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SENATE BILL NO. 136—SENATORS HARDY, O'CONNELL, CEGAVSKE,
TOWNSEND, AMODEI, CARE, COFFIN, MCGINNESS, NOLAN,
SCHNEIDER, SHAFFER, TIFFANY AND TITUS

FEBRUARY 17, 2003

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing assessment of fines by unit-owners' associations.
(BDR 10-897)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

EXPLANATION—Matter in *bolded italics* is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

Matter in orange text is new and submitted by Bill Magrath, Coughlin Ranch Homeowners Association.
Green numbers along left margin indicate location on the printed bill (e.g., 5-15 indicates page 5, line 15).

AN ACT relating to property; revising provisions governing the assessment of fines by a unit-owners' association; requiring a unit-owners' association to provide written notice and a hearing before it may impose fines against certain persons who violate the governing documents of the association; providing exceptions; and providing other matters properly relating thereto.

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

- 1-1 Section 1. NRS 116.3102 is hereby amended to read as
1-2 follows:
1-3 116.3102 1. Except as otherwise provided in subsection 2,
1-4 and subject to the provisions of the declaration, the association may:
1-5 (a) Adopt and amend bylaws, rules and regulations;
1-6 (b) Adopt and amend budgets for revenues, expenditures and
1-7 reserves and collect assessments for common expenses from units'
1-8 owners;
1-9 (c) Hire and discharge managing agents and other employees,
1-10 agents and independent contractors;

2-1 (d) Institute, defend or intervene in litigation or administrative
2-2 proceedings in its own name on behalf of itself or two or more units'
2-3 owners on matters affecting the common-interest community;
2-4 (e) Make contracts and incur liabilities;
2-5 (f) Regulate the use, maintenance, repair, replacement and
2-6 modification of common elements;
2-7 (g) Cause additional improvements to be made as a part of the
2-8 common elements;
2-9 (h) Acquire, hold, encumber and convey in its own name any
2-10 right, title or interest to real estate or personal property, but:
2-11 (1) Common elements in a condominium or planned
2-12 community may be conveyed or subjected to a security interest only
2-13 pursuant to NRS 116.3112; and
2-14 (2) Part of a cooperative may be conveyed, or all or part of a
2-15 cooperative may be subjected to a security interest, only pursuant to
2-16 NRS 116.3112;
2-17 (i) Grant easements, leases, licenses and concessions through or
2-18 over the common elements;
2-19 (j) Impose and receive any payments, fees or charges for the use,
2-20 rental or operation of the common elements, other than limited
2-21 common elements described in subsections 2 and 4 of NRS
2-22 116.2102, and for services provided to units' owners;
2-23 (k) Impose charges for late payment of assessments ~~{and, except~~
2-24 ~~as otherwise provided in NRS 116.31031, after notice and an~~
2-25 ~~opportunity to be heard, levy}~~ ;
2-26 (l) Impose reasonable fines for violations *and continuing*
2-27 *violations* of the ~~{declaration, bylaws, rules and regulations}~~
2-28 *governing documents* of the association;
2-29 ~~—(l)}~~ *only if the association complies with the requirements set*
2-30 *forth in NRS 116.31031;*
2-31 (m) Impose reasonable charges for the preparation and
2-32 recordation of amendments to the declaration, the information
2-33 required by NRS 116.4109 or statements of unpaid assessments;
2-34 ~~{(m)}~~ (n) Provide for the indemnification of its officers and
2-35 executive board and maintain directors' and officers' liability
2-36 insurance;
2-37 ~~{(n)}~~ (o) Assign its right to future income, including the right to
2-38 receive assessments for common expenses, but only to the extent the
2-39 declaration expressly so provides;
2-40 ~~{(o)}~~ (p) Exercise any other powers conferred by the declaration
2-41 or bylaws;
2-42 ~~{(p)}~~ (q) Exercise all other powers that may be exercised in this
2-43 state by legal entities of the same type as the association;

