

Amendment No. 884

Assembly Amendment to Senate Bill No. 325 First Reprint

(BDR 10-20)

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

Adoption of this amendment will MAINTAIN a 2/3s majority vote requirement for final passage of S.B. 325 R1 (§§ 15, 21, 26, 54, 69, 93, 94).

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"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____

Amend sec. 18, page 3, line 40, by deleting “*chapter*,” and inserting:*“chapter or chapter 116 of NRS,”.*

Amend sec. 18, page 4, by deleting line 1 and inserting:

*“other information considered by the Commission or a hearing panel when determining”.*Amend sec. 23, page 5, line 9, after “*with*” by inserting:*“the provisions of this chapter and chapter 116 of NRS and”.*Amend sec. 25, page 6, line 25, after “*with*” by inserting:*“the provisions of this chapter and chapter 116 of NRS and”.*Amend sec. 25, page 6, line 30, after “*chapter*” by inserting:*“or chapter 116 of NRS”.*

RRY/RBL

Date: 5/25/2005

S.B. No. 325—Makes various changes concerning common-interest communities.



Amend sec. 29, page 8, line 35, after “*chapter*” by inserting:

“*or chapter 116 of NRS*”.

Amend sec. 29, page 8, line 38, after “*chapter*” by inserting:

“*or chapter 116 of NRS*”.

Amend sec. 31, page 9, by deleting lines 18 through 24 and inserting:

“**Sec. 31. 1.** *Each witness who is subpoenaed and appears at a hearing is entitled to receive for his attendance the same fees and mileage allowed by law to a witness in a civil case.*

2. *The fees and mileage for the witness:*

(a) Must be paid by the party at whose request the witness is subpoenaed; or

(b) If the appearance of the witness is not requested by any party but the witness is subpoenaed at the request of the Commission or a hearing panel, must be paid by the Division.”.

Amend sec. 34, page 10, line 13, by deleting “*chapter,*” and inserting:

“*chapter or chapter 116 of NRS,*”.

Amend sec. 34, page 10, line 40, after “*chapter*” by inserting:

“*or chapter 116 of NRS*”.

Amend sec. 34, page 10, line 42, after “*chapter*” by inserting:

“*or chapter 116 of NRS*”.

Amend sec. 35, page 11, by deleting lines 1 through 17 and inserting:

“**Sec. 35. 1.** *If the Commission or the Division has reasonable cause to believe, based on evidence satisfactory to it, that any person has violated or is about to violate any provision of this chapter, any regulation adopted pursuant thereto or any order, decision, demand or requirement of the Commission or the Division or a hearing panel, the Commission or the Division may bring*

an action in the district court for the county in which the person resides or, if the person does not reside in this State, in any court of competent jurisdiction within or outside this State, to restrain or enjoin that person from engaging in or continuing to commit the violations or from doing any act in furtherance of the violations.

2. The action must be brought in the name of the State of Nevada. If the action is brought in a court of this State, an order or judgment may be entered, when proper, issuing a temporary restraining order, preliminary injunction or final injunction. A temporary restraining order or preliminary injunction must not be issued without at least 5 days' notice to the opposite party.

3. The court may issue the temporary restraining order, preliminary injunction or final injunction without:

(a) Proof of actual damages sustained by any person.

(b) The filing of any bond.”.

Amend sec. 36, page 11, line 19, by deleting “47,” and inserting “47.6,”.

Amend the bill as a whole by deleting sec. 38 and adding:

“**Sec. 38.** (Deleted by amendment.)”.

Amend sec. 39, pages 11 and 12, by deleting lines 37 through 44 on page 11 and lines 1 through 9 on page 12, and inserting:

“**Sec. 39. 1.** *At the time of each close of escrow of a unit in a converted building, the declarant shall deliver to the association the amount of the converted building reserve deficit allocated to that unit.*

2. The allocation to a unit of the amount of any converted building reserve deficit must be made in the same manner as assessments are allocated to that unit.

