# Forms & Notices Timelines

Rev. 06/29/2020





#### Nevada Real Estate Division

Presented by the Training Officer; Office of the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels

				OFFICE OF THE OMBUDSSECTOR	STATE OF NEVAD OF COMMON-INTEREST CO 3300 W. Sahara Ave. Sec. 359 * La (202) 486-4489 * Tall filter (1871) (29-99) and: meiths C.W. Contraductational my gen UAL ASSOCIATION F	07 * Fax: (702) 480-4720 http://red.av-gov/	
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	COMM	ST SAIDAS, NEVADA: AS VEGAS, NEVADA: 486-4480 • Fax (702) 486-4520 • Toll-Free Telephone: (877) 829-9907		□ Reserve Study Summary □ Ma		1.0	
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(702) 486-4480 * Toll t E-mail: <u>CECOmbudomentifred a</u>	TIES AND CONDOMI printe, Suite 350 * Las Vegas, Notes: (877) 829-9907 * Fax: (70 pages http://red.n	NIUM HOTELS PROGRAM IV 89102 12) 486-4520 N.gov/
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Association's Legal Name (As it appears in the Articles of Incorporation/Secretary of State's website)		
Association's Subdivision Name(s)		
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Is the Association identified as a Master or Sub-Association, p	er the CC&Rs?	Master Sub-Association
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C/O	Attn.	
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Individual (not company) designated as the Custodian of Reco		
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- Staff in the Ombudsman's Office is prohibited from providing legal advice. All Materials produced and provided to the public are for informational purposes only and do not serve as legal advice.
- Should confusion arise requiring the interpretation and application of the law to your association's specific circumstances, a legal opinion from a qualified attorney may be necessary.
- Please review the course calendar, training request form, and presentations published on the training webpage to gain an understanding of additional opportunities for education and training. See our training webpage at <a href="http://red.nv.gov/Content/CIC/Program\_Training/">http://red.nv.gov/Content/CIC/Program\_Training/</a>.

# Agenda



- > Introduction
- > Forms
- Executive Board Meetings
- Unit Owner Meetings
- Budgeting
- Other Notices

#### Introduction

- ➤NRS 116 contains several provisions of law that specify timeframes for delivering forms to the Division and various notices to unit owners.
- The provisions covered in this course are not all inclusive and it is highly recommended that participants review the complete language of the law for themselves whenever necessary.



# Initial Registration of New Association

- ➤ Used when a CIC registers with the Office of the Ombudsman for the first time
  - ➤ If that CIC organized no later than the date the first unit was conveyed.
- ➤ This registration is required pursuant to NRS 116.3101 and NRS 116B.415 to comply with chapters 78, 81, 82, 86, 87, 88 and 88A of the Nevada Revised Statutes and
  - > must be completed **before** filing the articles of incorporation, certificates of registration or certificates of limited partnership, or any certificate of amendment thereof, with the Secretary of State.

#### STATE OF NEVADA

#### DEPARTMENT OF BUSINESS AND INDUSTRY - REAL ESTATE DIVISION OFFICE OF THE OMBUDSMAN FOR COMMON-INTEREST COMMUNITIES AND CONDOMINIUM HOTELS

(702) 486-4480 \* Toll free: (877) 829-9907 \* Fax: (702) 486-4520

#### INSTRUCTIONS FOR REGISTRATION OF AN ASSOCIATION OR CONDOMINIUM HOTEL

This information sheet is intended to assist the public in understanding the process of registering an association or condominium hotel with the Office of the Ombudsman for Owners in Common-Interest Communities, which is required by NRS 116.31158 and NRS 116B.625.

The Initial Registration form (Form 603) should be used when an association or condominium hotel registers with the Office of the Ombudsman for Owners in Common-Interest Communities for the first time (provided that the association organized no later than the date the first unit in the common-interest community was conveyed.) This registration is required pursuant to NRS 116.3101 and NRS 116B.415 to comply with chapters 78, 81, 82, 86, 87, 88 and 88A of the Nevada Revised Statutes and must be completed before filing the articles of incorporation, certificates of registration or certificates of limited partnership, or any certificate of amendment thereof, with the Secretary of State.

