

ASSEMBLY BILL NO. 370—ASSEMBLYMAN OHRENSCHALL

MARCH 18, 2013

Referred to Committee on Judiciary

SUMMARY—Revises provisions concerning common-interest communities. (BDR 3-1016)

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 real property; revising provisions governing the mediation and arbitration of certain claims involving certain residential property; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law provides that certain civil actions relating to residential property cannot be commenced in any court in this State unless the action has been submitted to mediation or arbitration. (NRS 38.310) Such a civil action must be submitted to mediation or arbitration by filing a written claim with the Real Estate Division of the Department of Business and Industry, and the written claim and required written answer must be accompanied by a reasonable fee as determined by the Division (NRS 38.320) **Section 4** of this bill removes the requirement of submitting such a civil action to arbitration, and instead requires the civil action to be submitted to mediation or, if the parties agree, to a program established by the Division under which a person such as a referee or hearing officer renders decisions on certain claims. **Section 1** of this bill sets forth certain procedures concerning such a program. **Section 5** of this bill applies the requirement regarding a written claim being filed with the Division to a civil action submitted to such a program. **Section 5** also specifies that the fee which must accompany a written claim and written answer filed with the Division is \$50. **Section 6** of this bill provides that before commencing a civil action, the parties named in the claim may agree to arbitration if the parties have participated in mediation in which an agreement was not obtained or if a written decision and award have been issued pursuant to the referee program. **Section 6** also: (1) provides that such arbitration is nonbinding unless the parties agree in writing to binding arbitration; and (2) specifies that the cost of such arbitration must not exceed \$300 per hour.

Existing law also sets forth the procedure for mediation when a written claim is submitted to mediation. (NRS 38.330) **Section 6** requires that: (1) mediation be completed within 60 days after the filing of the written claim; (2) mediation not exceed 3 hours, unless the parties agree to an extension of such time; (3) the cost of



mediation not exceed \$500 for 3 hours; (4) if the parties agree to extend mediation beyond 3 hours, the fee for the additional hours not exceed \$200 per hour; and (5) each party, not later than 5 days before mediation is scheduled to be conducted, submit to the mediator a written statement which sets forth the issues in dispute.

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

**Section 1.** Chapter 38 of NRS is hereby amended by adding thereto a new section to read as follows:

*If the Division establishes a program:*

*1. Upon receipt of a written claim and answer filed pursuant to NRS 38.320 in which all the parties indicate that they wish to have the claim referred to such a program, the Division may refer the parties to the program.*

*2. The person to whom the parties are referred pursuant to the program shall review the claim and answer filed pursuant to NRS 38.320 and, unless the parties agree to waive a hearing, conduct a hearing on the claim. After reviewing the claim and the answer and, if required, conducting a hearing on the claim, the person shall issue a written decision and award and provide a copy of the written decision and award to the parties. The person may not award to either party costs or attorney's fees.*

*3. Any party may, within 60 days after receiving the written decision and award pursuant to subsection 2, commence a civil action in the proper court concerning the claim. Any complaint filed in such an action must contain a sworn statement indicating that the issues addressed in the complaint have been referred to a program pursuant to the provisions of this section and NRS 38.300 to 38.360, inclusive. If such an action is not commenced within 60 days after receiving the written decision and award pursuant to subsection 2, any party may, within 1 year after receiving the written decision and award, apply to the proper court for a confirmation of the written decision and award pursuant to NRS 38.239.*

**Sec. 2.** (Deleted by amendment.)

**Sec. 3.** NRS 38.300 is hereby amended to read as follows:

38.300 As used in NRS 38.300 to 38.360, inclusive, *and section 1 of this act*, unless the context otherwise requires:

1. "Assessments" means:

(a) Any charge which an association may impose against an owner of residential property pursuant to a declaration of covenants, conditions and restrictions, including any late charges, interest and costs of collecting the charges; and



(b) Any penalties, fines, fees and other charges which may be imposed by an association pursuant to paragraphs (j) to (n), inclusive, of subsection 1 of NRS 116.3102 or subsections 10, 11 and 12 of NRS 116B.420.