3. *As used in this section, “converted building reserve deficit” means the amount necessary to replace the major components of the common elements needing replacement within 5 years after the date of the first sale of a unit.”.*

Amend sec. 40, page 14, line 9, after “*must*” by inserting “*be*”.

Amend sec. 41, page 15, by deleting lines 5 through 7 and inserting:
“*environment and is adaptable to local conditions.*”.

Amend sec. 44, page 15, line 44, by deleting “*is not*” and inserting:
“*will not be*”.

Amend sec. 44, page 16, line 2, by deleting “*after*” and inserting “*before*”.

Amend sec. 45, page 16, line 13, before “*In*” by inserting “*I.*”.

Amend sec. 45, page 16, by deleting lines 16 through 18 and inserting:
“*governing documents must not provide for the regulation of any road, street, alley or other thoroughfare the right-of-way*”.

Amend sec. 45, page 16, between lines 21 and 22, by inserting:

“2. *The provisions of subsection 1 do not preclude an association from adopting, and do not preclude the governing documents of an association from setting forth, rules that reasonably restrict the parking or storage of recreational vehicles, watercraft, trailers or commercial vehicles in the common-interest community to the extent authorized by law.*”.

Amend sec. 46, page 16, by deleting lines 26 through 43 and inserting:
“*a right to occupy and use exclusively if the political sign is not larger than 24 inches by 36 inches.*”.

Amend sec. 47, page 17, by deleting lines 10 through 12 and inserting:

“each unit’s owner of a meeting at which the commencement of a civil action is to be considered at least 21 calendar days before the date of the meeting. Except”.

Amend the bill as a whole by adding new sections designated sections 47.3 and 47.6, following sec. 47, to read as follows:

“Sec. 47.3. 1. Each witness who is subpoenaed and appears at a hearing is entitled to receive for his attendance the same fees and mileage allowed by law to a witness in a civil case.

2. The fees and mileage for the witness:

(a) Must be paid by the party at whose request the witness is subpoenaed; or

(b) If the appearance of the witness is not requested by any party but the witness is subpoenaed at the request of the Commission or a hearing panel, must be paid by the Division.

Sec. 47.6. 1. Except as otherwise provided in this section, a written affidavit filed with the Division pursuant to NRS 116.760, all documents and other information filed with the written affidavit and all documents and other information compiled as a result of an investigation conducted to determine whether to file a formal complaint with the Commission are confidential.

2. A formal complaint filed with the Commission and all documents and other information considered by the Commission or a hearing panel when determining whether to impose discipline or take other administrative action pursuant to NRS 116.745 to 116.795, inclusive, are public records.”.

Amend sec. 48, page 18, line 18, by deleting:

“sections 37 and 38” and inserting *“section 37”*.

Amend sec. 52, page 19, by deleting lines 12 through 14 and inserting:

“government from imposing different requirements and standards regarding design and construction on different types of structures in common-interest communities. For the purposes of this subsection, a townhouse in a planned community is a different type of structure from other structures in common-interest communities, including, without limitation, other structures that are or will be owned as condominiums or cooperatives.”.

Amend sec. 54, page 19, line 45, after “*is*” by inserting “*created for*”.

Amend sec. 54, page 21, line 9, after “*is*” by inserting “*created for*”.

Amend the bill as a whole by adding a new section designated sec. 54.5, following sec. 54, to read as follows:

“Sec. 54.5. NRS 116.1203 is hereby amended to read as follows:

116.1203 1. Except as otherwise provided in subsection 2, if a planned community contains no more than 12 units and is not subject to any developmental rights, it 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 sections 41 to 47, inclusive, of this act*, and the definitions set forth in NRS 116.005 to 116.095, inclusive, to the extent that such definitions are necessary in construing any of those provisions, apply to a residential planned community containing more than six units.”.

Amend sec. 57, page 23, by deleting lines 26 and 27 and inserting:

“recording of *any* amendments to the declaration [~~the information required by NRS 116.4109~~] or *any* statements of unpaid assessments [~~;~~], *and impose reasonable fees, not to exceed the amounts*

authorized by NRS 116.4109, for preparing and furnishing the documents and certificate required by that section.”.