\*\*\*Note: Please check with the Department of Taxation to determine whether the association is required to have a business

The following documents are required to be submitted to the Division for an Initial Association Registration Application:

- 1. Initial Association Registration Application form 603:
  - The form is available at: <a href="http://red.nv.gov/uploadedFiles/rednvgov/Content/Forms/603.pdf">http://red.nv.gov/uploadedFiles/rednvgov/Content/Forms/603.pdf</a>
- 2. Permit Registration Letter issued by the Projects Section of the Nevada Real Estate Division:
  - Please call Jean McFeaters at 702-486-4480 Option 5 for the Projects Section of the Division;
- Recorded Plat Map or Maps;
- 4. CC&R's (Covenants, Conditions, & Restrictions):
- Draft is okay; needs to correspond with Initial Association's name;
- 5. Bylaws Draft is okay; needs to correspond with Initial Association's name;
- 6. Copy of Articles of Incorporation you intend to file with the Nevada Secretary of State:
  - Nonprofit Articles of Incorporation
- Registered Agent Acceptance

For the Initial Registration to be processed in a timely manner:

- Items 1-6 should be emailed to CICOmbudsman@red.nv.gov;
- The subject line of the email should read, "Initial Registration Filing Indented name of the Association;
- Please indicate in the body of the email how the certificate will be returned to the party filing the Initial:
  - Picked up at the Division
  - Mailed to an address indicated within the body of the email

#### No monies should be submitted with an Initial Registration Filing.

Please direct questions to the Division's CIC Supervisor at:

REAL ESTATE DIVISION

COMMON-INTEREST COMMUNITIES AND CONDOMINIUM HOTELS PROGRAM 3300 WEST SAHARA AVENUE, SUITE 325 LAS VEGAS, NEVADA 89102

(702) 486-4480 • Fax (702) 486-4520 Statewide Toll-Free Telephone: (877) 829-9907

#### Initial Registration of New Association continued

- >A unit-owners' association must be organized no later than the date the first unit is conveyed (sold);
- The association must be organized as a profit or nonprofit corporation, association, limited-liability company, trust, partnership or any other form of organization authorized by state law;
- ➤ Contain in its name the words "common-interest community," "community association," "master association," "homeowners' association" or "unitowners' association"; and
- > Register with the Secretary of State its articles, complying with the applicable provisions of state law.

#### STATE OF NEVADA

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(702) 486-4480 \* Toll free: (877) 829-9907 \* Fax: (702) 486-4520

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- Draft is okay; needs to correspond with Initial Association's name;
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  - Nonprofit Articles of Incorporation
- Registered Agent Acceptance

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- The subject line of the email should read, "Initial Registration Filing Indented name of the Association;
- · Please indicate in the body of the email how the certificate will be returned to the party filing the Initial:
  - Picked up at the Division
  - Mailed to an address indicated within the body of the email

#### No monies should be submitted with an Initial Registration Filing.

Please direct questions to the Division's CIC Supervisor at:

REAL ESTATE DIVISION

COMMON-INTEREST COMMUNITIES AND CONDOMINIUM HOTELS PROGRAM 3300 WEST SAHARA AVENUE, SUITE 325

LAS VEGAS, NEVADA 89102 (702) 486-4480 • Fax (702) 486-4520 Statewide Toll-Free Telephone: (877) 829-9907

# **Annual Registration**

- ➤ This registration form and the annual per unit fee of \$4.25 MUST be received by the Ombudsman's Office, no earlier than 45 days and no later than the last business day in the month the association incorporated with the Office of the Secretary of State.
- ➤ If the association fails to pay the fee on time, the Division shall impose an administrative penalty totaling 10% of the fees owed or \$500, whichever is less.

  NRS 116.31155(4)
- The amount of the unpaid fees bears interest equal to the prime rate at the largest bank in NV, as ascertained by the Commissioner of Financial Institutions from the date owed to the date the fees are paid in full.

  NRS 116.311155(4)

Office of the Ombudsman for CICCH

#### STATE OF NEVADA

#### DEPARTMENT OF BUSINESS AND INDUSTRY - REAL ESTATE DIVISION OFFICE OF THE OMBUDSMAN FOR COMMON-INTEREST COMMUNITIES AND CONDOMINIUM HOTELS

3300 W. Sanara Ave. Ste. 350 \* Las vegas, NV 89102 (702) 486-4450 \* Toll free: (877) 829-9907 \* Fax: (702) 486-4520 E-mail: mailto:ClCOmbudsman@red.nv.gov http://red.nv.go

