

SENATE BILL NO. 222—SENATOR COPENING

MARCH 7, 2011

Referred to Committee on Judiciary

SUMMARY—Revises provisions concerning the lease or rental of a unit in a common-interest community. (BDR 10-294)

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

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

AN ACT relating to common-interest communities; enacting provisions governing registration of tenants of units' owners with associations or their agents; prescribing the maximum amount of the fee which an association or agent may charge for the registration of a tenant; authorizing the Commission for Common-Interest Communities and Condominium Hotels to adopt regulations prescribing the amount of such a fee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 This bill enacts requirements governing the registration of a tenant or lease or
2 rental agreement in a common-interest community and the provision of information
3 to an association or its agent when a unit's owner leases or rents his or her unit.
4 Under this bill, if the governing documents require a unit's owner who leases or
5 rents his or her unit or the tenant of that unit's owner to register with the association
6 or its agent or otherwise provide information concerning the tenant or the
7 agreement to the association or its agent, the association or its agent: (1) must
8 conduct such activities in accordance with the governing documents; (2) may not
9 require the unit's owner or tenant to provide more information concerning the
10 tenant than it requires from a unit's owner who occupies his or her unit, except that
11 it may require the unit's owner to provide a copy of the lease; and (3) may not
12 charge a fee to the unit's owner for the registration or submission of information
13 which is greater than \$50 or, if the Commission for Common-Interest Communities
14 and Condominium Hotels has adopted regulations prescribing the amount of the
15 fee, the amount prescribed by those regulations.



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

Section 1. NRS 116.335 is hereby amended to read as follows:

116.335 1. Unless, at the time a unit's owner purchased his or her unit, the declaration prohibited the unit's owner from renting or leasing his or her unit, the association may not prohibit the unit's owner from renting or leasing his or her unit.

2. Unless, at the time a unit's owner purchased his or her unit, the declaration required the unit's owner to secure or obtain any approval from the association in order to rent or lease his or her unit, an association may not require the unit's owner to secure or obtain any approval from the association in order to rent or lease his or her unit.

3. If a declaration contains a provision establishing a maximum number or percentage of units in the common-interest community which may be rented or leased, that provision of the declaration may not be amended to decrease that maximum number or percentage of units in the common-interest community which may be rented or leased.

4. *If the governing documents of an association require a unit's owner who leases or rents his or her unit, or the tenant of a unit's owner, to register with the association or its agent or otherwise submit to the association or its agent information concerning the lease or rental agreement or the tenant, the association or its agent:*

(a) Must conduct such activities in accordance with the governing documents;

(b) May not require the unit's owner or tenant of the unit's owner to provide information which the association or its agent does not require to be provided to the association or its agent by a unit's owner who occupies his or her unit, except that the association or its agent may require the unit's owner to provide a copy of the lease or rental agreement; and

(c) May not charge a fee to the unit's owner for the registration or submission of information in an amount which exceeds \$50 or, if the Commission has adopted regulations prescribing the amount of such a fee, the amount prescribed by regulation by the Commission. The Commission may adopt regulations prescribing the amount of a fee which may be charged to a unit's owner pursuant to this paragraph.

5. The provisions of this section do not prohibit an association from enforcing any provisions which govern the renting or leasing of units and which are contained in this chapter or in any other applicable federal, state or local laws or regulations.



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1 ~~5.1~~ 6. Notwithstanding any other provision of law or the
2 declaration to the contrary:

3 (a) If a unit's owner is prohibited from renting or leasing a unit
4 because the maximum number or percentage of units which may be
5 rented or leased in the common-interest community have already
6 been rented or leased, the unit's owner may seek a waiver of the
7 prohibition from the executive board based upon a showing of
8 economic hardship, and the executive board may grant such a
9 waiver and approve the renting or leasing of the unit.

10 (b) If the declaration contains a provision establishing a
11 maximum number or percentage of units in the common-interest
12 community which may be rented or leased, in determining the
13 maximum number or percentage of units in the common-interest
14 community which may be rented or leased, the number of units
15 owned by the declarant must not be counted or considered.