2. "Association" has the meaning ascribed to it in NRS 116.011 or 116B.030.

3. "Civil action" includes an action for money damages or equitable relief. The term does not include an action in equity for injunctive relief in which there is an immediate threat of irreparable harm, or an action relating to the title to residential property.

4. "Division" means the Real Estate Division of the Department of Business and Industry.

5. *"Program" means a program established by the Division under which a person, including, without limitation, a referee or hearing officer, can render decisions on disputes relating to:*

*(a) The interpretation, application or enforcement of any covenants, conditions or restrictions applicable to residential property or any bylaws, rules or regulations adopted by an association; or*

*(b) The procedures used for increasing, decreasing or imposing additional assessments upon residential property.*

6. "Residential property" includes, but is not limited to, real estate within a planned community subject to the provisions of chapter 116 of NRS or real estate within a condominium hotel subject to the provisions of chapter 116B of NRS. The term does not include commercial property if no portion thereof contains property which is used for residential purposes.

**Sec. 4.** NRS 38.310 is hereby amended to read as follows:

38.310 1. No civil action based upon a claim relating to:

(a) The interpretation, application or enforcement of any covenants, conditions or restrictions applicable to residential property or any bylaws, rules or regulations adopted by an association; or

(b) The procedures used for increasing, decreasing or imposing additional assessments upon residential property,

→ may be commenced in any court in this State unless the action has been submitted to mediation or ~~arbitration~~ , *if the parties agree, has been referred to a program* pursuant to the provisions of NRS 38.300 to 38.360, inclusive, *and section 1 of this act*, and, if the civil action concerns real estate within a planned community subject to the provisions of chapter 116 of NRS or real estate within a condominium hotel subject to the provisions of chapter 116B of NRS, all administrative procedures specified in any covenants, conditions or restrictions applicable to the property or in any bylaws, rules and regulations of an association have been exhausted.



2. A court shall dismiss any civil action which is commenced in violation of the provisions of subsection 1.

**Sec. 5.** NRS 38.320 is hereby amended to read as follows:

38.320 1. Any civil action described in NRS 38.310 must be submitted ~~for~~ to mediation or ~~arbitration~~ *referred to a program* by filing a written claim with the Division. The claim must include:

(a) The complete names, addresses and telephone numbers of all parties to the claim;

(b) A specific statement of the nature of the claim;

(c) A statement of whether the person wishes to have the claim ~~submitted~~ *referred* to ~~a mediator or to an arbitrator and, if the person wishes to have the claim submitted to an arbitrator, whether the person agrees to binding arbitration;~~ *a program*; and

(d) Such other information as the Division may require.

2. The written claim must be accompanied by a ~~reasonable~~ *filing* fee ~~as determined by the Division.~~ *of \$50.*

3. Upon the filing of the written claim, the claimant shall serve a copy of the claim in the manner prescribed in Rule 4 of the Nevada Rules of Civil Procedure for the service of a summons and complaint. The claim so served must be accompanied by a statement explaining the procedures for mediation and ~~arbitration~~ *for a program* set forth in NRS 38.300 to 38.360, inclusive ~~1~~ *, and section 1 of this act.*

4. Upon being served pursuant to subsection 3, the person upon whom a copy of the written claim was served shall, within 30 days after the date of service, file a written answer with the Division ~~1~~ *, which must include a statement of whether the person wishes to have the claim referred to a program.* The answer must be accompanied by a ~~reasonable~~ *filing* fee ~~as determined by the Division.~~ *of \$50.*