Amend sec. 57, page 24, line 7, before “*residents*” by inserting:

“units’ owners or”.

Amend sec. 58, page 25, line 16, before “*residents*” by inserting:

“units’ owners or”.

Amend sec. 58, page 25, line 22, before “*residents*” by inserting:

“units’ owners or”.

Amend sec. 62, page 31, line 14, by deleting “Within” and inserting:

“~~[Within]~~ In addition to any applicable requirement set forth in section 39 of this act, within”.

Amend sec. 63, page 33, by deleting line 7 and inserting:

“number of voting members of the association.

~~[2.]~~ The same number of”.

Amend sec. 63, page 33, by deleting line 3 and inserting:

“March 1.

2. Special meetings of the units’ owners ~~[of an association]~~”.

Amend sec. 63, page 33, line 15, by deleting “*must*” and inserting “*shall*”.

Amend sec. 63, page 33, line 19, by deleting “*election,*” and inserting:

“election and:

(a) The voting rights of the units’ owners will be exercised by delegates or representatives as set forth in NRS 116.31105, the executive board shall set the date for the removal election so that

the removal election is held not less than 15 days or more than 60 days after the date on which the petition is received; or

(b) The voting rights of the units' owners will be exercised through the use of secret written ballots pursuant to NRS 116.31036.”.

Amend sec. 63, page 33, line 22, by deleting “**must**” and inserting “**shall**”.

Amend sec. 63, page 33, line 26, by deleting “2.” and inserting “3.”.

Amend sec. 63, page 33, line 44, by deleting “3.” and inserting “[3.] 4.”.

Amend sec. 63, page 34, line 16, by deleting “4.” and inserting “[4.] 5.”.

Amend sec. 63, page 34, line 23, by deleting “5.” and inserting “[5.] 6.”.

Amend sec. 63, page 34, by deleting line 32 and inserting:

“[6.] 7. Except as otherwise provided in subsection [7.] 8, the minutes of”.

Amend sec. 63, page 34, line 41, by deleting “7.” and inserting “[7.] 8.”.

Amend sec. 63, page 35, line 1, by deleting “8.” and inserting “[8.] 9.”.

Amend sec. 63, page 35, line 4, by deleting “9.” and inserting “[9.] 10.”.

Amend sec. 63, page 35, line 9, by deleting “10.” and inserting “[10.] 11.”.

Amend sec. 63, page 35, line 14, by deleting “11.” and inserting “12.”.

Amend sec. 63, page 35, line 17, by deleting “[units’ owners]” and inserting:

“units’ owners **or**”.

Amend sec. 63, page 35, line 22, by deleting:

“2 or 3.” and inserting:

“[2 or 3.] 3 or 4.”.

Amend sec. 64, page 36, line 17, by deleting “3” and inserting “[3] 4”.

Amend sec. 64, page 37, line 39, by deleting “[units’ owners]” and inserting:
“units’ owners *or*”.

Amend sec. 66, page 39, by deleting line 16 and inserting:
“operation of the association and ~~[the money]~~ *a budget* for the ~~[reserve]~~ *reserves* required”.

Amend sec. 66, page 39, line 19, by deleting “a reserve,” and inserting:
“~~[a reserve,]~~ *the reserves,*”.

Amend sec. 66, page 39, line 22, by deleting:
“an adequate reserve,” and inserting:
“~~[an adequate reserve,]~~ *adequate reserves,*”.

Amend sec. 66, page 39, line 24, by deleting “reserve” and inserting “~~[reserve]~~ *reserves*”.

Amend sec. 66, page 39, line 27, after “maintenance.” by inserting:
“The association may comply with the provisions of this paragraph through a funding plan that is designed to allocate the costs for the repair, replacement and restoration of the major components of the common elements over a period of years if the funding plan is designed in an actuarially sound manner which will ensure that sufficient money is available when the repair, replacement and restoration of the major components of the common elements are necessary.”.

