

Nevada HOA Laws, Rules, Regulations & Resources — Homeowners Protection Bureau, LLC

HOA LAWS AND REGULATIONS

- [Federal Laws](#): In addition to state law regulations, the federal government has laws that govern the operation and management of condominium and homeowners' associations in the state of Nevada.
- [Nevada Fair Housing Law](#), NRS 118.010. The Act prohibits housing discrimination because of race, religious creed, color, national origin, disability, sexual orientation, gender identity or expression, ancestry, familial status or sex. The Act applies the protections provided under the [Fair Housing Act](#) (FHA) at the state level.

Victims can file a complaint with the [Nevada Equal Rights Commission](#) or [HUD](#) within one (1) year from the date of the discriminatory act. Victims may also file a private lawsuit in federal district court within two (2) years of the discriminatory act.

- [Nevada Debt Collections Law](#), N.R.S. § 649.370, et. seq.: The law regulates debt collection at the state level and contains provisions similar to the [Fair Debt Collection Practices Act](#) (FDCPA). The Act prohibits debt collectors from using abusive, unfair or deceptive practices when attempting to collect a debt.

HOA fees are considered “debts” under the FDCPA, and homeowners are protected “consumers.” Victims can file a complaint against a debt collector who is violating the law with the state’s [Attorney General's Office](#), [FTC](#), or [CFPB](#). Under the FDCPA, victims also have the right to sue a debt collector in state or federal court within one year from the date of the violation.

- [Nevada Nonprofit Corporations](#), N.R.S. § 82.006, et. seq.: Associations in Nevada must be organized as a profit or nonprofit corporation, association, limited-liability company, trust, partnership or any other form of organization authorized by the law.

If an association is a non-profit, as is the case with most Nevada associations, it will be governed by the Nevada Nonprofit Corporation Act, specifically with regard to corporate structure and procedure. For-profit associations are likewise governed by the Nevada Business Corporation Act.

- [Nevada Uniform Common-Interest Ownership Act](#), N.R.S. § 116.001, et. seq.: This chapter applies to all common-interest communities created within the state of Nevada, except as otherwise provided in this section and [NRS 116.1203](#). See [NRS 116.1201](#) for more on applicability of provisions of this chapter.
- [Nevada Condominium Act](#), N.R.S. § 117.010, et. seq.: This chapter provides a legal framework for community restrictions, assessments, transferring property interests, and the proceedings to foreclose on a lien. The provisions of this chapter applies to condominiums that recorded a survey map, diagrammatic floor plans, and a signed certificate before January 1, 1992. NRS 117.020(1).

- [Common-Interest Communities: Regulations of Community Managers and Other Personnel](#) - NAC Chapter 116A - This chapter regulates the the conduct of community managers and reserve study specialists and is administered by the [Nevada Real Estate Division](#).

SOLAR PANELS

- [Prohibition or restriction on use of system for obtaining solar energy on property](#), NRS 111.239(1) – Any covenant, restriction or condition contained in a deed, contract or other legal instrument which affects the transfer or sale of, or any other interest in, real property and which prohibits or unreasonably restricts or has the effect of prohibiting or unreasonably restricting the owner of the property from using a system for obtaining solar energy on his or her property is void and unenforceable.
- [Prohibition against prohibiting or unreasonably restricting use of system for obtaining solar energy](#), NRS 278.0208(2) - Any covenant, restriction or condition contained in a deed, contract or other legal instrument which affects the transfer or sale of, or any other interest in, real property and which prohibits or unreasonably restricts or has the effect of prohibiting or unreasonably restricting the owner of the property from using a system for obtaining solar energy on his or her property is void and unenforceable.
- [General duties concerning energy resources and energy conservation](#). [Effective through December 31, 2025.] NRS 701.180(6) - This law gives the [Director of the Governor's Office of Energy](#) the power to make a determination of an unreasonable restriction that would prohibit an owner of a property from using a solar energy system on his or her property in accordance with NRS 111.239 and 278.0208 cited above.

GOVERNMENT AGENCIES

- [U.S. Department of Housing and Urban Development](#) - (HUD) - The agency is responsible for enforcing the federal [Fair Housing Act](#) (FHA), which as amended, prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, because of race, color, religion, sex, familial status, national origin, and disability.

Recommended Reading:

- [Joint Statement of HUD and Dept. of Justice Reasonable Accommodations under the Fair Housing Act \(2004\)](#).
- [Joint Statement of HUD and Dept. of Justice Reasonable Modifications under the Fair Housing Act \(2008\)](#).
- [Assessing a Person's Request to Have an Animal as a Reasonable Accommodation Under the Fair Housing Act \(2020\)](#).
- [Discrimination Against Persons with Disabilities: Testing Guidance for Practitioners \(2005\)](#).
- [Nevada Equal Rights Commission](#) - The agency investigates fair housing discrimination complaints on the state level. Homeowners who believe have experienced housing discrimination can file a complaint with this agency.

- [United States Department of Justice Civil Rights Division](#) - The agency enforces civil rights laws, including the [Americans with Disabilities Act](#) (ADA). The ADA prohibits discrimination against disabled persons in employment, transportation, public accommodations, communications, and access to government programs and services.
 - [Frequently Asked Questions about Service Animals and the ADA](#) - A guide on the ADA's service animal provisions.
 - [ADA Revised Requirements: Service Animals](#) - This publication clarifies and refines issues and contains new, and updated, requirements, including the 2010 Standards for Accessible Design (2010 Standards).