#### ANNUAL ASSOCIATION REGISTRATION

Association's legal name: (As it appears in the Articles of Incorporation/Secretary of State's website)					
Subdivision name(s) for the Association: (As it appears on the County Assessor's website)					
Nevada Secretary of State (SOS) entity number: (For SOS Filing information, visit http://www.gov/sosentitysearch/)	SOS original filing date://				
Is the Association identified as a Master or Sub-association, per	er the CC&Rs:				
If identified as a Sub-Association, please indicate the name of the Master Association					
Association's physical address:	ohysical address: Current Notification Address for Division Use:				
(i) No address too concer (ross servers)	C/O				
City: State: NV Zip:	Attn:				
County the association is located in:	Address:				
Association Telephone Number:	City: State: Zip:				
Pursuant to NRS 116.3101 and NRS 116B.415, indicate the	type of common-interest community (choose one):				
☐ Profit corporation ☐ Non-profit corporation ☐ Trust ☐ G	General partnership 🔲 Limited partnership 🔲 Limited liability company				
Is the association a (check one):					
If a planned community, indicate unit type: 🔲 Single Family Dwelling 🔲 Condominium 🔲 Duplex 🔲 Townhouse 🔲 Manufactured Housing					
As of this date, the number of units that currently have liens file	led against them for unpaid assessments:				
Number of foreclosures, in the prior fiscal year, based on liens for failure of unit owner to pay assessments:					
Units/Budget/Assessments					
Number of current annexed units: (See page 3 regarding residential single family dwelling custom homes under Units/Budget/Assessments)					
Max. (total) # of units declarant reserves right to annex as indicated in the Covenant, Conditions & Restrictions (CC&Rs):					
Have the declarant's developmental rights (right to annex additional units into the community) expired:					
Date most recent annual meeting was held:					
Accounting Fiscal Year End: (Month /Day): /					
Total annual budgeted assessments (combined assessment amounts for all units within the community):					
Total annual budgeted revenue (combined assessment amounts for all units, including interest, other income, etc.):\$					
The most recent independent CPA financial statements, required by NRS 116.31144, were:					
The fiscal or calendar <u>wear</u> for which the reviewed or audited financial statements represent:					
If required, has the review or audit above been completed:					
Date the audit/review was completed:					
If not completed, explain:					
<u> </u>	For office use only				
Check No.: Amount: First in	Date Stamp: Walk-in Accepted by:				
Receipt No.: Date I	Processed:Processed By:				

Reserve Study Summary 

Master Roster

# Registration Filing Addendum

➤ The association shall submit the Registration Filing Addendum to the Division within 30 days of any change in the contact information of a member of the executive board or hired agents.

NAC 116.385

>There are no fees associated with this form.

#### STATE OF NEVADA DEPARTMENT OF BUSINESS AND INDUSTRY - REAL ESTATE DIVISION COMMON-INTEREST COMMUNITIES AND CONDOMINIUM HOTELS PROGRAM

3300 W. Sahara Avenue, Suite 350 \* Las Vegas, NV 89102 (702) 486-4480 \* Toll free: (877) 829-9907 \* Fax: (702) 486-4520

#### REGISTRATION FILING ADDENDUM

The Association shall submit this form to the Division within 30 days of any change in board membership or hired agents, including any change in contact information (NAC 116.385). There are NO FEES associated with this form. Any changes submitted are for Division use may and will not be reported to the Secretary of State. If submitted incomplete, this form will not be processed and will be returned to sende

Association's Legal Name (As it appears in the Articles of Incorporation/Secretary of State's website)	
Association's Subdivision Name(s) (As it appears on the County Assessor's website)	
Nevada Secretary of State (SOS) Entity Number  (For SOS Filing information, visit http://msoss.gov/sosentinysearch/)	SOS Original File Date//
Is the Association identified as a Master or Sub-Association, per the G	CC&Rs? Master Sub-Association Neither
If identified as a Sub-Association, please indicate the name of the Ma	ster Association
Has there been a change in address for correspondence	ce with the Association?   Yes (complete below)   No
C/O	Attn.
Address	CityStateZip
Association's Telephone Number (This phone number will be supplied to the public	Fax Number
Has there been a change in Management Company?	
Management Company Name	nagement company, complete the Custodian of Record below this section as well  Same Correspondence Address as above
	City State Zip
REQUIRED if YES for this portion: Date new Management began .	
Has there been a change in the Association's Custodia	
Individual (not company) designated as the Custodian of Records	Same as CM
List the address where the Association's records are located below	Same as Correspondence Address
Address	CityState Zip
Telephone Number	Fax Number
Has there been a change in Community Manager (CM	1)? Yes (complete below) No
If changing the community manager, com.  Name of Licensed Community Manager (As it appears on the license issued by the Roal Estate Division)	plete the Custodian of Record above this section as well with current Custodian.  CM License #
Name of Management Company:	
Licenses type: Temporary Certificate Provisional	Designation Supervisory Designation
If CM is a Temp or Provisional, Supervising Manager	Sup. CM License #
REQUIRED if YES for this portion: Date new Manager began	
Has there been a change in the Association's Attorney	of Record? Yes (complete below) No
Name of Law Firm	Name of Attorney
Address	CityState:Zip:
Telephone Number	Fax Number
	IAL USE ONLY
	cessed:Processed By:
Second Date Stamp: Date Prod	cessed:Processed By:

Office of the Ombudsman for CICCH

#### Certification of Board Members

- ➤ Each member of the board shall, within 90 days after joining the board, certify via for 602, that they have read and understand the association's governing documents and applicable laws.
- This form is kept for 10 years as a record of the association.