**Sec. 6.** NRS 38.330 is hereby amended to read as follows:

38.330 1. ~~If all parties named in a written claim filed pursuant to NRS 38.320 agree to have the claim submitted for mediation,~~ *Unless a program has been established and the parties have elected to have the claim referred to a program,* the parties shall ~~reduce the agreement to writing and shall~~ select a mediator from the list of mediators maintained by the Division pursuant to NRS 38.340. Any mediator selected must be available within the geographic area. If the parties fail to agree upon a mediator, the Division shall appoint a mediator from the list of mediators maintained by the Division. Any mediator appointed must be available within the geographic area. Unless otherwise provided by an agreement of the parties, mediation must be completed within 60 days after the ~~parties agree to mediation.~~ *filing of the written claim. Not later than 5 days before mediation is scheduled to be*



1 *conducted, each party must submit to the mediator a written*  
2 *statement which sets forth the issues in dispute. Mediation must*  
3 *not exceed 3 hours, unless the parties agree to an extension of*  
4 *such time.* Any agreement obtained through mediation conducted  
5 pursuant to this section must, within 20 days after the conclusion of  
6 mediation, be reduced to writing by the mediator and a copy thereof  
7 provided to each party. The agreement may be enforced as any other  
8 written agreement. Except as otherwise provided in this section, the  
9 parties are responsible for ~~all costs~~ *the cost* of mediation  
10 conducted pursuant to this section, *which must not exceed \$500 for*  
11 *3 hours of mediation. If the parties agree to extend mediation*  
12 *beyond 3 hours pursuant to this subsection, the fee for the*  
13 *additional hours must not exceed \$200 per hour. If the parties*  
14 *participate in mediation and an agreement is not obtained, any*  
15 *party may commence a civil action in the proper court concerning*  
16 *the claim that was submitted to mediation. Any complaint filed in*  
17 *such an action must contain a sworn statement indicating that the*  
18 *issues addressed in the complaint have been mediated pursuant to*  
19 *the provisions of NRS 38.300 to 38.360, inclusive, and section 1 of*  
20 *this act, but an agreement was not obtained.*

21 2. ~~If all~~ *Before commencing a civil action in the proper*  
22 *court,* the parties named in the claim ~~do not~~ *may* agree to  
23 ~~mediation, the~~ *arbitration if the parties have participated in*  
24 *mediation in which an agreement was not obtained or if a written*  
25 *decision and award have been issued pursuant to section 1 of this*  
26 *act. Unless the parties agree in writing to binding arbitration, the*  
27 *arbitration is nonbinding. The cost of arbitration conducted*  
28 *pursuant to this section must not exceed \$300 per hour. If the*  
29 *parties agree to arbitration, they* shall select an arbitrator from the  
30 list of arbitrators maintained by the Division pursuant to NRS  
31 38.340. Any arbitrator selected must be available within the  
32 geographic area. If the parties fail to agree upon an arbitrator, the  
33 Division shall appoint an arbitrator from the list maintained by  
34 the Division. Any arbitrator appointed must be available within the  
35 geographic area. Upon appointing an arbitrator, the Division shall  
36 provide the name of the arbitrator to each party. An arbitrator shall,  
37 not later than 5 days after the arbitrator's selection or appointment  
38 pursuant to this subsection, provide to the parties an informational  
39 statement relating to the arbitration of a claim pursuant to this  
40 section. The written informational statement:

41 (a) Must be written in plain English;

42 (b) Must explain the procedures and applicable law relating to  
43 the arbitration of a claim conducted pursuant to this section,  
44 including, without limitation, the procedures, timelines and  
45 applicable law relating to confirmation of an award pursuant to



1 NRS 38.239, vacation of an award pursuant to NRS 38.241,  
2 judgment on an award pursuant to NRS 38.243, and any applicable  
3 statute or court rule governing the award of attorney's fees or costs  
4 to any party; and

5 (c) Must be accompanied by a separate form acknowledging that  
6 the party has received and read the informational statement, which  
7 must be returned to the arbitrator by the party not later than 10 days  
8 after receipt of the informational statement.

