

Amendment No. 307

Senate Amendment to Senate Bill No. 216 (BDR 10-1078)

Proposed by: Senate Committee on Judiciary**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) ***blue bold italics*** is new language in the original bill; (2) ***green bold italic underlining*** is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) ~~orange double underlining~~ is deleted language in the original bill that is proposed to be retained in this amendment; and (6) ***green bold dashed underlining*** is newly added transitory language.

BAW



Date: 4/11/2009

S.B. No. 216—Revises provisions regarding the addition of shutters to units in common-interest communities. (BDR 10-1078)



SENATE BILL NO. 216—SENATOR SCHNEIDER

MARCH 13, 2009

Referred to Committee on Judiciary

SUMMARY—Revises provisions regarding the addition of shutters ~~(to a unit)~~ in common-interest communities. (BDR 10-1078)

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.

AN ACT relating to common-interest communities; providing that an association may not unreasonably restrict the addition of shutters ~~(to a unit)~~ ***that are attached to certain common elements or limited common elements*** in a common-interest community ~~or~~ ***under certain circumstances***; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a unit's owner may not change the appearance of the common elements or the exterior appearance of a unit without permission of the association. (NRS 116.2111) However, an association may not unreasonably restrict, prohibit or withhold approval for a unit's owner to add to a unit shutters to improve the security of the unit or to reduce the costs of energy for the unit. This bill provides that an association may not unreasonably restrict, prohibit or withhold such approval for a unit's owner to add shutters that ~~(change the appearance of a window, exterior or interior wall, roof or other surface which is not part of his unit, which is a common element or limited common element and which is adjoining or in close proximity to his unit)~~ ***are attached to certain common elements or limited common elements under certain circumstances.***

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

Section 1. NRS 116.2111 is hereby amended to read as follows:

116.2111 1. Except as otherwise provided in this section and subject to the provisions of the declaration and other provisions of law, a unit's owner:

(a) May make any improvements or alterations to his unit that do not impair the structural integrity or mechanical systems or lessen the support of any portion of the common-interest community;

(b) May not change the appearance of the common elements, or the exterior appearance of a unit or any other portion of the common-interest community, without permission of the association; and

(c) After acquiring an adjoining unit or an adjoining part of an adjoining unit, may remove or alter any intervening partition or create apertures therein, even if the

partition in whole or in part is a common element, if those acts do not impair the structural integrity or mechanical systems or lessen the support of any portion of the common-interest community. Removal of partitions or creation of apertures under this paragraph is not an alteration of boundaries.

2. An association may not:

(a) Unreasonably restrict, prohibit or otherwise impede the lawful rights of a unit's owner to have reasonable access to his unit.

(b) Unreasonably restrict, prohibit or withhold approval for a unit's owner to add to a unit:

(1) Improvements such as ramps, railings or elevators that are necessary to improve access to the unit for any occupant of the unit who has a disability;

(2) Additional locks to improve the security of the unit;

(3) Shutters to improve the security of the unit or to reduce the costs of energy for the unit; or

(4) A system that uses wind energy to reduce the costs of energy for the unit if the boundaries of the unit encompass 2 acres or more within the common-interest community.

(c) With regard to approving or disapproving any improvement or alteration made to a unit, act in violation of any state or federal law.

3. Any improvement or alteration made pursuant to subsection 2 that is visible from any other portion of the common-interest community must be installed, constructed or added in accordance with the procedures set forth in the governing documents of the association and must be selected or designed to the maximum extent practicable to be compatible with the style of the common-interest community.

4. *An association may not unreasonably restrict, prohibit or withhold approval for a unit's owner to add shutters ~~to improve the security of the unit or to reduce the costs of energy for the unit, including, without limitation, rolling shutters, and change the appearance of a window, exterior or interior wall, roof or other surface~~ that are attached to a portion of an interior or exterior window, interior or exterior door or interior or exterior wall which is not part of his unit ~~and which is a common element or limited common element (and which is) if:~~*

(a) The portion of the window, door or wall to which the shutters are attached is adjoining ~~for in close proximity to~~ his unit ~~and~~

(b) The shutters must necessarily be attached to that portion of the window, door or wall during installation to achieve the maximum benefit in improving the security of the unit or reducing the costs of energy for the unit.

5. *If a unit's owner adds shutters pursuant to ~~this~~ subsection ~~4~~, the unit's owner is responsible for the maintenance of the shutters.*

6. *For the purposes of ~~this~~ subsection ~~4~~, a covenant, restriction or condition which does not unreasonably restrict the addition of shutters and which is contained in the governing documents of a common-interest community or a policy established by a common-interest community is enforceable so long as the covenant, restriction or condition was:*

(a) In existence on July 1, 2009; or

(b) Contained in the governing documents in effect on the close of escrow of the first sale of a unit in the common-interest community.

~~7.~~ *7.* A unit's owner may not add to the unit a system that uses wind energy as described in subparagraph 4 of paragraph (b) of subsection 2 unless he first obtains the written consent of each owner of property within 300 feet of any boundary of the unit.

Sec. 2. This act becomes effective on July 1, 2009.