  NRS 116.31175(7)
- ➤ Do not submit this form to the Division unless requested.

#### STATE OF NEVADA DEPARTMENT OF BUSINESS AND INDUSTRY - REAL ESTATE DIVISION COMMON-INTEREST COMMUNITIES AND CONDOMINIUM HOTELS PROGRAM

(702) 486-4480 \* Toll free: (877) 829-9907 \* Fax: (702) 486-4520

#### REGISTRATION FILING ADDENDUM

The Association shall submit this form to the Division <u>within 30 days of any change</u> in board membership or hired agents, including any change in contact information (NAC 116.385). There are NO FEES associated with this form. Any changes submitted are for Division use mly and will not be reported to the Secretary of State. If submitted incomplete, this form will not be processed and will be returned to sende

sos	Original File Date / /
303	Original File Date//
er the CC&Rs? Maste	er Sub-Association Neither
the Master Association	
ndence with the Association?	Yes (complete below)
Attn.	
City	State Zip
Fax Number	
ı <u>v?</u>	. Yes (complete below) No
	Custodian of Record below this section as well
	Same Correspondence Address as above
todian of Records?	. Yes (complete below) No
rds	Same as CM
low	Same as Correspondence Address
City	State Zip
Fax Number	
(CM)?	Yes (complete below) No
er, complete the Custodian of Record ab	ove this section as well with current Custodian CM License #
isional Designation Super	visory Designation
1	//
rney of Record?	. Yes (complete below) No
Name of Attorney	
City	State: Zip:
Fax Number	
OFFICIAL USE ONLY	
hate Processed:	Processed By:
ate Processed:	Processed By:
	ret the CC&Rs?

Office of the Ombudsman for CICCH

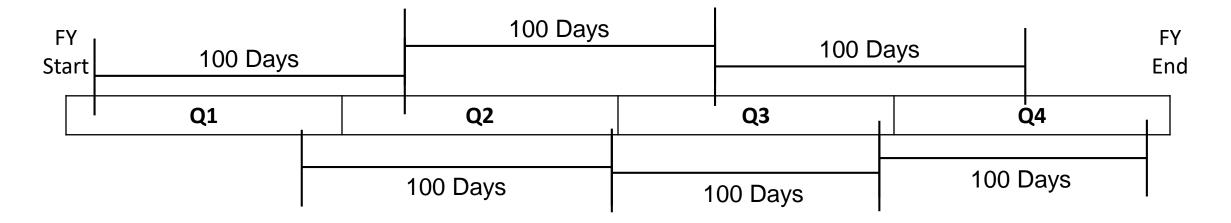




- 1. Which form is used to register a CIC with the Ombudsman for the first time?
- 2. True/False: An association MUST be organized as a nonprofit corporation.
- 3. Which form is used for annual registration with the Ombudsman?
- 4. What form is used to update the Ombudsman regarding board member or hired agents contact information?
- 5. Which form do new board members complete within 90 days of assuming their seat on the board?

### Executive Board Meeting: Frequency

- Meeting must be held at least once every quarter, not less than 100 days
  - >Two of which, must be at a time other than normal business hours.

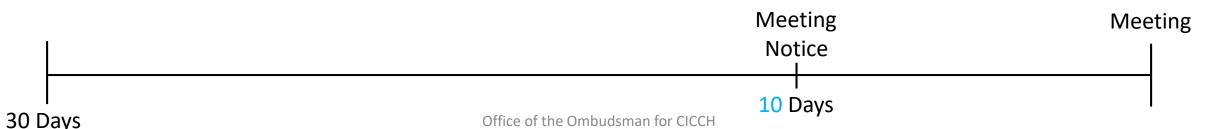


# Executive Board Meeting: Content

- ➤ At each meeting, the board SHALL review the following minimal financial information:
  - ➤ A current year-to-date financial statement;
  - ➤ A current year-to-date schedule of revenues and expenses of all operating and reserve accounts, compared to the budget for those accounts;
  - ➤ A current reconciliation of the operating and reserve accounts;
  - The latest account statements issued by the financial institutions where the funds are maintained; and
  - The current status of any civil action or claim submitted to arbitration or mediation in which the association is a party.

