

THE MAGAZINE FOR COMMON INTEREST COMMUNITIES

AUGUST 2013

Community Interests

WHAT YOUR INDUSTRY IS TALKING ABOUT ... WHAT HOMEOWNERS NEED TO KNOW

LEGISLATIVE UPDATE



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MELISSA RAMSEY, AMS®, CMCA®, CPO® IS A COMMUNITY MANAGER WITH FIRSTSERVICE RESIDENTIAL FOR SOMERSETT OWNERS ASSOCIATION

It's Great to Be Home!

by Melissa Ramsey, AMS®, CMCA®, CPO®

Sometimes as a manager it's easy to get lost in the hustle and bustle of the association's operations. You find yourself caught up in the "emergencies" of broken pipes, equipment failures, and of course homeowner complaints and accounting issues. There are days, and sometimes weeks, that go by when you are putting out so many fires that you forget to breath and acknowledge the positive aspects of the community.

But then you hear of stories that put it all into perspective...

Sgt. Thomas (Trey) Humphrey III enlisted in the Marine Corps in 2005 where over the course of five years he was deployed four times. On his last deployment in late 2010, he stepped on an IED when trying to maneuver the squad back inside friendly lines. His injuries included the amputation of his right leg, severe damage to his left leg, a fractured jaw, and shrapnel wounds over his body. To date, Trey has had 22 surgeries and has been awarded numerous military awards.

Closer to home, through the amazing vision of developer Charles Bluth, 'Defenders of Freedom' was founded. This program, with ties to the local Reno/Sparks area, is designed to build homes for severely challenged veterans. With the support of local businesses in the community and donations



of money and time, 'Defenders of Freedom' is set to build two homes for deserving military veterans.

Recently I had the privilege to witness the dedication of the first home right here in Somersett. It was something truly amazing and sparked a feeling of such pride to be part of such a generous community.

On Saturday, May 25, Trey and his wife Lindsey received the keys to their new home. To see so many homeowners from the community in attendance, showing their support of the newest family to the neighborhood was remarkable. We had veterans show up in their full military attire, neighbors excited to welcome the newest couple to the block, kids quietly listening to the stories being told, and even city officials present to show their support for the special occasion.

So, at the end of this day, I went home smiling after seeing many residents so proud to be a part of Somersett with a truly fitting tagline ..."It's Great to Be Home!"

To learn more about the program or Trey's story, visit www.defendersoffreedomreno.com.



Community Interests

THE MAGAZINE FOR COMMON INTEREST COMMUNITIES

AUGUST 2013

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Correspondence

Send business card, ad copy or articles for reprinting to CAI of Nevada, 9171 W. Flamingo Road, Suite 100, Las Vegas, NV 89147, along with payment. The publisher retains the right to edit articles to conform to content and space requirements. Authors are to be clearly identified in each article and the author is responsible for developing the logic of their expressed opinions and for the authenticity of all presented facts in articles. Opinions expressed in *Community Interests* are not necessarily the opinions of CAI, CAI of Nevada, its board members or its staff. Authors are solely responsible for the authenticity, truth and veracity of all presented facts, conclusions and/or opinions expressed in articles. Article submissions should be in Word format or plain text.

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Classified advertising in *Community Interests* gives you a classified ad for \$50 per issue (includes 25 words/.50 each additional word) or \$300/year for members or \$473/year for non-members. Advertising contracts are available from CAI Nevada.

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Columns

- 4 President's Message
- 5 Chapter Commentary
- 5 In this Issue

Departments

- 11 Upcoming Events
- 21 CAI Nevada Chapter Members' Brag Page
- 28 Just for Laughs