9 3. The Division may provide for the payment of the fees for a  
10 mediator or an arbitrator selected or appointed pursuant to this  
11 section from the Account for Common-Interest Communities and  
12 Condominium Hotels created by NRS 116.630, to the extent that:

13 (a) The Commission for Common-Interest Communities and  
14 Condominium Hotels approves the payment; and

15 (b) There is money available in the Account for this purpose.

16 4. Except as otherwise provided in this section and except  
17 where inconsistent with the provisions of NRS 38.300 to 38.360,  
18 inclusive, *and section 1 of this act*, the arbitration of a claim  
19 pursuant to this section must be conducted in accordance with the  
20 provisions of NRS 38.231, 38.232, 38.233, 38.236 to 38.239,  
21 inclusive, 38.242 and 38.243. At any time during the arbitration of a  
22 claim relating to the interpretation, application or enforcement of  
23 any covenants, conditions or restrictions applicable to residential  
24 property or any bylaws, rules or regulations adopted by an  
25 association, the arbitrator may issue an order prohibiting the action  
26 upon which the claim is based. An award must be made within 30  
27 days after the conclusion of arbitration, unless a shorter period is  
28 agreed upon by the parties to the arbitration.

29 5. If all the parties have agreed to *arbitration but have not*  
30 *agreed whether the arbitration will be binding or nonbinding, the*  
31 *arbitration will be nonbinding. If arbitration is* nonbinding ,  
32 ~~[arbitration.]~~ any party to the nonbinding arbitration may, within 30  
33 days after a final decision and award which are dispositive of any  
34 and all issues of the claim which were submitted to nonbinding  
35 arbitration have been served upon the parties, commence a civil  
36 action in the proper court concerning the claim which was submitted  
37 for arbitration. Any complaint filed in such an action must contain a  
38 sworn statement indicating that the issues addressed in the  
39 complaint have been arbitrated pursuant to the provisions of NRS  
40 38.300 to 38.360, inclusive ~~H~~, *and section 1 of this act*. If such an  
41 action is not commenced within that period, any party to the  
42 arbitration may, within 1 year after the service of the award, apply  
43 to the proper court for a confirmation of the award pursuant to  
44 NRS 38.239.



6. If all the parties agree in writing to binding arbitration, the arbitration must be conducted in accordance with the provisions of this chapter. An award procured pursuant to such binding arbitration may be vacated and a rehearing granted upon application of a party pursuant to the provisions of NRS 38.241.

7. If, after the conclusion of binding arbitration, a party:

(a) Applies to have an award vacated and a rehearing granted pursuant to NRS 38.241; or

(b) Commences a civil action based upon any claim which was the subject of arbitration,

the party shall, if the party fails to obtain a more favorable award or judgment than that which was obtained in the initial binding arbitration, pay all costs and reasonable attorney's fees incurred by the opposing party after the application for a rehearing was made or after the complaint in the civil action was filed.

8. Upon request by a party, the Division shall provide a statement to the party indicating the amount of the fees for a mediator or an arbitrator selected or appointed pursuant to this section.

9. As used in this section, "geographic area" means an area within 150 miles from any residential property or association which is the subject of a written claim submitted pursuant to NRS 38.320.

**Sec. 7.** NRS 38.340 is hereby amended to read as follows:

38.340 For the purposes of NRS 38.300 to 38.360, inclusive, *and section 1 of this act*, the Division shall establish and maintain:

1. A list of mediators and arbitrators who are available for mediation and arbitration of claims. The list must include mediators and arbitrators who, as determined by the Division, have received training and experience in mediation or arbitration and in the resolution of disputes concerning associations, including, without limitation, the interpretation, application and enforcement of covenants, conditions and restrictions pertaining to residential property and the articles of incorporation, bylaws, rules and regulations of an association. In establishing and maintaining the list, the Division may use lists of qualified persons maintained by any organization which provides mediation or arbitration services. Before including a mediator or arbitrator on a list established and maintained pursuant to this section, the Division may require the mediator or arbitrator to present proof satisfactory to the Division that the mediator or arbitrator has received the training and experience required for mediators or arbitrators pursuant to this section.

