

THE OFFICIAL PUBLICATION OF THE NEVADA CHAPTER
OF COMMUNITY ASSOCIATIONS INSTITUTE

THE MAGAZINE FOR COMMON INTEREST COMMUNITIES

community interests

WHAT OUR INDUSTRY IS TALKING ABOUT

WHAT HOMEOWNERS NEED TO KNOW

FEBRUARY 2017



79TH

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SESSION**

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FEBRUARY 2017

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Journey to Success



April Parsons, CMCA, 2017 CAI Board of Directors President

I am going to be writing a column every month, and this is only my second month. I have to tell you with two months under my belt, I am sitting here wondering what you would like to hear. What would interest you to read all the way through? I ask myself, will I succeed in saying something meaningful? Having pondered that question, another one came to mind. What is success and how do we define it?

I believe that success is a moving target. If you help people every day and exercise kindness while in pursuit of your business or life goals, you will feel a sense of accomplishment each day; and, you are creating success. The only way I see it, get out of your comfort zone and challenge yourself by stretching a little more in order to move yourself forward to the next level. I don't think you have to measure success by the expensive car you drive, the money, or big house; your success is in your own terms. Everyone is unique enough to have their own definition of what makes them feel and think they are a success. One of my favorite quotes

that I base success on is: "I have learned not to measure a man by his success in life, but by the obstacles he has overcome while trying to succeed." Booker T. Washington.

I am looking forward to the success of the Nevada chapter this year. All of us are embarking on a journey together, and it is that journey with CAI that I am genuinely looking forward to in the months ahead. As we move forward in this legislative year, let's work together, strive to combine efforts, and accomplish many undertakings through and with each other.

If you have any questions about CAI, committees, legislation/grassroots, education, or just want to chat about CAI, let me know. I am here to listen and I want to be successful as your president.

Thank you for your participation and support of our chapter. We would not be the organization that we are without your presence.

April Parsons, CMCA

"I have learned not to measure a man by his success in life, but by the obstacles he has overcome while trying to succeed." —Booker T. Washington.

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We Jumped in ... What About You?



Vicki Niggemeyer
Community
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Chair

Live with a member of the CAI Nevada chapter Legislative Action Committee (LAC), and right now it's ALL about the 2017 Nevada Legislative Session! Well - there's also dinner and laundry. But at our house, we are pretty much immersed in the agenda of the 79th Nevada State Legislative Session which started on February 6 and runs until June 5.

What about your house? Are you aware of what's going on in Carson City? Does it matter to you?

I suspect we all feel at times like we have no control over government issues at all. We cross our fingers and hope for the best. But, there is a better way. Especially at the state level where decisions directly impact us. Want your HOA fees to increase? Probably not. Certain legislative actions could result in higher assessments. How can you find out? How can you "have a say" in the ongoing legislative debate?

This month's issue of *Community Interests* is filled with information and advice for anyone interested in learning about how our legislative process works, about current BDRs, and how to contact your legislator with your specific opinion about upcoming bills.

You might want to start with *What is LAC?* by Glen Proctor which explains what the Legislative Action Committee is all about. Then move on to *What is a BDR?* by Mark Leon, and then *How the Nevada Legislative Process Works* by Greg Toussaint. These two articles will give you a good foundation for understanding what is happening in Carson City.

Want to get involved? Check out Glen Proctor's article: *How to Contact Your State Legislative Representative and Why You Should!* There is also a mechanism for actual testimony if you feel so inclined; read *HOA Law - Why You Should Get Involved and Testify* by Mark Leon. And, as we have been emphasizing for the past two months, you can join the Grassroots Initiative. See the article by Chuck Niggemeyer, *GRASSROOTS NEEDS YOU, ALL OF YOU!!! Homeowners - Managers - Business Partners.*

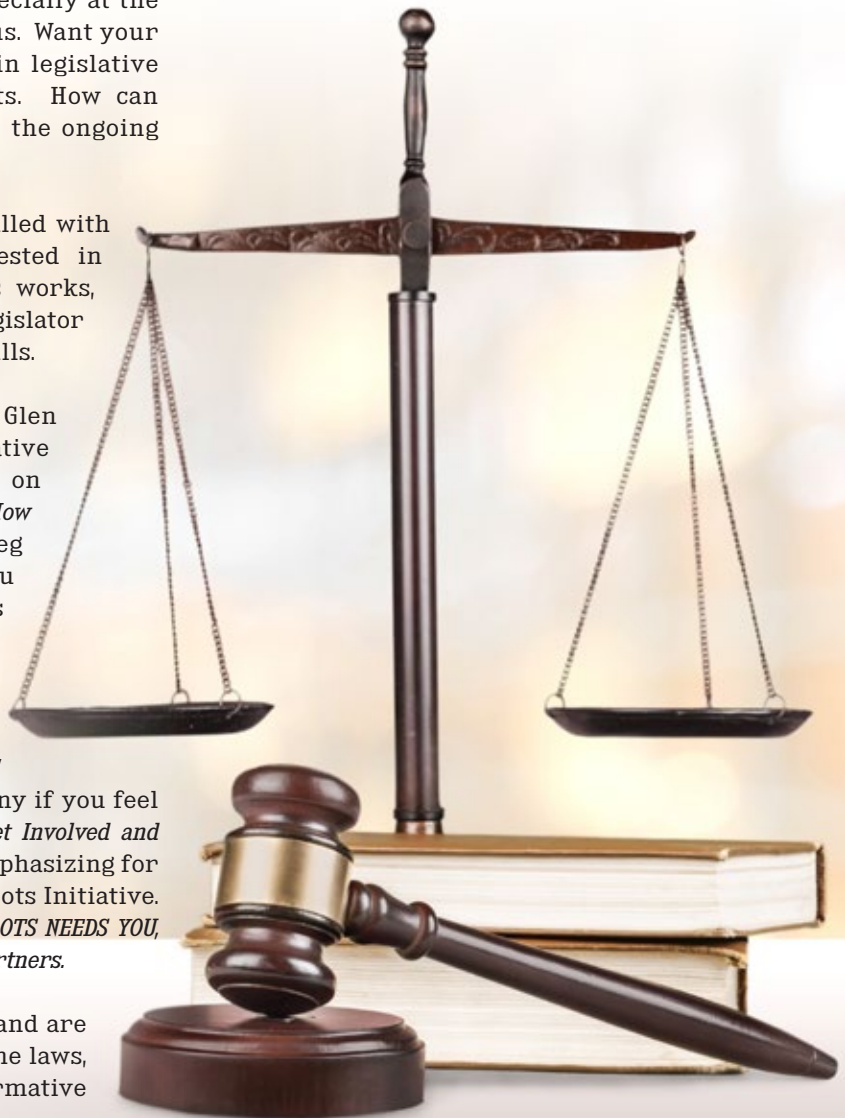
After you have read all of the above articles and are ready for a lighter version of how bills become laws, you might want to check out the cute but informative

You-Tube cartoon, "I'm Just a Bill." It's geared for the federal level, but applies to the state level as well. And it's only three minutes in length. I think you'll like it!