Articles

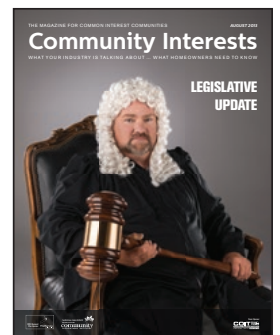
- 2 It's Great to be Home!
- 6 77th Session of the Legislature
- 7 Assembly Bill 44; Senate Bills 233 and 280
- 8 Assembly Bills 370 and 326; Senate Bill 130
- 10 Assembly Bills 273 and 395; Senate Bill 427
- 12 Senate Bill 60; Assembly Bills 334 and 366
- 14 Preposterous Proposals that Perished
- 16 Flight of the 2013 Nevada 77th Session of the Legislature
- 19 Homeless Helpers!
- 20 Countdown to the Gala ... Seven ... Six ...
- 22 Establishing Relationships With Your Legislator
- 23 You Get Out ... What You Put In
- 24 Candlelighters Event – Time to Light It Up!
- 26 Service Animals, Pet Policies, and Your Community
- 28 Requests For Proposals (RFP)
- 30 Event Helps HOA Residents Make Sense of New Legislation
- 35 Northern Nevada Bowling

The Marketplace

- 31 Classified Advertisements

On the cover:
Norm Rosensteel, CMCA, AMS, PCAM,
LAC member and 2014 President Elect

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DONNA TOUSSAINT,
DCAL IS A
HOMEOWNER, BOARD
MEMBER AND 2013
CAI-NEVADA CHAPTER
PRESIDENT

President's Message

As I sat down to write this month's article, my first thought was to write about the volunteer members of the many boards of directors for our community associations here in Nevada. They offer their time to help their communities and give many hours to make sure they are properly educated so things run smoothly. These volunteer board members have to examine and understand every board packet prior to every meeting, become familiar with and understand the financials and read all pertinent documents in preparation for all upcoming meetings. By doing all this, they are not just 'good' board members ... they are GREAT board members! As a former board member, I do know the dedication it takes.

My thoughts then turned to those who volunteer their time to serve on our committees. I have never seen volunteers who worked so hard, and I am continually amazed at their talent, enthusiasm and creativity.

Then there is our amazing staff! Mary, Chris and Katie work extremely hard to ensure that we

have everything we need to be great members of CAI. Their determination and dedication and knowledge are some of the reasons we have such a great chapter. They do such a great job for all of us.

Finally, I started thinking about our community managers who really are the cog that makes our wheels turn. They have to deal with so many HOA issues on a daily basis. They are our true heroes because they are the ones dealing with homeowners, boards of directors and vendors on a daily basis. In one of the sub associations where I live (I live on a lake) even quagga mussels are a big concern. Managers are the only ones who are licensed and professionally trained to deal with all types of issues. They must constantly multitask while making sure they have addressed all the issues before them.

When the clock strikes five, instead of going home, many nights they have to attend community association board meetings.

Being involved with my Master Association, as a homeowner, I have been very lucky. I currently deal with four management companies and four different managers. These four women are amazing! I have known two of them for some time and have just recently met the other two. I rely on my managers for their knowledge and experience to guide my fellow neighbors and me. I learn something different from all of them. Their styles may vary but each of them brings a wealth of knowledge to their communities.

Thank you, managers! You are truly appreciated! I do understand that you don't hear 'thank you' very often, because the calls or issues you deal with are *problems* that people want fixed yesterday. It would be great if you had a crystal ball and could anticipate these issues in advance, but problems usually come as surprises.

So thank you to our entire CAI-Nevada team. Each of you represents a piece in our huge CAI-Nevada jigsaw puzzle. With all our pieces working together we make a beautiful picture.

Donna Toussaint

SAVE THE DATE

Join the CAI Team!

Candlelighters 5K
at Mountain's Edge
Exploration Park

Be sure to clear your
schedule for
September 14, 2013!

Candlelighters
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<http://2013Candlelighters5K.kintera.org/CAIHOAChampions>



CHRIS SNOW
COMMUNICATIONS
MANAGER

Chapter Commentary

"We are prone to judge success by the index of our salaries or the size of our automobiles, rather than by the quality of our service relationship to humanity."

— Dr. Martin Luther King

Truer words cannot be spoken.

Even though CAI is a volunteer organization, I know that so many of you who also volunteer within your communities as well.

I'd love to hear your stories and share your experiences. I know some of you are Red Cross Volunteers, Donate for Life Volunteers, volunteers at the Lou Ruvo Center for Brain Health, Opportunity Village, the list goes on and on ... it's wonderful!