3-1 ~~{{(q)}}~~ (r) Direct the removal of vehicles improperly parked on
3-2 property owned or leased by the association, pursuant to NRS
3-3 487.038; and
3-4 ~~{{(r)}}~~ (s) Exercise any other powers necessary and proper for the
3-5 governance and operation of the association.
3-6 2. The declaration may not impose limitations on the power of
3-7 the association to deal with the declarant which are more restrictive
3-8 than the limitations imposed on the power of the association to deal
3-9 with other persons.
3-10 Sec. 2. NRS 116.31031 is hereby amended to read as follows:
3-11 116.31031 1. ~~{{f}}~~ *Except as otherwise provided in this*
3-12 *section, if a unit's owner~~[-]~~ or a tenant or guest of a unit's owner~~[-]~~*
3-13 ~~does not comply with a~~ *violates any* provision of the governing
3-14 documents of an association, the executive board of the association
3-15 may, if the governing documents so provide:
3-16 (a) Prohibit, for a reasonable time, the unit's owner~~[-]~~ or the
3-17 tenant or guest of the unit's owner~~[-]~~ from:
3-18 (1) Voting on matters related to the common-interest
3-19 community.
3-20 (2) Using the common elements. The provisions of this
3-21 subparagraph do not prohibit the unit's owner~~[-]~~ or the tenant or
3-22 guest of the unit's owner~~[-]~~ from using any vehicular or pedestrian
3-23 ingress or egress to go to or from the unit, including any area used
3-24 for parking.
3-25 (b) Require the unit's owner~~[-]~~ or the tenant or guest of the
3-26 unit's owner~~[-]~~ to pay a fine for each ~~{{failure to comply}}~~ *violation*
3-27 that does not threaten the health and welfare of the common-interest
3-28 community. The fine must be commensurate with the severity of the
3-29 violation, but must not exceed \$100 for each violation or a total
3-30 amount of \$500, whichever is less.
3-31 2. ~~{{f}}~~ *The executive board may not require the unit's owner*
3-32 *or the tenant or guest of the unit's owner to pay a fine ~~is imposed~~*
3-33 ~~pursuant to subsection 1~~ *for a violation of the governing*
3-34 *documents unless:*
3-35 (a) *Not fewer than 30 days before the violation, the person against whom the*
3-36 *fine will be imposed unit's owner or the tenant or guest of the unit's owner had been provided*
3-37 *with written notice of the applicable provisions of the governing*
3-38 *documents that form the basis of the violation; and*
3-39 (b) *Within a reasonable time after the violation, the person against whom the fine*
3-40 *will be imposed unit's owner or the tenant or guest of the unit's owner has been provided*
3-41 *with:*
3-42 (1) *Written notice specifying the details of the violation, the amount of the fine, and*
3-43 *a statement that the person against whom the fine is imposed is entitled to a hearing*
before the executive board, or committee appointed by the executive board, if the person
makes a written request to the executive board, received within ten (10) days of
the date of the written notice. for a date, time and location for a hearing on the violation ; and
3-44 (2) *A reasonable opportunity to contest the violation at the*
3-45 *hearing if a timely request for hearing is made.*