## Executive Board Meeting: Notice

- ➤ Unless the bylaws require a longer period, not less than 10 days before the meeting the designated officer shall cause notice of the meeting to be given to unit owners.
- ➤ Can be sent via:
  - ➤ Hand delivery;
  - ➤US mail, postage paid;
  - > Email if the owner has provided an address; or
  - ➤ Published in a newsletter or other publication that is circulated to each unit's owner.



#### Executive Board Meeting: Notice continued

- ➤ The notice MUST include:
  - ➤ The time and place of the meeting;
  - ➤ A copy of the agenda, OR state the date and location(s) where copies of the agenda may be conveniently obtained by the unit's owner;
  - ➤ Notification of the right of a unit's owner to have a copy of the audio recording, minutes, or a summary of the minutes provided to the unit's owner upon request; and
  - > Speak at the meeting (except during executive sessions)



### Executive Board Meeting: Capital Improvements

NRS 116.31088(1)

- ➤IF an assessment for a capital improvement project is to be considered or action is to be taken,
  - ➤ The association shall provide written notice to each unit owner, at least 21 calendar days before the meeting.



## Executive Board Meeting: Civil Actions

NRS 116.31088(1)

- ➤IF an association is considering commencement of a civil action the association shall provide written notice to each unit owner, at least 21 calendar days before the meeting.
- ➤ Does not apply to civil actions to:
  - ➤ Enforce the payment of an assessment;
  - ➤ Enforce CC&Rs, bylaws or rules;
  - ➤ Enforce vendor contracts;
  - ➤ Initiate a counterclaim; or
  - ➤ Protect the health, safety and welfare of the CIC.



### Executive Board Meeting: Emergencies

- ➤ An emergency is defined as any occurrence that:
  - ➤ Could not have been reasonably foreseen;
  - ➤ Affects the health, welfare, safety of residents;
  - > Requires immediate attention of and possible action by the executive board; and
  - > Makes it impracticable to comply with notice and agenda requirements.
- ➤ Notice must be sent prepaid US mail. If this is not possible, notice must be:
  - > Hand delivered or
  - ➤ Posted in a prominent place(s) within the CIC.



#### Executive Board Meeting: Executive Sessions

- ➤If the executive session is limited exclusively to discussing a violation of the governing documents (holding a hearing):
  - ➤ The secretary or other officer specified in the bylaws is required to give notice of the meeting ONLY to a person who may be subject to a hearing scheduled for that meeting.
- ➤If the executive session is limited exclusively to consulting with the attorney on privileged matters:
  - ➤ The secretary or other officer specified in the bylaws is required to **POST** notice of the executive session in one or more prominent places in the community AND provide electronic notice to all units' owners who have provided the association with an email address.
- ➤ Notification is only provided to keep unit owners in the loop, unit owners are not entitled to attend meetings held in executive session.



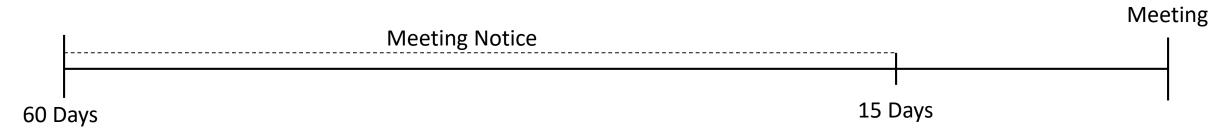
# Knowledge Check



- 1. How frequent must the executive board meet?
- 2. Not less then \_\_\_\_ days before an executive board meeting, notice must be given to unit owners.
- 3. If an assessment for a capital improvement is to be considered, the association shall provide written notice to each owner at least \_\_\_\_ days before the meeting.
- 4. What 4 factors are required for a situation to be classified as an emergency which would warrant an emergency meeting?
- 5. If the executive session is held exclusively to hold a violation hearing, must the board provide notice to all unit owners?