There certainly is more to life than the Nevada Legislative Session. Like "love." Be sure to celebrate Valentine's Day with the love of your life! Go to work. Meet with friends and family.

Even so, I hope we have convinced you to make time to participate in the Nevada state system of making laws that affect each-and-every-one of us at some level. Jump into the fray. Express your opinions. Be a participant!

Vicki Niggemeyer



In the January 2017 issue, in *The Final Curtain*, the points for classes should have read: M-100 for CMCA candidates and M-200 classes for AMS candidates. Apologies for the inaccuracy and any inconvenience to our readers.

The High Speed 2017 Legislative Ride Has Just Begun, Jump on Board NOW!

By Vicki Niggemeyer



After a bruising election last fall, thinking about anything related to politics is probably still painful for many. **BUT, WE MUST!** The 2017 Nevada legislative session is upon us. Legislative decisions made at the state level can profoundly impact individuals and the communities we live in. The good news is that the session is only four months long; so, buckle up for a fast-paced and vitally important four months ahead.

Nevada is one of four states that convenes its legislature every other year, along with Texas, Montana and North Dakota. Article 4, section 2 of the Nevada Constitution states

that the legislature will meet biennially, and will begin on the first Monday in February commencing for 120 days.

There are advantages to having a legislature meet every other year. Bob Beers, Las Vegas City Councilman for Ward 2 and former Nevada State Assemblyman and Senator, firmly believes that yearly legislative sessions "could cost associations more money than under the biennial system. A full-time legislature is an ongoing process; with a biennial legislature the time span for changes in the law is short." Short, yes; but sometimes with what many would consider devastating consequences. Think solar!

Because of Nevada's short biennial session, legislative considerations are jam-packed into the limited numbers of days, like people waiting in line at the DMV! Because of this short biennial session, debates and legislative actions that affect all Nevadans will zip by in a flash, like a red Maserati! YOU, on the other hand, can take it a bit slower. Let CAI help YOU maneuver the legislative avenues.

CAI promotes awareness and encourages all Nevadans to pay attention to and participate in the process as much as possible. Updated information regarding the current legislative session can always be accessed through the CAI website: cai-nevada.org on the Advocacy tab. You will find information about BDRs (Bill Draft Requests), Grassroots (an initiative to give you a voice in current legislative proceedings), and, as the session proceeds, the results of legislative actions. The CAI Legislative Action Committee (LAC) will update the website frequently to make sure you get the best information possible.

What is Zooming Toward Us via the Legislative Fast Lane?

As of the writing of this article (December 2016) there is limited information. We do not know for sure what will be on the legislative agenda. But, we do know there are many submitted and potential BDRs that will undoubtedly impact HOAs/CICs. Garrett Gordon, Esq., CAI lobbyist and advocate for homeowner interests, asserts there are "approximately 20 to 25 bills that are introduced each session related to



NRS Chapter 116 that could directly impact homeowner associations." Here's a sample of some agenda items we will most likely see.

- **Super Priority Lien**

This was a contentious issue last session between the lenders and the HOAs/CICs and will most likely continue to be hotly debated. Donna Zanetti, Esq., LAC Co-Chair, says: "Last session's SB 306 was a wonderful example of compromise legislation: all parties got some of what they wanted but not everything they wanted. SB 306 confirmed that the SPL is a true priority lien capable of extinguishing a first deed of trust. It ensured that HOAs recovered some of their collection costs when lenders foreclose, lenders got enhanced notice of HOA foreclosures, and owners and lenders got a 60 day right of redemption. However, we understand that in 2017 the bankers and their lobbyists will be working hard to roll back what the HOAs gained through this compromise legislation. The legislative changes appear to be working and need to be given adequate time to prove themselves. LAC will oppose any threats to the SPL, but we will need the support of each and every homeowner to help us stand up to the banking lobby."

- **Judicial vs Non-Judicial Foreclosures**

Adam Clarkson, Esq., of Clarkson, Law Group P.C.: "This issue was discussed last session and carries with it both pros and cons. A pro is that adjudication of the foreclosure process will create finality to all parties, which would largely preclude the potential for post-foreclosure litigation. However, in exchange for such finality, the costs of collections may become prohibitively high for many associations, the delinquency process will slow from roughly a year to the full cycle of civil litigation, and association litigation disclosures will become overly extensive. This is an issue to watch closely because such a process may be a positive or a substantial negative depending upon its specific terms."

- **Impound Accounts**

Norm Rosensteel, Co-Chair of LAC, explains: "In the 2015 Legislative session, impound accounts for new loans going forward were proposed as a method of collecting assessments in advance and further protecting associations as well as protecting banks from possible extinguishment because the assessment would be collected well in advance, just as property tax and insurance are impounded on many mortgages today. The banking industry was opposed to this: too many different payees, too many different payment schedules, another cost to the banks, etc. LAC will be supporting this again in the 2017 session, and working through resolving the banking industry's objections to find some middle ground that works for all parties.

Happy 3rd Birthday!

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- **Revision of provisions governing common interest communities.**

No specifics.

- **Revision of provisions relating to managers of common interest communities.**

No specifics.

To see a complete listing of all BDRs, go to the Nevada Legislative site (leg.state.nv.us). On the right-hand side of the screen, click on the BDR List.

Will all these issues become bills? Maybe. Maybe not. BDRs can be withdrawn at any time. Or they can be amended and altered from the way they started. As Garrett Gordon says, "A NRS Chapter 116 bill can start with topic A and end with topic Z by the end of the session." Which is why it is imperative for us, as homeowners, to be vigilant and voice our opinions to our legislators who ultimately control the passage or non-passage of all bills.

How can You Make a Difference? How can You be a Part of the Process?