The magazine committee would like to incorporate your passion into the 2014 magazine covers. We're looking for a new volunteer of a cause for each issue. For example, we all know February is National Heart

Month. Do we have a member who volunteers for the American Heart Association?

As a chapter we want to promote and thank our members who dedicate time to raising awareness for these "National Health Observances".

So please in the next few months as I meet you at the luncheon or at seminars, please let me know where you, or someone you know in CAI, volunteers time.

"Volunteering is an act of heroism on a grand scale. And it matters profoundly. It does more than help people beat the odds; it changes the odds."

— President Bill Clinton

Regards,

Chris Snow

In this Issue

by Andrea Chestnut, DCAL

Starting off this issue 'It's Great to Be Home' reminds us all that the FEW have given more than most so that ALL can have the right to have a voice.

Many voices spoke and some were heard during the 2013 Legislative session. This issue is packed with information on the 77th Legislative session. Be sure to read the overview and the articles explaining the specific Bills that affect all of us.

FYI, in this legislative session, there were 1,034 total Bills introduced: 512 Assembly Bills and 522 Senate Bills. The total number of Bills that were passed was 520, while the number of Bills vetoed by our Governor was 17. The members of our Nevada LAC committee carefully watched 50 Bills that could have affected the Homeowner Association industry. 20 of those Bills, most good ... some bad, were passed and signed into law by our Governor. You'll hear detailed

information about them when you attend our August Luncheon!

If you start to feel overwhelmed with Legislative information take a moment to read about 'Service Animals and Pet Polices' ... 'Request for Proposals' ... 'Relationships and Business' as well as 'You Get Out ... What You Put In!'.

Looking for a way to make a difference? Look no further! The annual Nevada Candlelighters "Race For Our Kids" 5k to be held on September 14, 2013 at Mountain's Edge is quickly approaching, and our CAI team is starting to pick up steam. Now is your chance. Are you signed up? Don't just think about doing it ... JUST DO IT!

We, the Community Interests magazine committee, hope you find this month's issue particularly useful and informative. We welcome your feedback. ●



ANDREA CHESTNUT,
DCAL IS CHAIR
OF 'COMMUNITY
INTERESTS' MAGAZINE
COMMITTEE, NOTED
AUTHOR AND A MEMBER
OF NATIONAL SPEAKERS
ASSOCIATION



JAN PORTER, SUPR
CAM, DCAL IS CHAIR
OF THE NEVADA
LEGISLATIVE ACTION
COMMITTEE (LAC)

77th Session of the Legislature

... An Overview ...

by Jan Porter, Supr CAM, DCAL

With just one month from the final gavel of the 77th session of the Nevada State Legislature, the reviews are coming in with one common thread: "as the old saying goes, it could have been worse."

CAI started the session strong with a well-attended CA DAY at the Capitol, to give homeowners the opportunity to meet with their legislators, and to share materials provided by Community Associations Institute (CAI).

At the onset of the session, Assembly Bill 34, introduced by the Real Estate Division, proposed the biggest number of changes to associations.

Proposals included a very questionable referee program [see the article on AB 370 in this issue], defining meetings to prohibit workshops and establishing parameters for bids. But at no point in the questioning could the Division specify a quantifiable need for these intrusions into community association governance.

Audits, gray water and door-to-door solicitation were some of the measures that died during the session.

But, as in every session, during the horse-trading that goes on in the corridors of the capitol, parts and pieces of the bills that died, come back, albeit modified, through other pieces of legislation.

Seasoned political diehards were not surprised to see one bill stripped of everything but the title and rebuilt with the language of a failed bill, as happens every

session. But for those of you "first timers", the move caused questions as to why the Legislative Action Committee (LAC) would support a bill, then the next week oppose the bill.

The reasons for the changes can be any of many reasons: 1) behind the scenes discussions with legislative leadership, 2) the bill's sponsor or 3) an amendment that was added or deleted at a key point. The observer has to keep his eye on an every-moving target until sine die.

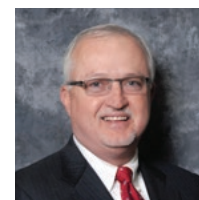
In this issue, please read where four attorney members of the LAC are sharing with you their opinions on a dozen key issues which passed this session. Our attorneys may hold differing perspectives on a particular bill, but they offer us the best judgment their experience provides. More bills will be discussed at CAI's southern and northern legislative update classes. If you want to appreciate the impact of Nevada's biennial legislature, we hope you will attend one!