4-1 3. *Except as otherwise provided in this section, if the*
4-2 *executive board gives notice to requires the unit's owner or the tenant or guest of*
4-3 *the unit's owner of a violation and requires this person to pay a fine for a*
4-4 *violation of the governing*
4-5 *documents and the violation is not cured within 14 days of the date of the notice, or [a]*
4-6 *within any longer period [as] that may be established by the*
4-7 *executive board[; the] :*
4-8 *(a) The violation shall be deemed a continuing violation[;*
4-9 *Thereafter, the] ; and*
4-10 *(b) The executive board may [impose] require the unit's owner*
4-11 *or the tenant or guest of the unit's owner to pay an additional fine*
4-12 *for the continuing violation for each 7-day period or portion thereof*
4-13 *that the continuing violation is not cured. [Any additional fine may*
4-14 *be imposed without notice and an opportunity to be heard.*
4-15 *—3. Except as otherwise provided in subsection 2, the imposition*
4-16 *of a fine pursuant to this section must comply with the requirements*
4-17 *of subsection 6 of NRS 116.31065.]*
4-18 4. *The executive board may not require the unit's owner or*
4-19 *the tenant or guest of the unit's owner to pay an additional fine*
4-20 *for a continuing violation unless, within a reasonable time after*
4-21 *the continuing violation, the unit's owner or the tenant or guest of*
4-22 *the unit's owner has been provided with:*
4-23 *(a) Written notice specifying the details of the continuing*
4-24 *violation, the amount of the additional fine, and a statement that the*
4-25 *person against whom the additional fine is imposed is entitled to a hearing*
4-26 *before the executive board, or a committee appointed by the executive board,*
4-27 *if the person makes a written request to the executive board, received within ten (10) days*
4-28 *of the date of the written notice, for a the date, time and location for a hearing on the*
4-29 *continuing violation; and*
4-30 *(b) A reasonable opportunity to contest the continuing*
4-31 *violation at the hearing if a timely request for hearing is made.*
4-32 5. *The executive board must schedule the date, time and*
4-33 *location for a hearing on a violation or continuing violation so*
4-34 *that the unit's owner or the tenant or guest of the unit's owner is*
4-35 *provided with a reasonable opportunity to prepare for the hearing*
4-36 *and to be present at the hearing.*
4-37 6. *If a timely request for hearing has been made, the executive board*
4-38 *or a committee appointed by the executive board must hold a hearing on a violation or*
4-39 *continuing violation before it may require the unit's owner or the*
4-40 *tenant or guest of the unit's owner to pay a fine or an additional*
4-41 *fine, unless the unit's owner or the tenant or guest of the unit's*
4-42 *owner:*
4-43 *(a) Executes a written waiver of the right to the hearing or pays the fine; or*
4-44 *(b) Fails to appear at the hearing after being provided with*
4-45 *proper notice of the hearing.*
4-46 7. *The provisions of this section establish the minimum*
4-47 *procedural requirements that the executive board must follow*
4-48 *before it may require the unit's owner or the tenant or guest of the*
4-49 *unit's owner to pay a fine or an additional fine. The provisions of*
4-50 *this section do not preempt any provisions of the governing*

5-1 documents that provide greater procedural protections to the
5-2 unit's owner or the tenant or guest of the unit's owner.

8. The use of the term "or the tenant or guest of the unit's owner" in this section does not prohibit the executive board of the association from imposing a fine on the unit's owner for any violation by the tenant or guest of the unit's owner, if the governing documents so provide.

9. The executive board is authorized to appoint a committee to conduct all hearings on any fines imposed under this section.

5-3 Sec. 3. NRS 116.31065 is hereby amended to read as follows:

5-4 116.31065 The rules adopted by an association:

5-5 1. Must be reasonably related to the purpose for which they are
5-6 adopted.

5-7 2. Must be sufficiently explicit in their prohibition, direction or
5-8 limitation to inform a unit's owner[,] or a tenant or guest of a unit's
5-9 owner[,] of any action or omission required for compliance.

5-10 3. Must not be adopted to evade any obligation of the
5-11 association.

5-12 4. Must be consistent with the governing documents of the
5-13 association and must not arbitrarily restrict conduct or require
5-14 the construction of any capital improvement by a unit's owner that
5-15 is not required by the governing documents of the association.

5-16 5. Must be uniformly enforced under the same or similar
5-17 circumstances against all units' owners. Any rule that is not so
5-18 uniformly enforced may not be enforced against any unit's owner.

5-19 6. May be enforced by the [assessment] association through
5-20 the imposition of a fine only if:

5-21 —(a) The person alleged to have violated the rule has received
5-22 notice of the alleged violation that informs him of his opportunity to
5-23 request a hearing on the alleged violation.

5-24 —(b) At least 30 days before the alleged violation, the person
5-25 alleged to have violated the rule was given written notice of the rule
5-26 or any amendment to the rule.} the association complies with the
5-27 requirements set forth in NRS 116.31031.