2. A document which contains a written explanation of the procedures for mediating and arbitrating claims *and for a program*





pursuant to NRS 38.300 to 38.360, inclusive ~~H~~ , and *section 1 of this act.*

**Sec. 8.** NRS 38.350 is hereby amended to read as follows:

38.350 Any statute of limitations applicable to a claim described in NRS 38.310 is tolled from the time the claim is submitted ~~for~~ to mediation or arbitration *or referred to a program* pursuant to NRS ~~38.320~~ *38.300 to 38.360, inclusive, and section 1 of this act* until the conclusion of mediation or arbitration of the claim and the period for vacating the award has expired , ~~H~~ *or until the issuance of a written decision and award pursuant to the program.*

**Sec. 9.** NRS 38.360 is hereby amended to read as follows:

38.360 1. The Division shall administer the provisions of NRS 38.300 to 38.360, inclusive, *and section 1 of this act*, and may adopt such regulations as are necessary to carry out those provisions.

2. All fees collected by the Division pursuant to the provisions of NRS 38.300 to 38.360, inclusive, *and section 1 of this act* must be accounted for separately and may only be used by the Division to administer the provisions of NRS 38.300 to 38.360, inclusive.

**Sec. 10.** NRS 116.625 is hereby amended to read as follows:

116.625 1. The Office of the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels is hereby created within the Division.

2. The Administrator shall appoint the Ombudsman. The Ombudsman is in the unclassified service of the State.

3. The Ombudsman must be qualified by training and experience to perform the duties and functions of office.

4. In addition to any other duties set forth in this chapter, the Ombudsman shall:

(a) Assist in processing claims submitted to mediation or arbitration *or referred to a program* pursuant to NRS 38.300 to 38.360, inclusive ~~H~~ , and *section 1 of this act*;

(b) Assist owners in common-interest communities and condominium hotels to understand their rights and responsibilities as set forth in this chapter and chapter 116B of NRS and the governing documents of their associations, including, without limitation, publishing materials related to those rights and responsibilities;

(c) Assist members of executive boards and officers of associations to carry out their duties;

(d) When appropriate, investigate disputes involving the provisions of this chapter or chapter 116B of NRS or the governing documents of an association and assist in resolving such disputes; and



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(e) Compile and maintain a registration of each association organized within the State which includes, without limitation, the following information:

(1) The name, address and telephone number of the association;

(2) The name of each community manager for the common-interest community or the association of a condominium hotel and the name of any other person who is authorized to manage the property at the site of the common-interest community or condominium hotel;

(3) The names, mailing addresses and telephone numbers of the members of the executive board of the association;

(4) The name of the declarant;

(5) The number of units in the common-interest community or condominium hotel;

(6) The total annual assessment made by the association;

(7) The number of foreclosures which were completed on units within the common-interest community or condominium hotel and which were based on liens for the failure of the unit's owner to pay any assessments levied against the unit or any fines imposed against the unit's owner; and

(8) Whether the study of the reserves of the association has been conducted pursuant to NRS 116.31152 or 116B.605 and, if so, the date on which it was completed.

**Sec. 11.** NRS 116.630 is hereby amended to read as follows:

116.630 1. There is hereby created the Account for Common-Interest Communities and Condominium Hotels in the State General Fund. The Account must be administered by the Administrator.

2. Except as otherwise provided in subsection 3, all money received by the Commission, a hearing panel or the Division pursuant to this chapter or chapter 116B of NRS, including, without limitation, the fees collected pursuant to NRS 116.31155 and 116B.620, must be deposited into the Account.

