

## Amendment No. 436

Senate Amendment to Senate Bill No. 323

(BDR 22-778)

**Proposed by:** Committee on Commerce and Labor**Amendment Box:****Resolves Conflicts with:** N/A**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: No

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
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Amend section 1, page 1, by deleting lines 3 through 7 and inserting:

*“1. Except as otherwise provided in this section, a high-rise residential building that is part of a high-rise residential common-interest community may not be used or occupied and a change in the existing occupancy classification of the high-rise residential building may not be made until a building official has issued a certificate of occupancy for the high-rise residential building in accordance with the building code for the city or county.*

*2. Notwithstanding any provision of the building code for the city or county to the contrary, before completion of the entire work covered by the permit for the high-rise residential building, a building official may issue a temporary certificate of occupancy for one or more portions of the high-rise residential building that may be occupied safely during completion of the remaining portions of the high-rise residential building.*

KP

Date: 4/25/2005

S.B. No. 323—Requires governing body of city or county to provide for certain sales and leases of real property.

*3. A building official may not issue a temporary certificate of occupancy pursuant to subsection 2 unless:*

*(a) All structural components of the high-rise residential building have been fully completed;*

*(b) All germane life safety, fire detection, fire suppression, smoke management, emergency exiting and related architectural systems have been fully completed on:*

*(1) The floor containing the portions of the high-rise residential building to be covered by the temporary certificate of occupancy;*

*(2) The floor immediately above that floor; and*

*(3) All floors below that floor; and*

*(c) All other requirements for issuance of the temporary certificate of occupancy have been satisfied.*

*4. If a building official issues a temporary certificate of occupancy pursuant to subsection 2, the building official shall set a specific time period during which the temporary certificate of occupancy is valid.*

*5. As used in this section, “high-rise residential building” and “high-rise residential common-interest community” have the meanings ascribed to those terms in section 4 of this act.”.*

Amend the bill as a whole by renumbering sec. 3 as sec. 8 and adding new sections designated sections 3 through 7, following sec. 2, to read as follows:

“**Sec. 3.** Chapter 116 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 and 5 of this act.

**Sec. 4. 1.** “*High-rise residential common-interest community*” means a common-interest community in which a majority of the units are or will be:

*(a) Located in one or more high-rise residential buildings; and*

*(b) Designed or intended for residential use.*

*2. As used in this section:*

*(a) “High-rise residential building” means a building that:*

*(1) Is part of a common-interest community, has at least five floors above ground level, including the ground floor, and has a majority of its interior square footage designed or intended for residential use; or*

*(2) When completed, will be part of a common-interest community, will have at least five floors above ground level, including the ground floor, and will have a majority of its interior square footage designed or intended for residential use.*

*(b) “High-rise residential building” does not include any building or group of buildings that is or will be maintained as and held out to the public to be a hotel where sleeping accommodations are furnished to the transient public.*

*Sec. 5. 1. In a high-rise residential common-interest community:*

*(a) Votes allocated to a unit may be cast pursuant to a proxy in accordance with the provisions of the governing documents;*

*(b) The governing documents may include provisions for casting votes pursuant to a proxy that are different from the provisions of NRS 116.311; and*

*(c) If authorized by the governing documents, a unit’s owner may give a proxy to any other person.*

***2. If the governing documents for a high-rise residential common-interest community are silent on a matter that is covered by the provisions of NRS 116.311, the provisions of NRS 116.311 control until the governing documents provide otherwise.***

**Sec. 6.** NRS 116.003 is hereby amended to read as follows:

116.003 As used in this chapter and in the declaration and bylaws of an association, unless the context otherwise requires, the words and terms defined in NRS 116.005 to 116.095, inclusive, ***and section 4 of this act*** have the meanings ascribed to them in those sections.

**Sec. 7.** NRS 116.3106 is hereby amended to read as follows:

116.3106 1. The bylaws of the association must provide:

- (a) The number of members of the executive board and the titles of the officers of the association;
- (b) For election by the executive board of a president, treasurer, secretary and any other officers of the association the bylaws specify;
- (c) The qualifications, powers and duties, terms of office and manner of electing and removing officers of the association and members of the executive board and filling vacancies;
- (d) Which powers, if any, that the executive board or the officers of the association may delegate to other persons or to a community manager;
- (e) Which of its officers may prepare, execute, certify and record amendments to the declaration on behalf of the association;
- (f) Procedural rules for conducting meetings of the association;
- (g) A method for amending the bylaws; and
- (h) Procedural rules for conducting elections.

2. Except as otherwise provided in the declaration, the bylaws ~~[may]~~ :

(a) **May** provide for any other matters the association deems necessary and appropriate ~~[ ]~~; **and**

(b) ***In a high-rise residential common-interest community, may include provisions authorized pursuant to section 5 of this act.***

3. The bylaws must be written in plain English.”.

Amend sec. 3, page 2, by deleting lines 10 through 14 and inserting:

“A unit’s owner may give a proxy only to a member of his immediate family, a tenant of the unit’s owner who resides in the common-interest community, another unit’s owner who resides in the common-interest community, or a delegate or representative when authorized pursuant to NRS 116.31105. If a”.

Amend sec. 3, page 3, after line 26, by inserting:

***“10. The provisions of this section do not apply to a high-rise residential common-interest community to the extent that its governing documents include provisions authorized pursuant to section 5 of this act for casting votes pursuant to a proxy that are different from the provisions of this section.”.***

Amend the title of the bill to read as follows:

“AN ACT relating to real property; enacting provisions relating to the issuance of temporary certificates of occupancy for a high-rise residential building that is part of a high-rise residential common-interest community; allowing the governing documents of a high-rise residential common-interest community to include provisions for casting votes pursuant to a proxy that are different from the general provisions in the Uniform Common-Interest Ownership Act; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Enacts various provisions relating to high-rise residential common-interest communities. (BDR 22-778)”.