5-28 Sec. 4. NRS 116.3108 is hereby amended to read as follows:

5-29 116.3108 1. A meeting of the units' owners of an association
5-30 must be held at least once each year. If the governing documents of
5-31 a common-interest community do not designate an annual meeting
5-32 date of the units' owners, a meeting of the units' owners must be
5-33 held 1 year after the date of the last meeting of the units' owners. If
5-34 the units' owners have not held a meeting for 1 year, a meeting of
5-35 the units' owners must be held on the following March 1. Special
5-36 meetings of the units' owners of an association may be called by the
5-37 president, a majority of the executive board or by units' owners
5-38 having 10 percent, or any lower percentage specified in the bylaws,
5-39 of the votes in the association.

5-40 2. Not less than 10 nor more than 60 days in advance of any
5-41 meeting of the units' owners of an association, the secretary or other
5-42 officer specified in the bylaws shall cause notice of the meeting to
5-43 be hand-delivered, sent prepaid by United States mail to the mailing
5-44 address of each unit or to any other mailing address designated in
5-45 writing by the unit's owner or, if the association offers to send

6-1 notice by electronic mail, sent by electronic mail at the request of
6-2 the unit's owner to an electronic mail address designated in writing
6-3 by the unit's owner. The notice of the meeting must state the time
6-4 and place of the meeting and include a copy of the agenda for the
6-5 meeting. The notice must include notification of the right of a unit's
6-6 owner to:

6-7 (a) Have a copy of the minutes or a summary of the minutes of
6-8 the meeting distributed to him upon request and, if required by the
6-9 executive board, upon payment to the association of the cost of
6-10 making the distribution.

6-11 (b) Speak to the association or executive board, unless the
6-12 executive board is meeting in executive session.

6-13 3. The agenda for a meeting of the units' owners must consist
6-14 of:

6-15 (a) A clear and complete statement of the topics scheduled to be
6-16 considered during the meeting, including, without limitation, any
6-17 proposed amendment to the declaration or bylaws, any fees or
6-18 assessments to be imposed or increased by the association, any
6-19 budgetary changes and any proposal to remove an officer or
6-20 member of the executive board.

6-21 (b) A list describing the items on which action may be taken and
6-22 clearly denoting that action may be taken on those items. In an
6-23 emergency, the units' owners may take action on an item which is
6-24 not listed on the agenda as an item on which action may be taken.

6-25 (c) A period devoted to comments by units' owners and
6-26 discussion of those comments. Except in emergencies, no action
6-27 may be taken upon a matter raised under this item of the agenda
6-28 until the matter itself has been specifically included on an agenda as
6-29 an item upon which action may be taken pursuant to paragraph (b).

6-30 4. If the association adopts a policy imposing a fine on a unit's
6-31 owner *or a tenant or guest of a unit's owner* for ~~{the}~~ *a violation or*
6-32 *continuing violation* of the ~~{declaration, bylaws or other rules~~
6-33 ~~established by}~~ *governing documents of* the association, the
6-34 secretary or other officer specified in the bylaws shall prepare and
6-35 cause to be hand-delivered or sent prepaid by United States mail to
6-36 the mailing address of each unit or to any other mailing address
6-37 designated in writing by the unit's owner, a schedule of the fines
6-38 that may be imposed for those violations~~{-}~~ *or continuing*
6-39 *violations.*

6-40 5. Not more than 30 days after any meeting of the units'
6-41 owners, the secretary or other officer specified in the bylaws shall
6-42 cause the minutes or a summary of the minutes of the meeting to be
6-43 made available to the units' owners. A copy of the minutes or a
6-44 summary of the minutes must be provided to any unit's owner who
6-45 pays the association the cost of providing the copy to him.

7-1 6. As used in this section, "emergency" means any occurrence
7-2 or combination of occurrences that:
7-3 (a) Could not have been reasonably foreseen;
7-4 (b) Affects the health, welfare and safety of the units' owners of
7-5 the association;
7-6 (c) Requires the immediate attention of, and possible action by,
7-7 the executive board; and
7-8 (d) Makes it impracticable to comply with the provisions of
7-9 subsection 2 or 3.