3. If the Commission imposes a fine or penalty, the Commission shall deposit the money collected from the imposition of the fine or penalty with the State Treasurer for credit to the State General Fund. If the money is so deposited, the Commission may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is required to pay attorney's fees or the costs of an investigation, or both.

4. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

5. The money in the Account must be used solely to defray:



(a) The costs and expenses of the Commission and the Office of the Ombudsman;

(b) If authorized by the Commission or any regulations adopted by the Commission, the costs and expenses of subsidizing proceedings for mediation , ~~and~~ arbitration *and a program* conducted pursuant to NRS 38.300 to 38.360, inclusive ~~it~~ , *and section 1 of this act*; and

(c) If authorized by the Legislature or by the Interim Finance Committee if the Legislature is not in session, the costs and expenses of administering the Division.

**Sec. 12.** NRS 116.665 is hereby amended to read as follows:

116.665 1. The Commission shall conduct such hearings and other proceedings as are required by the provisions of this chapter.

2. The Commission shall collect and maintain or cause to be collected and maintained accurate information relating to:

(a) The number and kind of common-interest communities in this State;

(b) The effect of the provisions of this chapter and any regulations adopted pursuant thereto on the development and construction of common-interest communities, the residential lending market for units within common-interest communities and the operation and management of common-interest communities;

(c) Violations of the provisions of this chapter and any regulations adopted pursuant thereto;

(d) The accessibility and use of, and the costs related to, the arbitration , ~~and~~ mediation *and program* procedures set forth in NRS 38.300 to 38.360, inclusive, *and section 1 of this act*, and the decisions rendered and awards made pursuant to those ~~arbitration and mediation~~ procedures;

(e) The number of foreclosures which were completed on units within common-interest communities and which were based on liens for the failure of the unit's owner to pay any assessments levied against the unit or any fines imposed against the unit's owner;

(f) The study of the reserves required by NRS 116.31152; and

(g) Other issues that the Commission determines are of concern to units' owners, associations, community managers, developers and other persons affected by common-interest communities.

3. The Commission shall develop and promote:

(a) Educational guidelines for conducting the elections of the members of an executive board, the meetings of an executive board and the meetings of the units' owners of an association; and

(b) Educational guidelines for the enforcement of the governing documents of an association through liens, penalties and fines.



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4. The Commission shall recommend and approve for accreditation programs of education and research relating to common-interest communities, including, without limitation:

(a) The management of common-interest communities;

(b) The sale and resale of units within common-interest communities;

(c) Alternative methods that may be used to resolve disputes relating to common-interest communities; and

(d) The enforcement, including by foreclosure, of liens on units within common-interest communities for the failure of the unit's owner to pay any assessments levied against the unit or any fines imposed against the unit's owner.

**Sec. 13.** NRS 116.670 is hereby amended to read as follows:

116.670 The Commission may:

1. By regulation, establish standards for subsidizing proceedings for mediation, ~~and~~ arbitration *and a program* conducted pursuant to NRS 38.300 to 38.360, inclusive, *and section 1 of this act*, to ensure that such proceedings are not lengthy and are affordable and readily accessible to all parties;

2. By regulation, establish standards for subsidizing educational programs for the benefit of units' owners, members of executive boards and officers of associations;

3. Accept any gifts, grants or donations; and

4. Enter into agreements with other entities that are required or authorized to carry out similar duties in this State or in other jurisdictions and cooperate with such entities to develop uniform procedures for carrying out the provisions of this chapter and for accumulating information needed to carry out those provisions.