Join the CAI/LAC Grassroots Initiative! Chuck Niggemeyer, DCAL, vice-chair of LAC, emphasizes that "Grassroots is not a committee that will chew up your valuable time. Grassroots is a vehicle for you to use at your convenience in your home or office. You merely have to sign up, check online for information, then follow through with comments to your legislator."

Barbara Holland, CPM, Regional Manager with FirstService Residential and regular contributor to the Las Vegas Review Journal, emphatically states that "it is way past time for board of directors and association members to become actively involved in the legislative process. We need to educate our legislators as associations provide many advantages and benefits to not only our homeowner members, but also to our local municipalities where our association fees pay for such expenses as

roads, sidewalks and lighting, in addition to paying our full share of property taxes as there is no tax credit for us. We must be prepared to fight against the lenders who want to eliminate our nine-month superior lien law as well as eliminate our right to non-judicial foreclosure. Be involved!"

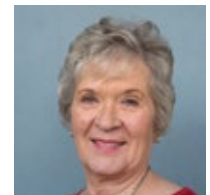
The Time is Now! And We are All Jumping In Together!

Whether we realize it or not, the HOA industry is collectively jumping into the legislative fray. All Nevadans are jumping into the fray; however, not everyone is aware of it. Until it's too late, and then we collectively say, "How did that happen?"


So, keep your eyes on Carson City. Watch the news. Stay tuned to the CAI website where LAC will update any legislative news that is pertinent. LAC/Grassroots will provide you the tools for expressing your opinion.

Be aware as much as possible about the bills and discussions during the legislative session. It's not just about the HOA/CIC industry. Did you know there is a BDR that could abolish the death penalty in Nevada? You might think that is a good thing. You might not. Either way it is a significant decision. Do you want your voice to be heard?

According to the December 19, 2016, Review Journal, there are "nearly 700 proposals listed on the Nevada Legislature's website that are likely to become bills for the legislative session..." Twenty to thirty of those directly relate to HOA/CIC communities. ALL of them directly relate to us as Nevadans.



Vicki Niggemeyer, Community Interests Magazine Committee Chair

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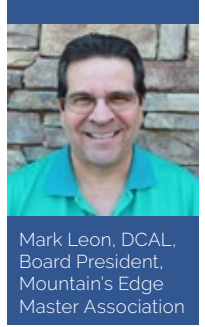
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A BDR and its Journey!

By Mark Leon, DCAL



Mark Leon, DCAL,
Board President,
Mountain's Edge
Master Association

What is a BDR?

In legislative parlance, the acronym "BDR" stands for Bill Draft Request. A BDR is the formal mechanism for requesting the Legal Division of Nevada's Legislative Counsel Bureau to draft a bill to change Nevada law.

BDRs are generated, or "sponsored," by either a legislator, a state agency, a county, a city, the governor or a small number of public organizations. A list of BDRs is maintained in the order they are received and made public on the state legislative website, www.leg.state.nv.us.

In the first iteration, a BDR can be a concept simply described in as little as four words. Often this is as much as the public is allowed to see. The deadline to submit a BDR for the 2017 legislative session varies. For most entities, other than lawmakers, the deadline was generally September 1, 2016, well before the start of the session, and in fact well before the general election. For lawmakers, three deadlines are imposed with the third and final culminating just days after the beginning of the session on February 6, 2017.

In addition, the 2015 legislative session changed the BDR law to require lawmakers to provide sufficient details for their BDRs to the Legislative Counsel Bureau before or soon after the start of the session; otherwise, the BDR cannot move forward and may be eliminated. If you've

read this far and your eyes are still open, read on to see how a BDR blossoms into law.

The Journey of a BDR

A BDR with sufficiently fleshed out detail is drafted by the Legislative Counsel Bureau into a bill. When this occurs, a number is assigned and the language of the bill is released to the public. Most often the bill number will be preceded by the letters "AB" for bills originating in the Assembly or "SB" for bills originating in the Senate.


First drafts of bills are introduced on the floor of either the Senate or the Assembly by, and at the discretion of, the party leadership, and assigned to a committee. Then the committee chair, at his or her discretion, decides when the bill will be heard in committee.

It is at this point that the public (and lobbyists) can get involved and offer testimony for, against, or neutral to, or suggest amendments to the language of the bill. The committee considers the bill at hearings and during its own work sessions. Once the bill language is hammered out and passes in committee, it goes back to the floor for a vote where it is debated, and again, subject to amendment.

If the bill passes on the floor, it is sent to the other house for consideration and the entire process starts anew. Bills originating in the Senate must pass in the Assembly before they can move forward, and vice versa. If a bill is changed in the house where it did not originate, it goes back to the originating house for a concurring or nonconcurring vote. If the latter, then the bill may die, or the leadership may form a Conference Committee to resolve the differences.

This complex back and forth between the houses of government ensure consensus has been reached to complete the final version of the bill. At each step in the process, there are numerous points where the bill can be modified or completely scrapped. Additionally, there are deadlines that bills must achieve at various stages to ensure they can continue along in the process.

Bills that finally pass both houses go to the office of the Governor for signature to be enacted into law. And even at this final step, the Governor can stop the bill by issuing a veto, whereupon it goes back to the house of origin and requires a two-thirds vote of both houses to override.

Thus, from original BDR, a draft bill simply requires five separate approvals (two committees, two houses, one governor) before becoming law. Couldn't be easier. 

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How to Contact Your State Legislative Representative

And Why You Should!

By Glen Proctor, DCAL




Glen Proctor, DCAL, is Treasurer of Mountains Edge Master Association, President of Rivendell HOA

Your legislators make the laws *you* have to live under. Why wouldn't *you* want to give them your opinion on these "laws" before they are passed? How many times have you asked yourself, "*How did that stupid law ever get passed?*" The legislators who pass these laws have their own experiences and opinions, BUT, they also listen to (*whether "for" and "against" a proposed law*) lobbyists, the testimony of experts, voters during a hearing on the bill, and the opinion survey results on the Nevada legislative website (www.leg.state.nv.us). You may not be a lobbyist but you sure *can* and *should* let them know your opinion via the surveys for each bill and/or testifying.