Amend sec. 66, page 40, by deleting lines 12 through 16 and inserting:
“9. The association shall provide written notice to ~~[the owner of each unit]~~ *each unit’s owner* of a meeting at which an assessment for a capital improvement ~~[or the commencement of a civil action]~~ is to be considered or action is to be taken on such an assessment at least 21 calendar days before *the date of* the meeting. ~~[Except as otherwise provided in]~~”.

Amend sec. 67, page 41, line 21, by deleting:

“maintain the reserve” and inserting:

~~“[maintain the reserve]~~ ***provide adequate funding for the reserves***”.

Amend sec. 67, page 41, line 34, by deleting “required” and inserting ~~“[required]~~ ***necessary***”.

Amend sec. 67, page 41, line 35, after “adequate” by inserting:

“funding for the”.

Amend sec. 67, page 41, line 36, before “for” by inserting ***“designated”***.

Amend sec. 67, page 42, line 8, by deleting ***“unit”*** and inserting ***“unit’s”***.

Amend sec. 68, page 42, line 27, by deleting “if” and inserting ~~“[if]~~ ***whether***”.

Amend sec. 68, page 42, line 28, by deleting “it” and inserting:

~~“[it]~~ ***to the association’s funding plan which the executive board***”.

Amend sec. 68, page 42, line 29, by deleting “maintain” and inserting:

~~“[maintain]~~ ***provide adequate funding for***”.

Amend sec. 68, page 43, line 5, by deleting “required” and inserting ~~“[required]~~ ***necessary***”.

Amend sec. 68, page 43, by deleting lines 8 and 9 and inserting:

“of the date of the study ~~[-~~

~~—3.—The results}], and an estimate of the funding plan that may be necessary to provide adequate funding for the required reserves.”.~~

Amend sec. 70, page 45, line 12, by deleting “after:” and inserting:

“after ~~[-]~~ ***all of the following occur:***”.

Amend sec. 70, page 45, line 37, by deleting ***“DISPUTED!”*** and inserting ***“IN DISPUTE!”***.

Amend sec. 70, page 46, by deleting line 5 and inserting:

“(a) The ~~[day]~~ ***date*** on which the notice of default is recorded; or”.

Amend sec. 70, page 46, line 6, by deleting “day” and inserting “~~{day}~~ **date**”.

Amend sec. 70, page 46, by deleting lines 9 through 12 and inserting:

“address of the unit ~~{,}~~,

↪ ***whichever date occurs later.***”.

Amend sec. 70, page 46, line 18, before “residents” by inserting:

“units’ owners or”.

Amend sec. 72, page 46, line 40, before “The” by inserting “***1.***”.

Amend sec. 72, page 46, line 43, by deleting “1.” and inserting “~~{1.}~~ ***(a)***”.

Amend sec. 72, page 46, line 45, by deleting “a” and inserting:

“~~{a}~~ in lieu of following the procedure for service on a judgment debtor pursuant to NRS 21.130, service must be made on the unit’s owner as follows:

(1) A”.

Amend sec. 72, page 47, lines 4 and 5, by deleting “unit.

2.” and inserting:

“unit ~~{,~~

—~~2.}~~; ***and***

(2) A copy of the notice of sale must be served, on or before the date of first publication or posting, in the manner set forth in subsection 2; and

(b)”.

Amend sec. 72, page 47, line 7, by deleting “(a)” and inserting “~~{(a)}~~ ***(1)***”.

Amend sec. 72, page 47, line 9, by deleting “(b)” and inserting “~~{(b)}~~ ***(2)***”.

Amend sec. 72, page 47, line 13, by deleting “(c)” and inserting “~~{(c)}~~ ***(3)***”.

Amend sec. 72, page 47, by deleting lines 14 through 25 and inserting:

“2. In addition to the requirements set forth in subsection 1, a copy of the notice of sale must be served:

(a) By a person who is 18 years of age or older and who is not a party to or interested in the sale by personally delivering a copy of the notice of sale to an occupant of the unit who is of suitable age; or

(b) By posting a copy of the notice of sale in a conspicuous place on the unit.

3. Any copy of the notice of sale required to be served pursuant to this section must include:”.

Amend sec. 72, page 47, by deleting line 36 and inserting:

“PLEASE CALL (name and telephone number of the contact person for the”.