7-10 **Sec. 5.** NRS 116.31085 is hereby amended to read as follows:

7-11 116.31085 1. Except as otherwise provided in this section, a
7-12 unit's owner may attend any meeting of the units' owners of the
7-13 association or of the executive board and speak at any such meeting.
7-14 The executive board may establish reasonable limitations on the
7-15 time a unit's owner may speak at such a meeting.

7-16 2. ~~{An}~~ **The** executive board may meet in executive session to:

7-17 (a) Consult with the attorney for the association on matters
7-18 relating to proposed or pending litigation if the contents of the
7-19 discussion would otherwise be governed by the privilege set forth in
7-20 NRS 49.035 to 49.115, inclusive;

7-21 (b) Discuss matters relating to personnel; or

7-22 (c) Discuss a violation *or continuing violation* of the governing
7-23 documents *that is* alleged to have been committed by a unit's
7-24 owner, *or a tenant or guest of a unit's owner*, including, without
7-25 limitation, the failure to pay an assessment, ~~{except as otherwise~~
7-26 ~~provided in}~~ *unless the unit's owner or the tenant or guest of the*
7-27 *unit's owner exercises the right to have the executive board*
7-28 *conduct an open meeting pursuant to subsection 3.*

7-29 3. ~~{An}~~ *If a unit's owner or a tenant or guest of a unit's*
7-30 *owner is alleged to have committed a violation or continuing*
7-31 *violation of the governing documents of the association, the*
7-32 *executive board, or committee appointed by the executive board, {shall}*
must meet in executive session to hold a

7-33 *hearing on {an alleged violation of the governing documents} the*
7-34 *violation or continuing violation, unless the unit's owner or*
7-35 *the tenant or guest of the unit's owner who allegedly committed*
7-36 *the violation or continuing violation requests in writing that the*
7-37 *hearing be conducted by the executive board or committee at an open meeting.*
7-38 *The unit's owner or the tenant or guest of the unit's owner who is*
7-39 *alleged to have committed the violation {may} or continuing*
7-40 *violation is entitled to attend the hearing and {testify concerning the*
7-41 *alleged} to contest the violation or continuing violation, but may be*
7-42 *excluded by the executive board from any other portion of the*
7-43 *hearing, including, without limitation, the deliberations of the*
7-44 *executive board.*

8-1 4. Except as otherwise provided in this subsection, any matter
8-2 discussed in executive session must be generally noted in the
8-3 minutes of the meeting of the executive board. The executive board
8-4 shall maintain minutes of any decision made pursuant to subsection
8-5 3 and, upon request, provide a copy of the decision to the unit's
8-6 owner *or the tenant or guest of the unit's owner* who was the
8-7 subject of the hearing or to his designated representative.
8-8 5. Except as otherwise provided in subsection 3, a unit's owner
8-9 *or a tenant or guest of a unit's owner* is not entitled to attend or
8-10 speak at a meeting of the executive board held in executive session.
8-11 Sec. 6. NRS 116.3116 is hereby amended to read as follows:
8-12 116.3116 1. The association has a lien on a unit for any
8-13 assessment levied against that unit or fines imposed against the
8-14 unit's owner from the time the assessment or fine becomes due.
8-15 Unless the declaration otherwise provides, fees, charges, late
8-16 charges, fines and interest charged pursuant to paragraphs (j), (k),
8-17 ~~and~~ (l) *and (m)* of subsection 1 of NRS 116.3102 are enforceable
8-18 as assessments under this section. If an assessment is payable in
8-19 installments, the full amount of the assessment is a lien from the
8-20 time the first installment thereof becomes due.
8-21 2. A lien under this section is prior to all other liens and
8-22 encumbrances on a unit except:
8-23 (a) Liens and encumbrances recorded before the recordation of
8-24 the declaration and, in a cooperative, liens and encumbrances which
8-25 the association creates, assumes or takes subject to;
8-26 (b) A first security interest on the unit recorded before the date
8-27 on which the assessment sought to be enforced became delinquent,
8-28 or, in a cooperative, the first security interest encumbering only the
8-29 unit's owner's interest and perfected before the date on which the
8-30 assessment sought to be enforced became delinquent; and
8-31 (c) Liens for real estate taxes and other governmental
8-32 assessments or charges against the unit or cooperative.
8-33 The lien is also prior to all security interests described in paragraph
8-34 (b) to the extent of the assessments for common expenses based on
8-35 the periodic budget adopted by the association pursuant to NRS
8-36 116.3115 which would have become due in the absence of
8-37 acceleration during the 6 months immediately preceding institution
8-38 of an action to enforce the lien. This subsection does not affect the
8-39 priority of mechanics' or materialmen's liens, or the priority of liens
8-40 for other assessments made by the association.
8-41 3. Unless the declaration otherwise provides, if two or more
8-42 associations have liens for assessments created at any time on the
8-43 same property, those liens have equal priority.