How do I do this you ask? It really isn't that hard to register your opinion on the survey sites. The Nevada legislative website is very easy to access and navigate and is full of information. First, log onto the internet and type in www.leg.state.nv.us. Study the page and see all the options available to you. On the right-hand side of the page, you can access the meeting calendars, listen to hearings in progress during the session, track each bill in the "Bill Draft Tracking" section, and find out how to reach YOUR legislative representatives (**Assembly** and **Senate**). Each proposed law (called a "**bill**" in its infant stage) has a section where you can register and click "For" or "Against." How simple is that? Maybe two minutes to let them know how you feel. *Easy, quick and your opinion now counts!*

Find your representatives by clicking "**Who's My Legislator?**" on the left-hand side of the homepage. Click on either the **Senate** or **Assembly** site, then click the area of the Nevada map you live in and scroll to your representative and get all their contact information. *Definitely* contact them by email as most of the legislators check their email sites regularly, and many actually respond.

Ok, the 2017 Legislative Session starts on February 6 and you are now ready to track bills, hearings, and contact your representatives. Let them know your opinions. Now do it! 



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Brief Federal Legislative Recap and Preview into 2017

By Dawn M. Bauman, CAE



Dawn M. Bauman, CAE, Senior vice president, Government & Public Affairs, CAI National

Welcome to 2017! CAI's Government Affairs team has hit the ground running. By the end of this week, 19 state legislators will convene and by the end of next week, nearly 40 state legislators will be in session. Members of Congress have already filled their first week with excitement – Vice President Joe Biden captured media attention during the Senate swearing in ceremony, Speaker of the House Paul Ryan was re-elected to the post while demonstrating he was unfamiliar with “dabbing,” and the Office of Congressional Ethics was nearly gutted until Democrats and President-Elect Trump stopped the efforts. In 2017, I expect to see the issue of housing finance and the future of Fannie Mae and Freddie Mac to be a topic of conversation for Congress. Since housing was not a major campaign issue, my guess is the complicated issue of housing finance and the future of Fannie Mae and Freddie Mac may likely – at least initially – be left up to Congress to resume the conversation.

H. R. 1301 – The Amateur Radio Parity Act. H.R. 1301 would have prohibited community associations from a blanket prohibition of installation of amateur radio (HAM radio) exterior antennas. After a tremendous amount of work and negotiation with the bill sponsors and other interested parties, H.R. 1301 was amended to allow community associations to have reasonable rules, but not prohibit, amateur radio antennas and towers. The measure passed the House with the amendment, but failed to pass the Senate. **Status: Failed to pass with the likelihood of being reintroduced in 2017.**

H.R. 3700 – The Housing Opportunity through Modernization Act became law in July 2016. H.R. 3700 reforms the process used by the Federal Housing Administration (FHA) to determine if condominium unit owners qualify for a mortgage with FHA insurance. Under the Act, FHA is required to make the following changes to the agency's condominium approval process.

- FHA must establish and implement a recertification process that is substantially less burdensome than initial certification.

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- FHA must cease and desist from rejecting condominiums that use transfer fees to fund association operations.
- FHA must lower the owner occupancy limitation from 50 percent to 35 percent.
- FHA must provide additional flexibility for condominium projects with commercial space.
Status: Became law July 29, 2016.

H.R. 3863 – Disaster Assistance Equity Act of 2015 – H.R. 3863 would have clarified eligibility for condominium and cooperatives to receive FEMA funds for debris removal and other essential repairs for key structural elements. The measure failed to move through the legislative process and therefore didn't pass. Following the devastation of Hurricane Matthew, Representative Sandor (R-SC) is dedicated to re-introducing a similar bill in 2017 to support community associations in the wake of a presidential declared disaster. **Status: Failed to pass with the likelihood of being reintroduced in 2017.**

H.R. 4696 – Helping our Middle-Income Earners (HOME) Act - H.R. 4696 would have allowed homeowners to deduct up to \$5,000 of their community association assessments from their federal tax liability. The measure failed to move through the legislative process and therefore did not pass. It is likely a version of the bill will be introduced in 2017

and may become part of a broader tax-reform legislative proposal. CAI supported H.R. 4696 and is working with sponsors to support introduction of a similar bill in 2017. **Status: Failed to pass with the likelihood of being reintroduced in 2017.**

CAI has increased our capacity to track local municipal activity and will continue to work with our legislative action committees to monitor, analyze, and advocate for sound public policy at the state and federal level for CAI members. Information regarding federal regulatory issues will be shared in a separate post. Stay tuned.

Make sure you're up-to-date with the latest news and developments by following CAI's government affairs blog, and follow us on Facebook, LinkedIn, Twitter, and Instagram. 

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Grassroots Needs You, All of You!!!



Homeowners – Managers – Business Partners

By Chuck Niggemeyer, DCAL



Chuck Niggemeyer, DCAL, CAI Nevada chapter treasurer, Vice Chair of the Nevada Legislative Action Committee and President of Sage Hills BOD

What is Grassroots? Grassroots is not a committee. Grassroots is an initiative developed to give each-and-every homeowner in the state of Nevada a voice during legislative sessions. Everyone who owns a home in Nevada needs to join Grassroots.

Grassroots recruits and informs all homeowners about pending legislation, pro and con. These pro/con positions, developed by the Legislative Action Committee, are provided to Grassroots participants so they can pass comments to their Nevada legislators. Thus, making all HOA residents ADVOCATES for their communities.

During Nevada legislative sessions many contentious HOA issues/bills are presented which affect everyone who lives in the well over 3100 associations in the state! Everyone needs a voice in government, and the CAI Grassroots Initiative provides that voice. Please join the Grassroots Initiative by clicking on the "Join Grassroots Initiative" tab.

[Join the Grassroots Initiative today – make your voice heard!](#)

Community Managers: the importance of the Grassroots initiative needs to be stressed to all your homeowners during their HOA/BOD meetings; yes, every meeting! The opportunity to join and the importance of Grassroots must be made available to everyone. Please have a sign-up sheet with space for name and email address.

Business Partners: the Grassroots initiative can also use your help. Please stress to your HOA/BOD clients the importance of and opportunity to join Grassroots. Direct anyone interested to the Advocacy Tab on the cai-nevada.org website.

Remember, the goal of the Grassroots Initiative is to deliver a unified message to legislators and mobilize them against "bad" legislation that could negatively impact Common Interest Communities and support "good" legislation that would be helpful to homeowners and the homeowner association industry.

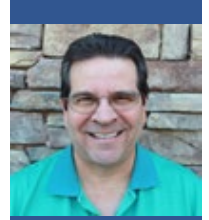


GRASSROOTS WANTS YOU!

