

ASSEMBLY BILL NO. 149—ASSEMBLYMEN SHELTON, MOORE,
FIORE; DICKMAN, DOOLING, GARDNER, JONES, MUNFORD,
NELSON, SEAMAN AND STEWART

FEBRUARY 13, 2015

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing retaliatory action by
certain persons in common-interest communities.
(BDR 10-815)

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; revising
provisions governing retaliatory action by certain persons
in common-interest communities; and providing other
matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law prohibits an executive board of a unit-owners' association, a
2 member of an executive board, a community manager or an officer, employee or
3 agent of an association from taking retaliatory action against a unit's owner based
4 on certain complaints or requests. Existing law also authorizes the unit's owner to
5 bring a separate action to recover compensatory damages and attorney's fees and
6 costs. (NRS 116.31183) This bill provides that such retaliatory action is prohibited
7 if it: (1) causes or may cause financial harm to the unit's owner; (2) maligns or may
8 malign the reputation of the unit's owner; or (3) prohibits or interferes with or may
9 prohibit or interfere with a candidate's campaign to be a member of the executive
10 board. This bill also prohibits retaliatory action based on the actual or perceived
11 race, color, religion, national origin, physical or mental disability, sexual
12 orientation, or gender identity or expression of a unit's owner.



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

Section 1. NRS 116.31183 is hereby amended to read as follows:

116.31183 1. An executive board, a member of an executive board, a community manager or an officer, employee or agent of an association shall not take, or direct or encourage another person to take, any retaliatory action against a unit's owner ~~because the unit's owner has:~~

~~(a) Complained~~ :

(a) Which:

(1) Causes or may cause financial harm to the unit's owner;

(2) Maligns or may malign the reputation of the unit's owner; or

(3) Prohibits or unreasonably interferes with or may prohibit or unreasonably interfere with a candidate's campaign to be a member of the executive board; and

(b) Because:

(1) The unit's owner complained in good faith about any alleged violation of any provision of this chapter or the governing documents of the association;

~~(b) Recommended~~

(2) The unit's owner recommended the selection or replacement of an attorney, community manager or vendor; ~~or~~

~~(c) Requested~~

(3) The unit's owner requested in good faith to review the books, records or other papers of the association ~~or~~; or

(4) Of the actual or perceived race, color, religion, national origin, physical or mental disability, sexual orientation, or gender identity or expression of the unit's owner.

2. In addition to any other remedy provided by law, upon a violation of this section, a unit's owner may bring a separate action to recover:

(a) Compensatory damages; and

(b) Attorney's fees and costs of bringing the separate action.