Amend sec. 72, page 47, by deleting lines 38 and 39 and inserting:

***“CALL THE FORECLOSURE SECTION OF THE OMBUDSMAN’S OFFICE, NEVADA
REAL ESTATE DIVISION, AT (toll-free telephone number designated by the Division)
IMMEDIATELY.”.***

Amend sec. 72, pages 47 and 48, by deleting lines 41 through 45 on page 47 and lines 1 through 4 on page 48, and inserting:

“4. Proof of service of any copy of the notice of sale required to be served pursuant to this section must consist of:

(a) A certificate of mailing which evidences that the notice was mailed through the United State Postal Service; or

(b) An affidavit of service signed by the person who served the notice stating:

(1) The time of service, manner of service and location of service; and

(2) The name of the person served or, if the notice was not served on a person, a description of the location where the notice was posted on the unit.”.

Amend sec. 73, page 48, line 33, by deleting “*conformed*”.

Amend sec. 73, page 48, by deleting line 34 and inserting:

“within 30 days after the deed is delivered to the purchaser, or his successor or assign; and”.

Amend sec. 74, page 49, by deleting lines 14 through 16 and inserting “been recorded.”.

Amend the bill as a whole by adding a new section designated sec. 74.5, following sec. 74, to read as follows:

“Sec. 74.5. NRS 116.31185 is hereby amended to read as follows:

116.31185 ~~{A}~~

1. Except as otherwise provided in subsection 2, a member of an executive board, an officer of an association or a community manager shall not solicit or accept any form of compensation, gratuity or other remuneration that:

~~{1-}~~ ***(a)*** Would improperly influence or would appear to a reasonable person to improperly influence the decisions made by those persons; or

~~{2-}~~ ***(b)*** Would result or would appear to a reasonable person to result in a conflict of interest for those persons.

2. Notwithstanding the provisions of subsection 1, a member of an executive board, an officer of an association, a community manager or any person working for a community manager shall not accept, directly or indirectly, any gifts, incentives, gratuities, rewards or other items of value from:

(a) An attorney, law firm or vendor that provides or seeks to provide services to the applicable community or association, or any person working directly or indirectly for such an attorney, law firm or vendor, which total more than \$100 per year per such attorney, law firm or vendor; or

(b) A declarant, an affiliate of a declarant or any person responsible for the construction of the applicable community or association, which total more than \$100 per year per such declarant, affiliate or person.

3. An attorney, law firm or vendor that provides or seeks to provide services to a community or association, or any person working directly or indirectly for such an attorney, law firm or vendor, shall not provide, directly or indirectly, any gifts, incentives, gratuities, rewards or other items of value to a member of the executive board, an officer of the association, the community manager or any person working for the community manger, which total more than \$100 per year per such member, officer, community manager or person.

4. A declarant, an affiliate of a declarant or any person responsible for the construction of a community or association, shall not provide, directly or indirectly, any gifts, incentives, gratuities, rewards or other items of value to a member of the executive board, an officer of the association, the community manager or any person working for the community manger, which total more than \$100 per year per such member, officer, community manager or person.”.

Amend sec. 75, page 49, lines 40 and 41, by deleting “a reserve” and inserting:

“~~{a reserve}~~ reserves”.

Amend sec. 75, page 49, line 44, by deleting “a reserve” and inserting:

“~~{a reserve}~~ reserves”.

Amend the bill as a whole by adding a new section designated sec. 75.5, following sec. 75, to read as follows:

“Sec. 75.5. NRS 116.4106 is hereby amended to read as follows:

116.4106 1. The public offering statement of a common-interest community containing any converted building must contain, in addition to the information required by NRS 116.4103 and 116.41035:

(a) A statement by the declarant, based on a report prepared by an independent registered architect or licensed professional engineer, describing the present condition of all structural components and mechanical and electrical installations material to the use and enjoyment of the building;

(b) ~~[A statement by the declarant of the expected useful life of each item reported in paragraph (a) or a statement that no representations are made in that regard; and~~