HOA Law –

Why You Should Get Involved and Testify

By Mark Leon, DCAL



Mark Leon, DCAL,
Board President,
Mountain's Edge
Master Association

In the 2015 Nevada legislative session, Assemblyman Ira Hansen, Chairman of the Judiciary Committee, introduced a bill to abolish all of NRS 116. What would motivate a lawmaker to even consider such a thing? One could speculate that Assemblyman Hansen has had his fill of the numerous homeowner association related bills that are proposed every session. His bill, thankfully, never made it out of committee; but with close to half of Nevada's population living in HOA communities, it is unlikely that our politicians in Carson City will see any less tweaking of HOA law. The 2017 Legislative session will be no exception.

We need your help to educate our lawmakers about the issues our HOA communities are facing. Traditionally there is a small but dedicated group of citizens that regularly speak out about problems some homeowners have experienced with their HOAs. While well-meaning, this group is often the only voice heard by the legislature. It is important for our lawmakers to hear positive input from successful communities to balance out the constant negative portrayals.

“ We need your help to educate our lawmakers about the issues our HOA communities are facing. ”

The foremost issue for us in 2017 will be the banking industry's all-out assault on super-priority liens and non-judicial foreclosure. In the 2015 session, a bipartisan compromise bill was hammered out by all the stakeholders who are affected by super-priority liens. It was well-crafted in that everybody got some of what they wanted and nobody got everything they wanted. The bill was passed, signed into law and is in effect today; but, at literally the eleventh hour of the last day of the session, there was a stealth attack by the banking lobby to undo the compromise and change the law to eliminate the super-priority lien. The bill passed in the Assembly, but fortunately, the session ended just minutes before it could be brought up for a vote in the Senate.

There is no dissembling this time around. The banking industry is poised to introduce legislation that will weaken the ability of HOAs to effectively collect assessments. With no teeth to aid in the collections process, HOA boards face raising assessments to compensate for the inevitable increase in bad debt. Thus the major result of such a law is

to punish those good citizens who pay their assessments on time, while rewarding those who don't. You can help prevent this outcome by offering testimony to legislators while these bills are considered in committee, either in-person in Carson City, or by video link at the Grant Sawyer government building in Las Vegas.

Testifying before a Senate or Assembly committee is just like public speaking – it can be intimidating. Make sure you prepare in advance by reading the proposed bill and plan what you want to say, even as far as writing yourself a script. Find out when and where the bill will be heard, and arrive a little early to allow yourself time to sign in, acquaint yourself with the committee room and get settled in.

The committee chair will announce the bill, and the sponsor is usually the first to speak. Then the chair will ask for testimony from those who favor, oppose or are neutral to the bill, both in Carson City and in Las Vegas. Patiently wait your turn; then begin your testimony with your name and whether you represent a group, or just yourself. While there are no official time limits, keep your comments succinct and relevant to the topic. Try to avoid repeating points that have already been made. Verbosity can actually hurt your cause.

A few words about decorum. Don't get cute with your testimony. You might think it is the perfect opportunity to relate your favorite saying about politicians. Don't do it! These are serious people doing serious business for the citizens of the state. They want to hear from you, but they don't want any fooling around. Also, no personal attacks, noises or side commentary. Testimony is about participating in the process of making law, not denigrating or interrupting lawmakers or the other citizens offering their opinions.

You can learn about upcoming bills on the Nevada Legislature's website, www.leg.state.nv.us. And you can learn about the specific bills that will affect HOAs by joining CAI's Grassroots Initiative on the Nevada CAI chapter website, www.cai-nevada.org.

What is LAC?

By Glen Proctor, DCAL



Glen Proctor, DCAL, is Treasurer of Mountains Edge Master Association, President of Rivendell HOA

An acronym! It stands for “Legislative Action Committee.” LAC is a CAI National Committee supervised by the Government and Public Affairs Division of CAI. There are 34 individual state legislative committees, including Nevada. The Committee monitors the Nevada legislative session every two years, paying attention to any Bill Draft Request (BDR) and actual bill that would impact any homeowner association (HOA) positively or negatively. Once a position is taken on the BDR or bill, either pro or con or even suggested modifications to make the bill more positive for HOAs, the LAC takes action.

LAC acts in the following way: It has a lobbyist to lobby for/against the bill with the legislators. LAC makes HOAs and homeowners who are interested in the legislative session aware of the bill and the LAC position. It also explains to the HOA and homeowners how they can let their legislators know of their individual opinion of the bill. Of course, you first have to sign up to be on the list of HOAs and homeowners.

Questions?

How do I sign up for these notifications? Go to the Nevada CAI website at cai-nevada.org. Go to the “Advocacy” tab at the top of the page. Select the “Grassroots” drop down tab. Click on the “Join Grassroots Initiative” form, fill in the blanks and click on the “Submit” tab. You are now registered and will receive all updates on BDRs and bills from the LAC.


Who is on this committee? Nevada members of the CAI. These members have been selected and then elected by LAC and are chosen to represent a broad spectrum of experience and knowledge. They are a cross section of community managers, lawyers, homeowners, and HOA board members. All members are approved by the National CAI after review.

“ [LAC] explains to the HOA and homeowners how they can let their legislators know of their individual opinion of the bill... ”

How do they decide about the BDRs and bills? The LAC committee meets on a monthly basis throughout the non-legislative years. While the Nevada legislation is in session they meet at least once a week and communicate constantly until a position is determined. In other words, they meet and debate constantly while legislators are in session. Many of them are well acquainted with their legislators and communicate with the legislators also.

What if I don't agree with the LAC's position? That is perfectly alright! You took enough interest to check out the BDR or bill and now you can respond. LAC's main purpose is to get you involved. Once involved we want you to react and let your legislator know your opinion. Maybe you disagree this time, but next time you may agree.

How does the lobbyist work? He works with the legislators of all parties to accomplish two goals: To be aware of all legislators and their opinions on all bills which are then reported back to LAC. His second goal is to try to persuade the legislators to vote favorably on bills the way LAC would like them to vote.

What is the real purpose of the LAC? To involve all HOAs and their homeowners in the biennial legislative process by being active and letting their representative legislators know their opinions on bills. Hopefully, your opinions support the LAC opinions. 

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THE LEGISLATIVE ACTION COMMITTEE (LAC) GALAXY OF STARS

LAC Stars are supporters who contribute money through direct donations, fundraising events and the Buck-a-Door program. Our Stars are listed below.

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All LAC Galaxy of Stars contributions support our all-star CAI lobbyist, Garrett Gordon. The LAC galaxy of Stars is a new universe which has come into being through the hard work and dedication of committed CAI business partners, managers and HOA members. We welcome and need new Stars. It's extremely important to support LAC through any of our Star categories. Bad legislation needs to be stopped and your support is needed. The LAC galaxy of Stars is open for membership, please join it and add your name to the Star list. It's easy, visit www.cai-nevada.org and click on the LAC tab.