# Unit Owner Meeting: Notice

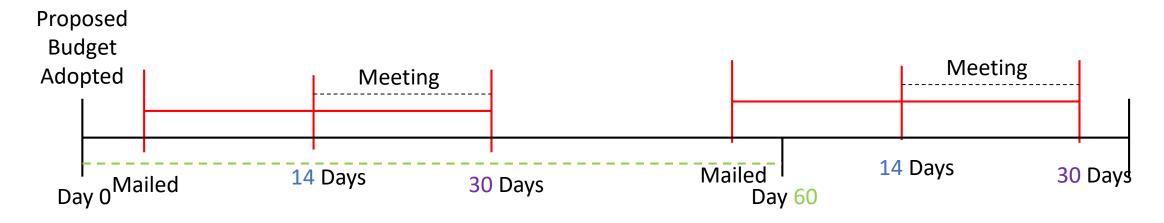
- ➤ Between 15 and 60 days before the meeting, the specified officer shall cause notice to be delivered stating the time and place of the meeting. Notice includes:
  - ➤ A copy of the agenda (any amendments to CC&R, fees or assessments to be imposed or decreased, budgetary changes, proposal to remove a board member, etc.);
  - ➤ Notice of a unit owner's right to have a copy of the minutes or a summary of the minutes provided upon request; and
  - ➤ Notice of a unit owner's right to speak to the association or executive board.



## Unit Owner Meeting: Budget Ratification (All)

NRS 116.31151(3)

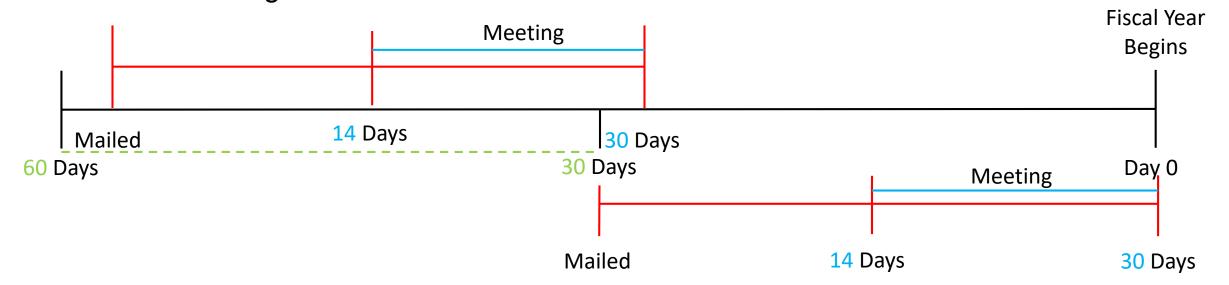
- ➤ Within 60 days after adoption of <u>any</u> proposed budget, the board shall:
  - >Provide a summary of the proposed budget to each unit's owner and
  - ➤ Not less than 14 days or more than 30 days after mailing, set a date for a meeting of the unit's owners to consider ratification.



## Unit Owner Meeting: Budget Ratification (Annual)

NRS 116.31151(1)

- ➤ Unless the declaration imposes more stringent standard, 30 to 60 days before the beginning of the fiscal year of the association:
  - ➤ The board shall prepare and distribute a copy of the daily operation budget, the reserve budget, fine schedule (NRS 116.31031(3) and collection policy (NRS 116.31151(4)).
  - ➤ Not less than 14 days or more than 30 days after mailing, shall set a date for a meeting of the unit's owners to consider ratification.



### Unit Owner Meeting: Elections (Nominations)

- ➤ Not less than 30 days before the preparation of a ballot, the specified officer shall cause notice to be given to each unit owner:
  - ➤Of their eligibility to serve as a member of the board;
  - ➤ That each qualified unit owner may have their name placed on the ballot;
  - ▶If the duly elected process has been authorized and how it is implemented; and
  - > The nomination and candidate disclosure forms.



#### Unit Owner Meeting: Elections (Ballots)

- ➤ At least 15 days before the meeting where the ballots are to be opened and counted the association shall prepare and mail:
  - ➤ The ballots,
  - ➤ Candidate disclosures, and
  - ➤ If requested in writing by the candidate, a candidate informational statement.



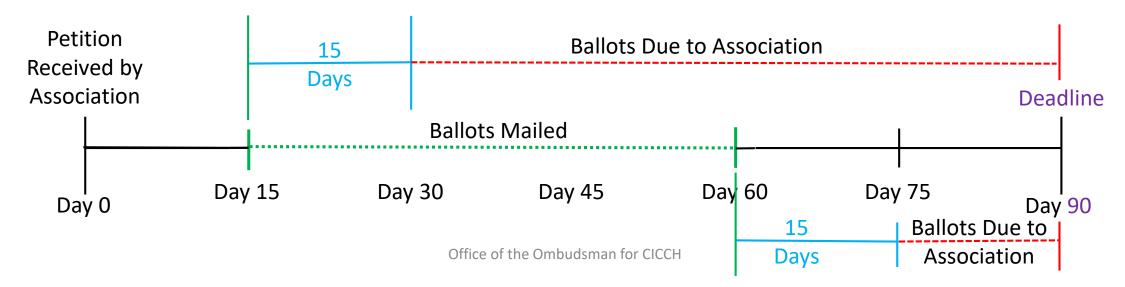
### Unit Owner Meeting: Elections Timeline

- ➤ At least 15 before the Ballots are opened, they are distributed.
  - ➤ Often sent with the Unit Owners Meeting notice
- ➤ Not less than 30 days before ballots are prepared, nomination forms are mailed.