9-1 4. Recording of the declaration constitutes record notice and
9-2 perfection of the lien. No further recordation of any claim of lien for
9-3 assessment under this section is required.

9-4 5. A lien for unpaid assessments is extinguished unless
9-5 proceedings to enforce the lien are instituted within 3 years after the
9-6 full amount of the assessments becomes due.

9-7 6. This section does not prohibit actions to recover sums for
9-8 which subsection 1 creates a lien or prohibit an association from
9-9 taking a deed in lieu of foreclosure.

9-10 7. A judgment or decree in any action brought under this
9-11 section must include costs and reasonable attorney's fees for the
9-12 prevailing party.

9-13 8. The association upon written request shall furnish to a unit's
9-14 owner a statement setting forth the amount of unpaid assessments
9-15 against the unit. If the interest of the unit's owner is real estate, the
9-16 statement must be in recordable form. The statement must be
9-17 furnished within 10 business days after receipt of the request and is
9-18 binding on the association, the executive board and every unit's
9-19 owner.

9-20 9. In a cooperative, upon nonpayment of an assessment on a
9-21 unit, the unit's owner may be evicted in the same manner as
9-22 provided by law in the case of an unlawful holdover by a
9-23 commercial tenant, and the lien may be foreclosed as provided by
9-24 this section or by NRS 116.31162 to 116.31168, inclusive.

9-25 10. In a cooperative where the owner's interest in a unit is
9-26 personal property ~~{}~~ pursuant to NRS 116.1105, ~~{}~~ the
9-27 association's lien may be foreclosed in like manner as a security
9-28 interest under NRS 104.9101 to 104.9709, inclusive.

9-29 **Sec. 7. NRS 116.31162 is hereby amended to read as follows:**

9-30 116.31162 1. Except as otherwise provided in subsection 4,
9-31 in a condominium, a cooperative where the owner's interest in a unit
9-32 is real estate as determined pursuant to NRS 116.1105, or a planned
9-33 community, the association may foreclose its lien by sale after:

9-34 (a) The association has mailed by certified or registered mail,
9-35 return receipt requested, to the unit's owner or his successor in
9-36 interest, at his address if known, and at the address of the unit, a
9-37 notice of delinquent assessment which states the amount of the
9-38 assessments and other sums which are due in accordance with
9-39 subsection 1 of NRS 116.3116, a description of the unit against
9-40 which the lien is imposed, and the name of the record owner of the
9-41 unit;

9-42 (b) The association or other person conducting the sale has
9-43 executed and caused to be recorded, with the county recorder of the
9-44 county in which the common-interest community or any part of it is
9-45 situated, a notice of default and election to sell the unit to satisfy the