~~—(c)]~~ A list of any outstanding notices of uncured violations of building codes or other municipal regulations, together with the estimated cost of curing those violations ~~[.] ; and~~

(c) *The budget to maintain the reserves required pursuant to paragraph (b) of subsection 2 of NRS 116.3115 which must include, without limitation:*

(1) The current estimated replacement cost, estimated remaining life and estimated useful life of each major component of the common elements;

(2) As of the end of the fiscal year for which the budget was prepared, the current estimate of the amount of cash reserves that are necessary to repair, replace and restore the major components of the common elements and the current amount of accumulated cash reserves that are set aside for such repairs, replacements and restorations;

(3) A statement as to whether the declarant has determined or anticipates that the levy of one or more special assessments will be required within the next 10 years to repair, replace and restore any major component of the common elements or to provide adequate reserves for that purpose;

(4) A general statement describing the procedures used for the estimation and accumulation of cash reserves described in subparagraph (2), including, without limitation, the qualifications of the person responsible for the preparation of the study of reserves required pursuant to NRS 116.31152; and

(5) The funding plan that is designed to allocate the costs for the repair, replacement and restoration of the major components of the common elements over a period of years.

2. This section applies only to a common-interest community comprised of a converted building or buildings containing more than 12 units that may be occupied for residential use.”.

Amend sec. 76, page 50, line 34, by deleting the colon.

Amend sec. 76, page 50, line 35, after “~~purchaser:]~~” by inserting:

“a resale package containing all of the following:”.

Amend sec. 76, page 51, by deleting line 8 and inserting:

“2. The ~~[association, within]~~ purchaser may, by written notice, cancel the contract”.

Amend sec. 76, page 51, by deleting line 10 and inserting:

“date of receipt of the resale package described in subsection 1, and the contract for purchase must contain a provision to that effect. If the”.

Amend sec. 76, page 51, line 12, by deleting “*may*” and inserting “*must*”.

Amend sec. 76, page 51, by deleting lines 16 through 19 and inserting:

“the purchaser before cancellation must be refunded promptly. If the purchaser has accepted a conveyance of the unit, the purchaser is not entitled to:

(a) Cancel the contract pursuant to this subsection; or

(b) Damages, rescission or other relief based solely on the ground that the unit’s owner or his authorized agent failed to furnish the resale package, or any portion thereof, as required by this section.

3. Within 10 days after receipt of a written”.

Amend sec. 76, page 51, line 20, after “**agent,**” by inserting “**the association**”.

Amend sec. 76, page 51, line 21, by deleting the colon and inserting:

“all of the following to the unit’s owner or his authorized agent for inclusion in the resale package:”.

Amend sec. 76, page 51, line 25, after “**(d)**” by inserting “**of**”.

Amend sec. 76, page 51, line 27, by deleting “**an**” and inserting “**the**”.

Amend sec. 76, page 51, by deleting lines 28 through 30 and inserting:

“pursuant to subsection ~~[1 is not]~~ 3:

(a) The unit’s owner or his authorized agent shall include the documents and certificate in the resale package provided to the”.

Amend sec. 76, page 51, lines 35 and 36, by deleting:

“documents and certificate.” and inserting:

“certificate furnished pursuant to subsection 3.”.

Amend sec. 76, page 51, by deleting lines 37 through 43 and inserting:

“association incurs to fulfill the requirements of this section in preparing the certificate. The Commission shall adopt regulations establishing the maximum amount of the fee that an association may charge for preparing the certificate.

(c) The association may charge the unit’s owner a reasonable fee, not to exceed 25 cents per page, to cover the cost of copying the other documents furnished pursuant to subsection 3.

(d) Except for the fees allowed pursuant to paragraphs (b) and (c), the association may not charge the unit’s owner any other fees for preparing or furnishing the documents and certificate pursuant to subsection 3.”.

Amend sec. 76, page 51, line 44, by deleting “6.” and inserting “5.”.