The [State of Nevada ADA and Disability Resources](#) assists individuals at the state level.

- [Federal Trade Commission](#) (FTC) - This is the primary federal agency responsible for enforcing the [Federal Fair Debt Collection Practices Act](#) (FDCPA), which prohibits debt collectors from using abusive, unfair or deceptive practices when attempting to collect a debt.
- [Consumer Financial Protection Bureau](#) (CFPB) – The agency enforces federal consumer financial laws, including the FDCPA and [The Servicemembers Civil Relief Act](#) (SCRA).
- [Nevada Government Portal](#) - Search for *government* information by topic and agency.
- [Nevada Legislature](#) - Search your state representative and the [legislation](#) (or, "statutory law") database.
- [Nevada Attorney General](#) - The office of the attorney general plays an important role in protecting the state's citizens.
 - [Consumer Protection](#)
- [Nevada Real Estate Division](#) - HOA Resources

LEGAL RESOURCES

- [Nevada Judiciary](#) - The website gives the public access to court information, documents, rules, legal opinions, court cases, self-help services, lawyer referral services, and more.
- [Nevada State Bar Association](#) - The office gives the public access to a lawyer directory, lawyer referral service, free or low-cost legal services, and records to determine if a lawyer is in good standing, verify their malpractice insurance, or file a complaint.
- [American Arbitration Association](#) - The organization provides alternative dispute resolution (ADR) services.
- [Legal Aid Center of Southern Nevada](#) - The office offers legal counsel, advice and representation for individuals who cannot afford an attorney.

HOA CONTACT INFORMATION AND DOCUMENTS

- [HOA Directory](#) - Homeowners can enter the name of the community or subdivision to find the association's contact information, list of board members, and other relevant

corporation information.

- **HOA Documents** - The association's Declaration of Covenants, Conditions, and Restrictions (CC&Rs), Amendments to CC&Rs, Bylaws, Lien Notices, HOA Notices, Plats, Maps, and other community documents can be found by visiting the county recorder's office website in which the association is located.

The association's CC&Rs must be recorded with the county land records to be enforceable. To find the HOA Documents for a particular community, please follow the links below and conduct a search under the name of the subdivision.

HELP FOR CONDOMINIUM AND COMMUNITY ASSOCIATION MEMBERS

Homeowners and board members can contact the [Office of the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels](#) to obtain information and assistance to better understand their rights and obligations under the law and their governing documents.

The Ombudsman's office provides education, informal mediation regarding governing documents as well as investigation of disputes.

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Even if a community has a valid reason to restrict short-term rentals, it still needs legal and/or contractual authority to support the restriction. Typically, the authority comes from an HOA's declaration, from state law, or a combination of the two. A declaration is a contract among property owners in a community. The owners jointly agree to accept certain obligations and restrictions on how properties in the community can be used. If everyone complies, the community as a whole will benefit—or at least that is the idea.

The U.S. legal system generally views any land-use restrictions with suspicion. However, the law also recognizes that reasonable restrictions are sometimes justified if they benefit the community as a whole. With that in mind, courts throughout the country have consistently upheld the right of HOAs to impose architectural restrictions as long as the restriction serves a legitimate purpose, is within the association's power under state law and/or the community's declaration, and does not violate any other law or public policy.

When you purchase a property in a community with a homeowners' association, you're also acquiring the obligation to pay regular assessments. Unfortunately, though, homeowners are sometimes financially unable to pay assessments. Homeowners faced with potential collections action must understand how the HOA collections process works and the legal rights and redress available for both homeowners and the association. This guide will help all community members, including the board, resolve conflict, and avoid escalation.

On March 11, 2020, the World Health Organization declared the outbreak of COVID-19 (the medical condition caused by the novel coronavirus SARS-CoV-2), a global pandemic. HOAs and condominium associations have an essential role to play in slowing the spread of COVID-19. By applying the Center for Disease Control and Prevention ("CDC") recommendations in the planned community setting, HOA board members, owners, residents, visitors, and employees can help prevent illness in their communities and keep their loved ones, friends, and neighbors healthy and safe.

The fundamental purpose of a homeowners' association is to benefit the community and its members. Usually, that means preserving the aesthetic beauty of the neighborhood by maintaining common areas and ensuring homeowners keep up their properties. Or, it might mean using pooled resources to make life easier for the entire community—through road and sidewalk repairs or snow removal, for instance. Most of the time, the overall goal is to increase property values and raise the living standard in the community. In an emergency, though, an HOA's role can take on an entirely new dimension.

One way or another, future historians will consider the Coronavirus Pandemic among the most noteworthy events of the early 21st Century. The full economic impact on homeowners and their families cannot yet be precisely predicted, but it is likely to be immense. Taking the necessary precautions to avoid exposure to the virus and preparing for the financial ramifications will require prudence, careful planning, and maybe even a little creative thinking. Homeowners can't completely avoid the fallout from Coronavirus, but there are a few measures that could hopefully soften the blow.