind expensive attorneys. And at the very least, provide some type of system that allows the common homeowner to enjoy their home without the bullying procedures now induced by HOAs!

Thank you.