Amend sec. 76, page 52, by deleting lines 5 through 8 and inserting:

“~~[4.]~~ 6. Upon the request of a unit’s owner ~~[.]~~ or his authorized agent, or upon the request of a purchaser to whom the unit’s owner has provided a resale package pursuant to ~~[subsection 4]~~ this section, or his authorized agent, ~~[of the unit’s owner or the purchaser]~~ the association shall make the entire”.

Amend sec. 77, page 52, line 24, by deleting “**TERMINATE**” and inserting “**CANCEL**”.

Amend sec. 77, page 52, by deleting lines 26 through 35 and inserting:

“When you enter into a purchase agreement to buy a home or unit in a common-interest community, in most cases you should receive either a public offering statement, if you are the original purchaser of the home or unit, or a resale package, if you are not the original purchaser. The law generally provides for a 5-day period in which you have the right to cancel the purchase agreement. The 5-day period begins on different starting dates, depending on whether you receive a public offering statement or a resale package. Upon receiving a public offering statement or a

resale package, you should make sure you are informed of the deadline for exercising your right to cancel. In order to exercise your right to cancel, the law generally requires that you hand deliver the notice of cancellation to the seller within the 5-day period, or mail the notice of cancellation to the seller by prepaid United States mail within the 5-day period. For more information regarding your right to cancel, see Nevada Revised Statutes 116.4108, if you received a public offering statement, or Nevada Revised Statutes 116.4109, if you received a resale package.”.

Amend sec. 77, page 52, by deleting lines 39 through 41 and inserting:

“Declaration of Covenants, Conditions and Restrictions ~~[(C, C & R’s) that should be provided for your review before making your purchase. The C, C & R’s]~~. ***The CC&Rs*** become a part of the title to your”.

Amend sec. 77, page 52, line 44, by deleting:

“C, C & R’s,” and inserting:

“~~[C, C & R’s,]~~ ***CC&Rs***,”.

Amend sec. 77, page 53, lines 4 and 6, by deleting:

“C, C & R’s,” and inserting:

“~~[C, C & R’s,]~~ ***CC&Rs***,”.

Amend sec. 77, page 53, lines 15 and 17, by deleting “homeowner’s” and inserting

“~~[homeowner’s]~~ ***homeowners***”.

Amend sec. 77, page 53, line 26, by deleting “maintain adequate” and inserting:

“~~[maintain]~~ ***provide*** adequate ***funding for***”.

Amend sec. 77, page 53, line 39, by deleting “HOMEOWNER’S” and inserting “~~[HOMEOWNER’S]~~ **HOMEOWNERS**”.

Amend sec. 77, page 53, line 41, by deleting “homeowner’s” and inserting “~~[homeowner’s]~~ **homeowners**”.

Amend sec. 77, page 54, line 10, after “professional” by inserting “**community**”.

Amend sec. 77, page 54, line 12, by deleting “Homeowner’s” and inserting “~~[Homeowner’s]~~ **Homeowners**”.

Amend sec. 77, page 54, line 17, by deleting:
“C, C & R’s” and inserting:
“~~[C, C & R’s]~~ **CC&Rs**”.

Amend sec. 77, page 54, by deleting lines 30 through 32 and inserting:
“bodies that are more responsive to your needs. If ~~[persons controlling the association or its management are not complying with state laws or the governing documents, your remedy is typically to seek]~~ **you have a dispute with the association, its executive board or other governing bodies, you may be able to resolve the dispute through the complaint, investigation and intervention process administered by the Office of the Ombudsman for Owners in Common-Interest Communities, the Nevada Real Estate Division and the Commission for Common Interest Communities. However, to resolve some disputes, you may have to**”.

Amend sec. 77, page 54, line 34, after “unsuccessful,” by inserting:
“**you may have to**”.

Amend sec. 77, page 54, line 41, by deleting “BUYERS” and inserting “~~[BUYERS]~~ **PURCHASERS**”.

Amend sec. 77, page 54, line 44, by deleting “to a” and inserting “~~to~~ a”.

Amend sec. 77, page 54, by deleting line 45 and inserting:

“property ~~[, before you enter into a purchase agreement,]~~ **with** a copy of the”.

