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FIRST REPRINT

A.B. 161

ASSEMBLY BILL NO. 161—ASSEMBLYMEN HANSEN, LEAVITT;
BILBRAY-AXELROD, COHEN, EDWARDS, HARDY, KRAMER,
ROBERTS, SWANK, TITUS AND WATTS

FEBRUARY 15, 2019

JOINT SPONSOR: SENATOR SCHEIBLE

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing common-interest communities. (BDR 10-705)

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; prohibiting common-interest communities from restricting the ownership of pets by a unit's owner under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the unit-owners' association of a common-interest community to adopt bylaws and authorizes an association to amend such bylaws and to adopt rules and regulations concerning the community. (NRS 116.3102) **Section 1** of this bill restricts an association from prohibiting a unit's owner from keeping at least one pet within his or her residence, subject to the association's reasonable restrictions on pet ownership in the common-interest community. **Section 1** provides that a restriction on the ownership of a dangerous or vicious dog will be presumed to be a reasonable restriction on pet ownership. If an association adopts a provision in the governing documents or amends a provision in the governing documents restricting the number of pets kept by a unit's owner, **section 1** requires the provision to apply prospectively, prohibiting the association from restricting a unit's owner from continuing to keep a pet that otherwise complied with the previous provisions of the governing documents. **Section 1** provides that a prohibition on pet ownership may be contained in the original declaration of a common-interest community. **Section 1** also provides that a prohibition on pet ownership contained in a provision of a governing document is valid and



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17 enforceable, if the prohibition is effective on or before October 1, 2019. **Section 2**
18 of this bill makes a conforming change.

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

1 **Section 1.** Chapter 116 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. Except as otherwise provided in subsections 2, 3 and 4, the*
4 *executive board of an association shall not and the governing*
5 *documents of that association must not prohibit a unit's owner*
6 *from keeping at least one pet within such physical portion of the*
7 *common-interest community as that owner has a right to occupy*
8 *and use exclusively.*

9 *2. This section does not preclude an association from*
10 *adopting, and does not preclude the governing documents of the*
11 *association from setting forth, reasonable restrictions on the*
12 *ownership of pets by a unit's owner. For the purpose of this*
13 *subsection, it is presumed that a restriction on the ownership of a*
14 *dangerous or vicious dog as defined in NRS 202.500 is a*
15 *reasonable restriction on pet ownership.*

16 *3. If an association adopts a new provision or amends an*
17 *existing provision of a governing document to restrict the number*
18 *of pets kept by a unit's owner, the provision must not prohibit a*
19 *unit's owner from continuing to keep his or her pet within such*
20 *physical portion of the common-interest community as that owner*
21 *has a right to occupy and use exclusively, if the pet otherwise*
22 *conformed to the previous provisions of the governing documents.*

23 *4. The original declaration may prohibit a unit's owner from*
24 *keeping at least one pet within such physical portion of the*
25 *common-interest community as that owner has a right to occupy*
26 *and use exclusively. A declaration may not be amended to include*
27 *such a prohibition.*

28 *5. Nothing in this section shall be construed to affect:*

29 *(a) The validity and enforceability of a provision in a*
30 *governing document prohibiting a unit's owner from keeping at*
31 *least one pet within such physical portion of the common-interest*
32 *community as that owner has a right to occupy and use*
33 *exclusively, if such a prohibition was effective on or before*
34 *October 1, 2019.*

35 *(b) Any other right provided by law to a unit's owner*
36 *concerning his or her right to keep a pet within such physical*
37 *portion of the common-interest community as that owner has a*
38 *right to occupy and use exclusively.*



6. *For purposes of this section:*

(a) *"Governing documents" means:*

(1) *The articles of incorporation, articles of association, articles of organization, certificate of registration, certificate of limited partnership, certificate of trust or other documents that are used to organize the association for the common-interest community;*

(2) *The bylaws and rules of the association; and*

(3) *Any other documents that govern the operation of the common-interest community or the association.*

(b) *"Pet" means any domesticated bird, cat, dog or aquatic animal kept within an aquarium or other animal as agreed upon by the association and the unit's owner.*

Sec. 2. NRS 116.1203 is hereby amended to read as follows:

116.1203 1. Except as otherwise provided in subsections 2 and 3, if a planned community contains no more than 12 units and is not subject to any developmental rights, it is subject only to NRS 116.1106 and 116.1107 unless the declaration provides that this entire chapter is applicable.

2. The provisions of NRS 116.12065 and the definitions set forth in NRS 116.005 to 116.095, inclusive, to the extent that the definitions are necessary to construe any of those provisions, apply to a residential planned community containing more than 6 units.

3. Except for NRS 116.3104, 116.31043, 116.31046 and 116.31138, the provisions of NRS 116.3101 to 116.350, inclusive, **and section 1 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 6 units.