Management of Mixed-Use High-Rise Condominium

By Stanley Monsef, PhD., PE

In a mixed high-rise condominium, the residents typically live in residential units above commercial and retail units. By their nature, mixed-use condominium projects may involve different players with potentially divergent interests.

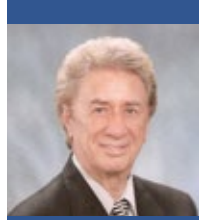
Although the real estate designation in a mixed-use high-rise condominium may have separate ownership for the commercial and retail units, the management and operation of the complex are generally the responsibility of the owner's association.

Management, operation and maintenance, whether horizontal mixed-use condominium or high-rise mixed-use condominium, involve several ways of approaching issues of concern. The key issue in any mixed-use condominium project is structuring the operation and maintenance obligations for common areas/elements.

In addition to imposing assessments against the units' owners, the association engages in appropriate rental contracts to generate revenues for the benefit of the owners, and for the cost of maintenance and repair of the common areas/elements. Uniform Condominium

Act, Section 3-105 and NRS 82.131.7, covers contracts and leases, and does not appear to invalidate such legitimate property interests. However, it may not distribute the rental benefits to the units' owners in any way (NRS 82.136 (2)).

Another solution to the maintenance and repair issue is creating a separate condominium unit under a master condominium declaration comprised of all commercial and retail areas of the project. That separate unit may be owned by the developer, or an affiliate of the developer or investors, while the maintenance of that unit is handled by the association. From a cost allocation perspective, the condominium declaration typically allows the association to allocate costs it incurs in maintaining the common areas/elements to the owners of both the residential units and the commercial/retail units that are benefited by those common areas/elements.



Stanley Monsef, PhD., PE is President of Mercury Consultants; member of CAI



The cost of management, maintenance and repair of common areas/elements for a high rise mixed-use condominium is typically apportioned by:

- a) Square footing allocation method;
- b) Revenue generating method;
- c) Property value allocation method.


Whichever *allocation* method is used, the pro rata share must be fair and reasonable in order to avoid challenges from the units' owners and commercial entities.

Property management, preventive maintenance and coordination of operation for the mixed-use high-rise complex may become troublesome for the association and the management if management and operation schedules with clear directives are not developed and issued to the residential and commercial/retail clients.

Nevada state laws governing condominiums are different than laws governing commercial properties. For example, the right of entry, and the right of inspection to the residential units, insurance requirements and responsibilities, ownership and claims, who pays what and to whom, sub-association within a master association, shared elements, and traffic to and from the complex are several management issues that require precise definition and direction.

Instituting evacuation and other emergency procedures can be difficult for commercial entities, but an association, not the owners of commercial entities, can control building safety and an evacuation plan. As a result: the association, management and commercial entities must develop a comprehensive plan for building safety procedures for fire and security systems.

Insurance coverage for a mixed-use high-rise condominium is more difficult from an underwriting standpoint. Different ownerships have different exposures and operating philosophies: hours of operation, advertising policies, signage, occupancy restrictions, hazards from restaurants, commercial/residential access, condominium responsibilities vs. commercial responsibilities, sub-association within a master association and shared common elements. Subsequently, adjusting of claims becomes more difficult when more than one insurance company is involved.

To provide for a more professional management and cost effective operation, the association must engage an experienced community manager, preferably with some technical and construction familiarities combined with good judgment and ability to deal with association's board of directors and residents, as well as with the staff, vendors and contractors. Units' owners in a mixed high-rise condominium are most likely to expect the community manager to deal with lighting, odor, noise, smoke seepage, pet's behavior and other occupants' annoyances. 



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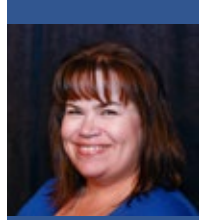
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Getting to Know All About You

By Dawn Osterode, CMCA, AMS, PCAM



Dawn Osterode, CMCA, AMS, PCAM, is a Nevada Supervising Community Manager and Nevada Reserve Study Specialist. She is with Associa Sierra North – An Associa® Company.

As community managers, in our careers, we often find ourselves in the role of working with a builder to build an association from the ground up or acquiring a community in transition from another firm. Those outside our industry may assume that all homeowners associations are created equal, when we know that is certainly not the case. As we read through the maps, plans and governing documents, the task seems daunting to determine how this entity functions and what its responsibilities are.

In my career, I have assisted in the establishment of over 40 Nevada homeowner associations from scratch, and audited through transitions countless more. Therefore, I would like to share with our industry professionals some tips 'n tricks on getting to know your communities and what makes them unique.

You may think the first place to look is your governing documents, but what document was your CC&Rs built on? The final map! This document of public record defines the association's core areas of responsibility such as common areas, drainage easements, etc. Through an audit, I have found overlooked parcels mistakenly left in the developer's name. Start from the beginning: get to know the areas of physical land the association is responsible for maintaining and ensure those parcels have been legally transferred into the association's name.

Take a look at your Articles of Incorporation and familiarize yourself with the core purpose statement. Why is this entity formed? There should be a statement such as: "The purpose of the association is to maintain the commonly owned assets." We often can get caught up in the day-to-day of assessment collection and rules enforcement, but need to keep in mind

why this entity was initially formed. What is the sole purpose? As such, this should be the guiding mission statement of the board and management as they work together in the ongoing management of the community's assets.

Move on to your bylaws. There are often unique aspects to each community such as: meeting every 90 days vs 100, proxies being required vs optional, specifications if actions without a meeting are permitted and under what circumstances, even special meeting requirements such as an Annual Membership Disclosure Report. Make note of these unique conditions and requirements to ensure they are calendared and addressed should these items come up during the course of business.

When it comes to the CC&Rs, this lengthy document can be very intimidating and is often best read in sections, not all at once. For example, the use restrictions or design review sections should be allocated their own focused time to ensure all the specific details are absorbed. Reading this document can also be enlightening or even entertaining. I've seen restrictions on no male horses in projects, and could only imagine completing an inspection for compliance of such.