1,034 TOTAL BILLS INTRODUCED IN THE 77TH SESSION

- Assembly Bills: 512
- Senate Bills: 522
- Total bills passed: 520
- Bills vetoed by Governor: 17
- Bills tracked by LAC: 50
- Number of bills impacting associations and management enacted: 20

Nevada LAC is one of 35 CAI state based lobbying organizations. It is charged with promoting policy positions and educating our members to help secure positive legislation. CAI's Government & Public Affairs Department helps the state LACs with advocacy efforts. For more information on the various national policy positions, please go to: www.caionline.org and search "CAI Public Policies". ●





PAUL P. TERRY, JR. ESQ. IS
WITH ANGIUS & TERRY LLP

Assembly Bill 44; Senate Bills 233 and 280

by Paul P. Terry, Jr. Esq

ASSEMBLY BILL 44

Dubbed the “trash can” bill, AB 44 prohibits an association from banning the outside storage of trash or recycling containers.

However, an association is allowed to adopt rules that reasonably restrict the manner in which those containers are stored by 1) limiting the storage areas to the rear or side of the unit and by 2) prescribing the size, location, color, material and method of attachment of any screening material so that the containers are not visible from the street, sidewalk or adjacent property. The rules may also specify the area in which the containers must be placed for collection and when the containers may be placed in the collection area and must be removed from the collection area.

SENATE BILL 233

This Bill amends NRS Chapter 278

Senate Bill 233 codifies the holding of a Federal Court case which states that the sections of NRS 116 allowing deed restrictions or CC&Rs requiring a certain distance between ‘group homes’ and adjacent properties violated the Fair Housing Act Amendments of 1988. The Bill repeals the offending sections of NRS 278 that violated Federal law. Therefore, local municipalities that have ordinances requiring that group homes must be a certain distance from the next property are not enforceable.

The case appears to be limited to group homes with disabled residents. Under the Fair Housing Act, alcoholics and recovering drug addicts are considered to be disabled.

However, current addicts of controlled substances are not considered disabled. Deed restrictions on group homes for active drug users or felons are likely still valid.

SENATE BILL 280

SB 280 is a collections bill.

Although at one point it made numerous changes to the collection process, as finally passed, it made only four changes.

First, if the lender and borrower agree, the lender may set up an escrow account to pay the assessments. If the lender establishes such an account, the assessments must still be paid on the same schedule as other owners who do not have an escrow account.

Second, before an association may start the collection process, it must first send to the owner a schedule of the fees that may be charged if the owner fails to pay the past due assessments, a proposed payment plan and a notice of the right to contest the past due assessments at a hearing before the board and the procedure for requesting such a hearing. This mailing cannot be made until the past due assessments are at least 60 days delinquent.

Third, an association may once again charge a fee of \$20.00 for providing documents in a resale package in electronic form.

Finally, an owner, the owner’s agent or a lienholder (i.e. bank) may request a demand statement from the association. The demand statement must be provided within 10 days and must include the amount of the monthly assessments and any unpaid obligations. The demand statement remains effective for at least 15 business days. If the association becomes aware of an error before the resale is consummated, the association must deliver a corrected demand statement. Payment of the amount stated in the demand statement constitutes full payment of the amount due from the owner.

The association may charge \$150 for preparing the demand statement and an additional \$100 if there is a request that the demand statement be furnished within 3 days. ●



GAYLE A KERNE, ESQ
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Assembly Bills 370 and 326; Senate Bill 130

by Gayle A Kerne, Esq

ASSEMBLY BILL 370

This is an amendment to Chapter 38 of NRS 116.

When this bill goes into effect on October 1, 2013, over twenty successful years of resolving disputes involving residential property subject to CC&Rs will be drastically changed.

Existing law requires all disputes involving property subject to CC&Rs to be commenced as a mediation or arbitration with skilled and knowledgeable mediators and arbitrators. Under existing law, only after the mediation or arbitration has been completed is a party allowed to commence an action in district court. This saves time and money for all participants. Nearly all of the mediators are skilled and conduct the arbitrations or mediations in an impartial and professional manner.