**Sec. 14.** NRS 116B.815 is hereby amended to read as follows:

116B.815 The Office of the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels created by NRS 116.625 shall:

1. Assist in processing claims arising under this chapter that are submitted to mediation or arbitration *or referred to a program* pursuant to NRS 38.300 to 38.360, inclusive ~~§~~, *and section 1 of this act*;

2. Assist owners in condominium hotels to understand their rights and responsibilities as set forth in this chapter and the governing documents of their associations, including, without limitation, publishing materials related to those rights and responsibilities;

3. Assist members of executive boards and officers of associations to carry out their duties;



1 4. When appropriate, investigate disputes involving the  
2 provisions of this chapter or the governing documents of an  
3 association and assist in resolving such disputes; and

4 5. Compile and maintain a registration of each association  
5 organized within the State which includes, without limitation, the  
6 following information:

7 (a) The name, address and telephone number of the association;

8 (b) The names, mailing addresses and telephone numbers of the  
9 members of the executive board of the association;

10 (c) The name of the declarant;

11 (d) The number of units in the condominium hotel;

12 (e) The total annual assessment made by the association; and

13 (f) The number of foreclosures which were completed on units  
14 within the condominium hotel and which were based on liens for the  
15 failure of the unit's owner to pay any assessments levied against the  
16 unit or any fines imposed against the unit's owner.

17 **Sec. 15.** NRS 116B.845 is hereby amended to read as follows:

18 116B.845 1. The Commission shall conduct such hearings  
19 and other proceedings as are required by the provisions of this  
20 chapter.

21 2. The Commission shall collect and maintain or cause to be  
22 collected and maintained accurate information relating to:

23 (a) The number of condominium hotels in this State;

24 (b) The effect of the provisions of this chapter and any  
25 regulations adopted pursuant thereto on the development and  
26 construction of condominium hotels, the residential lending market  
27 for units within condominium hotels and the operation and  
28 management of condominium hotels;

29 (c) Violations of the provisions of this chapter and any  
30 regulations adopted pursuant thereto;

31 (d) The accessibility and use of, and the costs related to, the  
32 arbitration , ~~and~~ mediation *and program* procedures set forth in  
33 NRS 38.300 to 38.360, inclusive, *and section 1 of this act*, and the  
34 decisions rendered and awards made pursuant to those ~~arbitration~~  
35 ~~and mediation~~ procedures;

36 (e) The number of foreclosures which were completed on units  
37 within condominium hotels and which were based on liens for the  
38 failure of the unit's owner to pay any assessments levied against the  
39 unit or any fines imposed against the unit's owner; and

40 (f) Other issues that the Commission determines are of concern  
41 to units' owners, associations, developers and other persons affected  
42 by condominium hotels.

43 3. The Commission shall develop and promote:



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(a) Educational guidelines for conducting the elections of the members of an executive board, the meetings of an executive board and the meetings of the units' owners of an association; and

(b) Educational guidelines for the enforcement of the governing documents of an association through liens, penalties and fines.

4. The Commission shall recommend and approve for accreditation programs of education and research relating to condominium hotels, including, without limitation:

(a) The management of condominium hotels;

(b) The sale and resale of units within condominium hotels;

(c) Alternative methods that may be used to resolve disputes relating to condominium hotels; and

(d) The enforcement, including by foreclosure, of liens on units within condominium hotels for the failure of the unit's owner to pay any assessments levied against the unit or any fines imposed against the unit's owner.

**Sec. 16.** NRS 116B.850 is hereby amended to read as follows:

116B.850 The Commission may:

1. By regulation, establish standards for subsidizing proceedings for mediation , ~~and~~ arbitration *and a program* conducted pursuant to NRS 38.300 to 38.360, inclusive, *and section 1 of this act*, to ensure that such proceedings are not lengthy and are affordable and readily accessible to all parties;

2. By regulation, establish standards for subsidizing educational programs for the benefit of units' owners, members of executive boards and officers of associations;

3. Accept any gifts, grants or donations; and

4. Enter into agreements with other entities that are required or authorized to carry out similar duties in this State or in other jurisdictions and cooperate with such entities to develop uniform procedures for carrying out the provisions of this chapter and for accumulating information needed to carry out those provisions.

**Sec. 17.** (Deleted by amendment.)

**Sec. 18.** (Deleted by amendment.)