Amend sec. 77, page 55, line 1, by deleting:

“C, C & R’s,” and inserting:

“~~[C, C & R’s,]~~ **CC&Rs**,”.

Amend sec. 77, page 55, by deleting lines 12 through 14 and inserting:

“are aware. ~~[You are also required to provide a copy of the minutes from the most recent meeting of the homeowner’s association or its executive board.]~~ For more information regarding these”.

Amend sec. 77, page 55, line 15, by deleting “116.4103 and” and inserting “~~[116.4103 and]~~”.

Amend sec. 77, page 55, line 39, after “from” by inserting:

“***the Office of***”.

Amend sec. 79, page 57, by deleting lines 18 through 20 and inserting:

“~~[7. The Division may publish or supply a reference manual or study guide for community managers and may offer it for sale at a reasonable fee.]~~”.

Amend the bill as a whole by adding a new section designated sec. 79.5, following sec. 79, to read as follows:

“**Sec. 79.5.** NRS 116.745 is hereby amended to read as follows:

116.745 As used in NRS 116.745 to 116.795, inclusive, ***and section 47.6 of this act***, unless the context otherwise requires, “violation” means a violation of any provision of this chapter, any regulation adopted pursuant thereto or any order of the Commission or a hearing panel.”.

Amend sec. 80, page 57, line 23, after “inclusive,” by inserting:

“and section 47.6 of this act,”.

Amend sec. 80, page 57, by deleting line 32 and inserting:

“(d) Any person who holds a permit to conduct a study of the reserves of an association issued pursuant to sections 2 to 35, inclusive, of this act.

(e) Any declarant or affiliate of a declarant.”.

Amend sec. 80, page 57, line 35, by deleting “(e)” and inserting “~~[(e)]~~ (f)”.

Amend sec. 80, page 57, line 36, by deleting “(f)” and inserting “~~[(f)]~~ (g)”.

Amend the bill as a whole by adding new sections designated section 82.3 and 82.6, following sec. 82, to read as follows:

“Sec. 82.3. NRS 116.795 is hereby amended to read as follows:

116.795 1. If the Commission or the Division has reasonable cause to believe, based on evidence satisfactory to it, that any person ~~[has committed a violation or will continue to commit violations.]~~ ***violated or is about to violate any provision of this chapter, any regulation adopted pursuant thereto or any order, decision, demand or requirement of the Commission or Division or a hearing panel,*** the Commission or the Division may bring an action in the district court for the county in which the person resides or, if the person does not reside in this State, in any court of competent jurisdiction ~~[in]~~ ***within or outside*** this State, to ***restrain or*** enjoin that person from ***engaging in or*** continuing to commit the violations or from doing any act in furtherance of the violations.

2. The action must be brought in the name of the State of Nevada. ***If the action is brought in a court of this State, an order or judgment may be entered, when proper, issuing a temporary***

restraining order, preliminary injunction or final injunction. A temporary restraining order or preliminary injunction must not be issued without at least 5 days' notice to the opposite party.

3. The court may issue the *temporary restraining order, preliminary injunction or final injunction* without:

- (a) Proof of actual damages sustained by any person.
- (b) The filing of any bond.

Sec. 82.6. Chapter 119 of NRS is hereby amended by adding thereto a new section to read as follows:

It is unlawful for a developer to sell any lot, parcel, unit or interest in a subdivision without complying with the provisions of NRS 116.4106, if applicable.”.

Amend sec. 99, page 74, line 36, by deleting “116.31075,”.

Amend sec. 100, page 74, line 40, by deleting:

“October 6, 2006,” and inserting:

“October 1, 2007,”.

Amend sec. 100, page 75, line 15, by deleting “2006,” and inserting “2007,”.

Amend sec. 100, page 75, line 16, by deleting “2007.” and inserting “2008.”.

Amend sec. 100, page 75, line 25, by deleting “2007.” and inserting “2008.”.

Amend sec. 101, page 75, line 40, by deleting:

“on July 1, 2005,” and inserting:

“upon passage and approval”.

Amend the leadlines of repealed sections by deleting the leadline of NRS 116.31075.