Under the new law, with the artificial caps placed on the charges that the mediators and arbitrators may receive, it is anticipated we will lose these skilled arbitrators and mediators. The decisions in arbitrations are well-reasoned and appropriately consider the applicable law and evidence presented.

Commencing October 1, 2013, the only option will be a mediation or diversion into a program that is optional or agreed upon arbitration. This optional program is identified as the Referee Program. Fortunately, the parties must agree to use the Referee Program because if the existing Referee Program is the model, there may be problems. When the Referee Program was presented to the entire Assembly Committee on Judiciary in AB 34, it was widely opposed. The pilot Referee Program has drawn a lot criticism from numerous organizations. There are no procedural protections in the pilot Referee Program. In contrast, the existing procedures under arbitrations under Chapter 38 were well established and afforded numerous procedural due process rules.

Therefore, with the passage of AB 370, the current and highly successful mandatory mediation/arbitration program has been dismantled. There is no mandatory arbitration. The parties would have to agree to arbitration under the new bill.

If there is no agreement to submit the claim to the Referee Program or to arbitration, the parties will be forced to go through the mediation process and then have the opportunity to present the claims in district court if there is no resolution agreed to by the parties.

It is anticipated this will increase the costs and expenses to the parties involved.

Courts were pleased with the existing ADR process because it reduced their caseloads. These caseloads are anticipated to increase under the changes that have been implemented because there will be no mandatory arbitration.

The success of the existing ADR program resulted from a less expensive but necessary forum for the

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The Social Committee & Community Outreach are partnering to support the Vegas Valley Humane Society at this event.

Here is your ticket link for the August 10th game
<https://oss.ticketmaster.com/html/go.html?l=EN&t=vegas51s&o=524470&g=50>

Password – baseball

August 10th is **Cosmo Piggy Bank Night** for the first 2,500 fans and each person will receive a free 51s hat by purchasing a ticket through this link. \$3 from every ticket sold benefits the Humane Society.

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enforcement of valuable contractual rights set forth in the Governing Documents, statutes and case law.

ASSEMBLY BILL 326

This is an amendment to Chapter 597 of NRS 116.

When this bill goes into effect on October 1, 2013, any agreement that includes a provision requiring a person to submit to arbitration any dispute between the parties will require specific authorization of the arbitration requirement by the person. If there is no specific authorization, then the person cannot be required to submit to arbitration.

In that a purchaser of real property is required to acknowledge receipt of the Governing Documents, it will be my opinion that the documentation should now include a specific provision that agrees to any arbitration provision in the CC&Rs of a community. If possible, enforcement of the arbitration provisions in the CC&Rs of a homeowners association may be an alternative to the loss of arbitration under Chapter 38. Associations may want to consider amending their CC&Rs to include a requirement that disputes of the CC&Rs must be arbitrated if mandatory arbitration is not already included in the governing documents.

SENATE BILL 130

This is an amendment to Chapter 116 of NRS 116.

When this bill goes into effect on October 1, 2013, the process and procedure for imposing a fine against a unit's owner or a tenant or an invitee of a unit's owner or tenant will require additional action by the homeowners association.

This bill requires that the written notice provided to the unit's owner and, if different, the person against whom the fine will be imposed: 1) specify the alleged violation in detail; 2) specify the proposed action to cure the alleged violation; and 3) under certain circumstances, include a photograph of the alleged violation.

The photograph of the alleged violation is necessary: 1) if the alleged violation relates to the physical condition of the unit or the grounds of the unit or 2) if it is possible to obtain a photograph.

This bill further provides that, after the person against whom the fine will be imposed is provided the written notice of the alleged violation, he or she must be provided a reasonable opportunity to cure the alleged violation or to contest the alleged violation at the hearing. ●



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Assembly Bills 273 and 395; Senate Bill 427

by John E. Leach, Esq.