This core document is recorded against every lot before a unit is under construction, and thus, each owner is responsible for adhering to its contents, even if they did not read it. (Which we know is everyone's first priority when buying a home.) The volume of key information specific to each unique community is immense. When do assessments start? What rules do we have to follow? This list goes on and on. I have found it extremely beneficial to keep a simple reference guide that points me to the section and a




quick summary note of the unique requirement I need to enforce or be knowledgeable of. I pull this document out monthly for a quick review to keep my mind fresh.

It may seem like a lot to undertake such an endeavor; however, you are already reading through the documents. So, just like studying for a test in college, you are making your study notes for future reference. This also serves handy when bringing on a new board or committee member to help them acclimate to their new role and understand their responsibilities and jurisdiction.

We then move to rules, policies and charters, all of which are a further expansion of the core governing documents. Continuing our study note practice, you end up with a singular document you can periodically reference to keep the mind fresh and avoid confusion of mixing community policies when advising clients.

As licensed management professionals, we need to remind ourselves that we are there to guide those we serve. If we fall short in our understanding of those documents which are specific to each unique property we represent, we can become liable for our actions for providing incorrect advice.

As we begin another year, let us all take the time to refresh our minds on what makes our communities so unique, and how we can help them excel to their best potential. 



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2017

State Legislature Updates

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Click on the **Advocacy** tab.

CAI Nevada Chapter Members' Brag Page

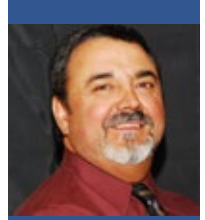


Congratulations to the **Clarkson Law Group** on celebrating three years of dedication to CAI and the entire HOA industry. **Adam H. Clarkson, Esq.**, is the founder of the firm which is exclusively dedicated to representing homeowner associations. Congratulations to Adam Clarkson, his associates and staff. 

If you have anything you want to share, please submit it at least six weeks prior to the magazine publish month. Anything received after the 20th of the month prior to publication may not make it into that issue, but will appear in the following issue. Please submit your items to info@cai-nevada.org or fax to 702-240-9690.

Water Damage and Flood Damage Restoration

By Brian E. DeLisle, PCAM



Brian E. DeLisle, PCAM, General Manager of Fire/Water Damage Restoration & Cleaning Services COIT Services of Reno

Unfortunately, your association has suffered a water damage situation. What should managers look for in a water damage remediation contractor? Water Damage Restoration Services should include:

- Emergency response water removal;
- Structural drying, including walls, ceilings, cavities, crawl space and floors;
- Drying of carpets, upholstery and draperies;
- Cleaning and sealing contaminated ducting;
- Final cleaning services;
- Mold remediation as it relates to emergency response;
- Additional services as they reflect vendor competencies;
- Hands-on water damage restoration experience;
- Specialized tools and equipment;
- Working knowledge of, and following, the ANSI/IICRC S-500 guidelines;
- Standard and Reference Guide for Professional Water Damage Restoration;
- Full understanding and application of Psychrometry;
- Ability to prevent secondary damage;
- Ability to manage customized remediation protocols in category 3 water and mold contamination conditions;



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- Inspection instruments to determine moisture levels in the air, on surface materials and sub-surface materials;
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When disaster strikes, turn to a vendor you can trust. We all know that water damage can throw your entire life off-balance, and a qualified team of Restoration Specialists can help get your home back to normal. Technicians should be IICRC certified and follow the industry-standard IICRC S-500 guidelines for water damage restoration.

When it comes to water damage, the first 48 hours are essential. Your vendor should be available seven days a week, 24 hours a day. The sooner a Restoration Specialist arrives to get the drying process started, the better. Waiting can increase the risk of lasting damage to structures, as well as the risk of mold growth. If the water is coming from an inside source, such as a toilet or sink, find the shut-off valve and turn it off immediately. As soon as that is done, call a qualified vendor for **Water Damage Restoration Services**.

What Happens Next? The Water Damage Restoration Process

1. Immediate Inspection

Technicians should quickly determine the extent of the damage utilizing specialized equipment. With infrared cameras (if necessary) and moisture meters, they can detect hidden water in walls, floors, ceilings and determine moisture levels. The technicians should determine which items are salvageable, which may need repairs, and whether the carpet can dry in-place or if it needs to be removed for cleaning. Then create a detailed drying plan to safely remove moisture as quickly and economically as possible. At this point, you may require an inventory and pack-out services during which your possessions are removed, cleaned and stored until such time as they can be returned to your home.

2. Industrial Grade Drying

Technicians should then begin with water extraction, using powerful, truck-mounted equipment to remove


standing water. Specialized drying equipment such as dehumidifiers and air movers will be installed to speed the dehumidification process. Dehumidification of floors, walls and other structures is especially important as it helps prevent mold growth and lasting secondary water damage. Technicians carefully monitor the drying process, record moisture levels and make necessary adjustments until Equilibrium Moisture Content (EMC) has been reached. Finally, in the case of a sewage leak, the vendor sewage cleanup and decontamination team should arrive to take care of this matter.

3. Repairs, Sanitization, Deodorization

After your property is dry, it should be inspected to determine if further structural repairs, sanitization or deodorization are necessary. The odors of water damage will naturally fade as the drying process comes to an end, but in special cases, technicians may use specialized equipment to eliminate lingering odors. Should mold be detected, the vendor may advise that trained mold remediation specialists work quickly to clean and sanitize your space. Your possessions may also be in need of specialized repair. The vendor may advise document restoration, business equipment restoration and electronics restoration services.

4. Cleaning and Carpet Reinstallation

At this point, the vendor may reinstall your carpet if it was removed for cleaning. Or, if your carpet was dried in place, they will perform a full carpet cleaning, including appropriate deodorization and disinfection. In addition to carpets, the vendor should have expertise to thoroughly clean your natural stone, upholstery, tile and other surfaces affected by water damage.

Remember that you need immediate professional help when water damage occurs. Choose a vendor with extensive experience in your community who will work closely with insurance adjusters and all parties involved in the loss. 



Gala Timeline

By Judi Hanson, DCAL, in cooperation with Jennifer Ballew

If you have followed us from August through January in the *Community Interests* magazine, you have not only followed the teasers announcing the three W's – the why, the when and the where of the Gala – but also the articles. The articles were divided into three parts, giving you information on the various CAI awards categories; however, the timeline for nominations, etc., was missing. We now have that timeline revealed here.