## Unit Owner Meeting: Removal Elections

- ➤ No later than 90 days after the petition is received by the board, a special meeting of the units owners must be held to open and count the ballots.
- ➤ Between 15 and 60 days after a recall petition is received by the association,
  - ➤ ballots for the removal MUST be mailed to each unit owner.
- ➤ Unit owners must be provided at least 15 days to return the removal ballot. Special meeting may occur anytime after this 15 days.



# Knowledge Check



- Notice of a meeting of the unit owners is sent between \_\_\_\_ and \_\_\_ days before the meeting.
- 2. Within \_\_\_\_ days after adopting any proposed budget, the board shall provide a summary of the proposed budget to each unit owner.
- 3. Not less than \_\_\_\_ days before the preparation of a ballot, nomination notices are sent.
- 4. Ballots are sent at least \_\_\_\_ days before the meeting where they are to be counted.
- 5. A recall meeting must be set no later than \_\_\_\_ days after a recall petition is received.

### Budgeting: Reserve Study

- ➤ The board shall:
  - >cause a study of the reserves to be conducted at least once every 5 years.
  - review the results of the most recent study at least annually.
  - make any necessary adjustments to the funding plan to provide adequate funding of the reserve account.
- ➤ No later than 210 days after the executive board receives a draft of the study, the board SHALL submit a summary to the Division, electronically if possible, via Form 609.

  NAC 116.435
- ➤ No later than 45 days after the board adopts the results of a study, a summary MUST be submitted to the Division.

### Budgeting: Review & Audit

- ➤ If the association's annual budget is between:
  - ➤\$45,000 \$74,999 the board shall cause the financial statement(s) of the association to be reviewed by an independent certified public accountant (CPA) during the year immediately preceding the year in which a reserve study is to be conducted (year 4 of the 5 year cycle).
  - >\$75,000 \$149,999 the board shall cause the financial statement of the association to be reviewed by an independent CPA every fiscal year.
  - ➤\$150,000 or greater the board shall cause the financial statement of the association to be audited by an independent CPA every fiscal year.



### Notice: Changes to Governing Documents



- ➤ Governing documents include:
  - ➤ The Declaration/CC&Rs;
  - ➤ The Articles of Incorporation, organization, etc;
  - ➤ The bylaws;
  - ➤ Rules & Regulations; and
  - Any other documents which dictate the operation of the CIC. (reserve study, fine schedule, collection policy, design guidelines, resolutions, etc.)

- ➤ Within 30 days after a change is made to the governing documents:
  - The secretary or designated officer SHALL prepare and cause to be delivered [to the unit owners] a copy of the change(s) made.

    NRS 116.12065

### Notice: Unavailability of Insurance

NRS 116.3113(3)

If any legally required insurance is not reasonably available, the association SHALL cause notice of that fact to be <u>promptly</u> given to all units' owners.



#### Notice: Cancellation of Insurance

NRS 116.31133(3)

- ➤ The insurer who issued the policy may not cancel or refuse to renew it until 30 days AFTER notice of the proposed cancellation or nonrenewal has been MAILED to:
  - ➤ The association,
  - ➤ Each unit owner, and
  - ➤ Each holder of a security interest.

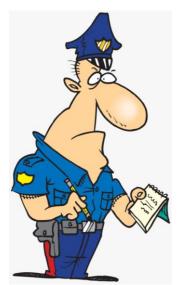


#### Notice: Of a Violation

NRS 116.31031

➤ No fine may be imposed unless

- root less than 30 days before the alleged violation, the violator had been provided written notice of the applicable provisions of the governing documents that describe the violation, **and**
- > within a reasonable time after the discovery of the alleged violation, the violator has been provided with;
  - ➤ Written notice
    - > specifying in detail the alleged violation
    - > the amount of the fine, and
    - ➤ the date, time and location for a hearing, and
  - > a reasonable opportunity to cure the alleged violation or to contest the alleged violation at the hearing.
- ➤ A unit's owner is deemed to have received written notice when it is mailed to the address of the unit **and** to a mailing address specified by the unit's owner, if different.