10-1 lien, which contains the same information as the notice of
10-2 delinquent assessment, but must also describe the deficiency in
10-3 payment and the name and address of the person authorized by the
10-4 association to enforce the lien by sale; and
10-5 (c) The unit's owner or his successor in interest has failed to pay
10-6 the amount of the lien, including costs, fees and expenses incident to
10-7 its enforcement, for 60 days following the recording of the notice of
10-8 default and election to sell.
10-9 2. The notice of default and election to sell must be signed by
10-10 the person designated in the declaration or by the association for that
10-11 purpose, or if no one is designated, by the president of the
10-12 association.
10-13 3. The period of 60 days begins on the first day following the
10-14 later of:
10-15 (a) The day on which the notice of default is recorded; or
10-16 (b) The day on which a copy of the notice of default is mailed
10-17 by certified or registered mail, return receipt requested, to the unit's
10-18 owner or his successor in interest at his address if known, and at the
10-19 address of the unit.
10-20 4. The association may not foreclose a lien by sale for the
10-21 assessment of a fine for a violation *or continuing violation* of the
10-22 ~~{declaration, bylaws, rules or regulations}~~ *governing documents* of
10-23 the association, unless the violation *or continuing violation* is of a
10-24 type that threatens the health, safety or welfare of the residents of
10-25 the common-interest community.
10-26 Sec. 8. NRS 38.300 is hereby amended to read as follows:
10-27 38.300 As used in NRS 38.300 to 38.360, inclusive, unless the
10-28 context otherwise requires:
10-29 1. "Assessments" means:
10-30 (a) Any charge which an association may impose against an
10-31 owner of residential property pursuant to a declaration of covenants,
10-32 conditions and restrictions, including any late charges, interest and
10-33 costs of collecting the charges; and
10-34 (b) Any fines, fees and other charges which may be imposed by
10-35 an association pursuant to paragraphs (j), (k), ~~{and}~~ (l) *and (m)* of
10-36 subsection 1 of NRS 116.3102.
10-37 2. "Association" has the meaning ascribed to it in
10-38 NRS 116.110315.
10-39 3. "Civil action" includes an action for money damages or
10-40 equitable relief. The term does not include an action in equity for
10-41 injunctive relief in which there is an immediate threat of irreparable
10-42 harm, or an action relating to the title to residential property.
10-43 4. "Division" means the Real Estate Division of the
10-44 Department of Business and Industry.

11-1 5. "Residential property" includes, but is not limited to, real
11-2 estate within a planned community subject to the provisions of
11-3 chapter 116 of NRS. The term does not include commercial property
11-4 if no portion thereof contains property which is used for residential
11-5 purposes.

11-6 Sec. 9. 1. Except as otherwise provided in subsection 2, the
11-7 amendatory provisions of this act apply to any violation or
11-8 continuing violation of the governing documents of an association
11-9 or master association that occurs on or after October 1, 2003.

11-10 2. The amendatory provisions of this act do not apply to a
11-11 continuing violation that occurs on or after October 1, 2003, if the
11-12 initial violation that is the predicate for the continuing violation
11-13 occurred before October 1, 2003.

11-14 3. Notwithstanding any other law to the contrary, if the
11-15 provisions of the governing documents of an association or master
11-16 association do not conform to the amendatory provisions of this act:

11-17 (a) The nonconforming provisions of the governing documents
11-18 shall be deemed to have been conformed to the amendatory
11-19 provisions of this act by operation of law on October 1, 2003; and

11-20 (b) If the association or master association is associated with a
11-21 common-interest community that was created on or after January 1,
11-22 1992, the executive board of the association or master association
11-23 shall, before October 1, 2004, change the nonconforming provisions
11-24 of the governing documents to conform to the amendatory
11-25 provisions of this act. The executive board of the association or
11-26 master association may make such changes without complying with
11-27 any procedural requirements that would otherwise apply if the
11-28 executive board were to amend the governing documents of the
11-29 association or master association in accordance with law.

11-30 4. As used in this section:

11-31 (a) "Association" has the meaning ascribed to it in
11-32 NRS 116.110315.

11-33 (b) "Common-interest community" has the meaning ascribed to
11-34 it in NRS 116.110323.

11-35 (c) "Executive board" has the meaning ascribed to it in
11-36 NRS 116.110345.

11-37 (d) "Governing documents" has the meaning ascribed to it in
11-38 NRS 116.110347.

11-39 (e) "Master association" has the meaning ascribed to it in
11-40 NRS 116.110358.