Nominations: January 17, 2017 to February 28, 2017
Essays completed by March 30, 2017


The timeline was posted on the CAI website earlier, and if you went there to view it, you know that nominations were open January 17, 2017. Remember, you can nominate for a person, manager, association and board member, and you can also self-nominate. You just cannot nominate for our

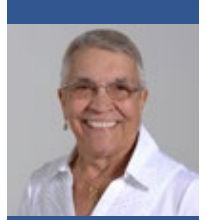
Remember, this Gala is your Gala. The Gala Committee has introduced some new categories and also combined a few to make the award categories more competitive than they may have been in the past. This gala recognizes you - The Manager, The Business Partner and the Homeowner/Board Member who are **members of CAI** for your contributions to CAI and your Communities. And, this last statement is all important when doing your nominations: **all candidates being nominated must be a member in good standing of CAI.**

Let's give a big thank you to Mindy Martinez, our 2016 president, and to April Parsons, our 2017 president, whose Gala this represents. And, finally, let's give a big shout-out and thank you to this year's Gala Committee: Jennifer Ballew and her great gala committee composed

new awards this year – Rising Star and the Hall of Fame Award. You also cannot nominate for the four categories that the board uses for their special awards: Business Partner of the Year, DCAL of the year, the Gary Lien Award and Committee Member of the Year.

of managers, business partners and DCALs who worked very hard to transform this Gala into a true "A Midsummer Nights Dream."

Thank you and good luck. Let's go nominate our award winners for 2017. 



Judith Hanson, DCAL, Director CAI Board of Directors, Director Sun City Aliante, Director Aliante Master Association, Treasurer the Fields at Aliante, CAVL, National



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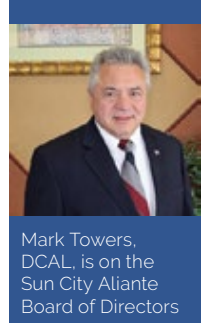
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Start the New Year by Taking Advantage of Education

By Mark Towers, DCAL



Hello CAI Members! Yes, it is February, but still early enough that I feel like I can say, "Happy New Year!" I am excited about another year which brings more opportunities to learn about homeowner and board responsibilities.

The Community Association Institute (CAI) Nevada Chapter's Media Educational Program offers free homeowner educational videos at: www.cai-nevada.org/home.asp. Videos include a five minute introduction, "CAI Do's and Don'ts of Serving on Your Board," "CAI Board Member, We Want You," "Moderating Meeting Madness," "Building Community Spirit," "Asset Maintenance & Reserves," "Board Role & Responsibilities," and "Meetings & Elections."

The Community Association Institute's Dedicated Community Association Leader (DCAL) program in Nevada prepared me for successful community leadership and HOA board membership. It is dedicated to the education of homeowners, HOA residents, board members, and community leaders.

The DCAL program provides education and tools for running a successful association, solve daily operational issues, and implement federal, state, and local legislation. The CAI DCAL Program addresses HOA "Board Leadership Development Workshop" (the former Essentials), "Finances in the Common-Interest Community," "Building a Sense of Community," "Ethics in the Common-Interest Community," "Meeting & Elections," "Risk Management & Insurance," "Rules Creation & Enforcement," and requires either attending a Common-Interest Community & Condominium Hotels Commission Meeting or researching & submitting an article for the chapter magazine. With exception of the HOA Essentials Course lasting eight live hours, the classes are three live hours at the Nevada CAI Chapter Offices Training Room in Las Vegas. The same courses are held in Northern Nevada. The monthly classes, facilitated by dedicated subject matter experts, provide a great opportunity to network with CAI Members and HOA experts!

The State of Nevada, Real Estate Division, Office of the Ombudsman provides a neutral and fair venue that assists homeowners in handling matters that may arise while living in a common-interest community (CIC). It is a helpful source for Common-Interest Community Nevada Revised Statute and Common-Interest Community



Nevada Administrative Code. Resources include Nevada Revised Statute 116, 166a, Nevada Administrative Code 116, and 116a publications, training, presentations, videos, handouts, forms, Common-Interest Community Manual, Attorney General's Opinions, and Alternative Dispute Resolution. You may email questions or requests to: OMBCLASSES@red.nv.gov. I suggest you check the "CIC Program Training" monthly at: http://red.nv.gov/Content/CIC/Program_Training/.

Happy 2017! 🍎



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AND EVERY PIECE
MUST FIT ITSELF INTO THE
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— DEEPAK CHOPRA

The January Luncheon Program was kicked off with the swearing in of the new 2017 board of directors. Past President Mindy Martinez passed the gavel to 2017 President, April Parsons. Steve Candelas, Tactical Real Estate Solutions, presented a program on the squatter issue in Southern Nevada.

January Luncheon Gallery



Meet Your New Nevada Chapter Board of Directors!

At the January 11 Luncheon, the CAI Nevada Chapter Board of Directors was sworn into office. The new board members are: President: April Parsons, CMCA; Vice President, Norm Rosensteel, PCAM, NVEBP; President Elect, Adam Clarkson, Esq., NVEBP; Treasurer, Chuck Niggemeyer, DCAL; Secretary, Tonya Gale, CMCA, AMS, PCAM, DCAL; Directors are James Gibson, Michael Schulman, Esq., CCAL, NVEBP (not in photo), Judith Hanson, DCAL (not in photo), and Chuck Balacy, NVEBP. 📷



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CAI NEVADA CHAPTER PRESENTS THE 2017 CHAPTER PARTY

 **DENIM** AND *Diamonds*

MAY 4, 2017 • 6:00PM-10:00PM • GILLEY'S AT TI

KICK THE DUST OFF THE TRADE SHOW FLOOR!

- OPEN PREMIUM BAR
- BULL RIDING CONTEST
- BUFFET DINNER
- LINE DANCING LESSONS
- DJ & LIVE BAND

\$99 EARLY REGISTRATION • \$125 AFTER FRIDAY APRIL 28, 2017



NEVADA CHAPTER
community
ASSOCIATIONS INSTITUTE

FOR MORE INFO,
EMAIL MARKETING@CAI-NEVADA.ORG
OR CALL 702-648-8408

SOUTHERN NEVADA GOLF TOURNAMENT

April 21, 2017 • 7:30 a.m. Shotgun Start

HAVE YOU HEARD THE BUZZ...

Brand New Location

WILDHORSE GOLF COURSE

2100 West Warm Springs Road



Admission Price Includes

- Full Hot American Breakfast
- Scrumptious Italian Buffet Awards Luncheon
- Ping Raffle Items

Space is limited. This tournament will sell out, so don't wait to register!

For more information, contact
Mary Rendina at info@cai-nevada.org

Thank You!

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