### Notice: Of Towing

- ➤ At least 48 hours before the association may direct the removal of an improperly parked vehicle on a private street:
  - ➤ The association must post written notice in a conspicuous place on the vehicle **OR** provide oral or written notice to the owner or operator of the vehicle, unless:
    - ➤ The vehicle is blocking a fire hydrant, fire lane or parking space designated for the handicapped; or
    - Poses an imminent threat of causing a substantial adverse effect on the health, safety, or welfare of the units' owners or residents of the common-interest community.

#### Notice: Delinquent Assessment

NRS 116.31162(4)

- ➤Not earlier than **60 days** after the obligation [NRS 310313(3)(b)] becomes past due:
  - ➤ The association must mail to the address on file for the unit's owner or, if authorized by the parties, deliver by electronic transmission: a schedule of the fees that may be charged if the unit's owner fails to pay the past due obligation;
  - ➤ a proposed repayment plan;
  - ➤ a notice of the right to contest the past due obligation at a hearing before the executive board; **and**
  - > the procedures for requesting such a hearing.

#### Notice: Default & Election to Sell

NRS 116.31162(1)(b)

NOTICE:

- This notice is sent no less than **30 days** after mailing or delivering by electronic transmission the Notice of Delinquent Assessment.
- This notice must contain the same information as the notice of delinquent assessment and also describe the total amount of the deficiency in payment, with a separate statement of:
  - the amount of the association's lien that is prior to the first security interest on the unit as of the date of the notice;
  - the amount of the lien that is attributable to assessments as of the date of the notice;
  - the amount of the lien that is attributable to abatement as of the date of the notice; and
  - the amount of the lien that is attributable to the costs of enforcing the association's lien as of the date of the notice (look to the law for additional inclusions).

#### Notice: Default & Election to Sell continued

NRS 116.31162(1)(b)

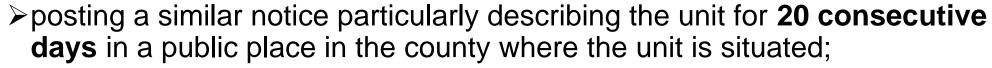
- The notice of default and election to sell must be signed by the person designated in the declaration or by the association for that purpose. If no one is designated, by the president.
- The notice must also be recorded in the county in which the CIC is located.

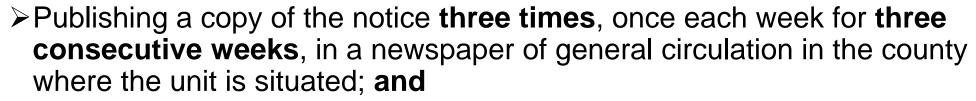


#### Notice: Sale

NRS 116.311635

➤If the unit's owner or his/her successor in interest fails to pay the amount of the lien within **90 days** following the recordation of the notice of default and election to sell, the association shall give notice of the time and place of the sale by recording the notice of sale before selling the unit **and**:





Mailing a copy of the notice of sale, on or before the date of first publication or posting, by certified or registered mail, return receipt requested, to the unit's owner or his or her successor in interest at his or her address, if known, and to the address of the unit.





#### Notice: Sale continued

- Additionally, a copy of the notice of sale must be served by a person who is 18 years of age or older and who is not a party to or interested in the sale by personally delivering a copy of the notice of sale to an occupant of the unit who is of suitable age or by posting a copy of the notice of sale in a conspicuous place on the unit.
- ➤ Any copy of the notice of sale required to be served must include the amount necessary to satisfy the lien as of the date of the proposed sale and the warning included in NRS 116.311635(3)(b).

### Notice: Interruption of Utilities

- ➤ At least **10 days** before the association interrupts any utility service, the association:
  - >shall send a written notice of its intent to interrupt service.
- ➤ An association **may not** interrupt any utility service except for the nonpayment of utility charges when due.
- ➤The interruption of any utility service must be performed in accordance with all laws, regulations and governing documents.

# Knowledge Check



- 1. Reserve studies must be conducted at least once every \_\_\_ years.
- 2. Within \_\_\_\_ days after a change is made to the governing documents, a copy of the change(s) shall be delivered to owners.
- 3. True/False: A unit owner is deemed to have received written notice (of a violation) when it is mailed **or** emailed to the unit owner.
- 4. Can an association interrupt utility services to a unit as penalty for a violation of the governing documents?
- 5. The association shall send a written notice of its intent to interrupt utility services at least \_\_\_\_ days before they are shut off for nonpayment.

#### Conclusion!



- > Introduction
- > Forms
- Executive Board Meetings
- Unit Owner Meetings
- Budgeting
- Other Notices

#### Questions?

• <a href="http://red.nv.gov/">http://red.nv.gov/</a> - Main Page

CICOmbudsman@red.nv.gov — Email Questions

http://red.nv.gov/Content/CIC/Program\_Training/