ASSEMBLY BILL 273

AB 273, which goes into effect on October 1, 2013, amends NRS 107, which governs deed of trust foreclosures, and amends NRS 116 to add an impediment to an association's foreclosure process. The amendment to NRS 107 modifies the Foreclosure Mediation Program (the "Program"). The amendment to NRS 107 requires the trustee under the deed of trust to notify every person with an interest in the property, by certified mail, return receipt requested, of the enrollment of the owner in the Program. See AB 273, Section 3(3). Thus, an association should receive notice of the owner's and trustee's participation in the program. In addition, once the mediation certificate has been issued indicating either no mediation is required or mediation has been completed, the trustee must notify the association of the existence of the certificate. See AB 273, Section 3(9).

During the owner's participation in the Program, the owner must pay the obligations that come due to the association, i.e., monthly assessments, but not the past due amounts. See AB 273, Section 3(10).

AB 273 amends NRS 116.31162 to prohibit an association from foreclosing its lien if: (1) the unit is owner occupied and encumbered by a deed of trust and (2) the holder of the beneficial interest under the deed of trust has: (a) recorded a notice of default and election to sell and, (b) not recorded the certificate indicating that no mediation is required or mediation has been completed.

There are several problems and issues with AB 273. For example: (1) What if the holder of the beneficial interest under the deed of trust does not notify the association of (a) the owner's participation in the Program, or (b) of the



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issuance of the certificate indicating that no mediation is required or mediation has been completed? and (2) What if the owner fails to pay assessments during the Program?

This bill goes into effect on October 1, 2013. Thus, the adjustments to the association's collection process adopted by AB 273 must be implemented immediately in preparation for the changes.

ASSEMBLY BILL 395

AB 395 is referred to as the "anti-bullying" Bill. A similar Bill was introduced during the 2011 Legislative session. However, it was defeated, at least in part, because it was not balanced, i.e., it only protected owners from alleged bullying by officers, directors and community managers.

AB 395 proposes to amend NRS 116 to prohibit a community manager, director, officer, employee or agent of an association, an owner or a guest or tenant of an owner, from willfully and without legal authority, threatening, harassing or engaging in a course of action, which: (a) causes harm or serious emotional distress, or (b) creates a hostile environment for the community manager, director, officer, employee or agent of an association, an owner or a guest or tenant of an owner. A violation of this statute is deemed to be a misdemeanor.

While the intent of AB 395 is good, its implementation and effectiveness is debatable. A misdemeanor is a criminal law term. AB 395 fails to identify who enforces this provision. However, AB 395 expressly provides that a violation of this statute is not a "violation" as that term is defined in NRS 116.745. Thus, the Nevada Real Estate Division does not have the authority to enforce it. AB 395 also does not grant an association or any other third party a private right of action to enforce this statute. Thus, it appears that enforcement has been relegated to the City or District Attorney's office. This law goes into effect October 1, 2013.

SENATE BILL 427

SB 427 does not directly affect associations, but it reflects the Legislature's intent to limit bullying or cyber-bullying. SB 427 requires courts to inform the school district if a child enrolled in the school district is lawfully engaging in bullying or cyber-bullying. While this conduct may be occurring to individuals residing in an association, SB 427 would generally not apply to the association. However, if an association is utilizing a school for its meetings, then Section 15 of SB 427, which amends NRS 388.135, prohibits a member of the association from engaging in bullying or cyber-bullying on those premises. This law went into effect on July 1, 2013. ●

Upcoming Events

Southern Nevada

AUGUST	8/13	Las Vegas Monthly Luncheon	Gold Coast Hotel	11:15 a.m.
	8/13	CAI Nevada Chapter Board Meeting	Gold Coast Hotel	1:30 p.m.
	8/20	Las Vegas Manager Breakfast	CAI Training Center	9:00 a.m.
	8/27	Las Vegas Homeowner Seminar	CAI Training Center	9:00 a.m.
SEPTEMBER	9/10	CAI Nevada Chapter Board Meeting	Gold Coast Hotel	1:30 pm.
	9/10	Las Vegas Monthly Luncheon	Gold Coast Hotel	11:15 a.m.
	9/11	New Member Breakfast	CAI Training Center	9:00 a.m.
	9/11	Committee Chair Co-Chair Meeting	CAI Training Center	10:00 a.m.
	9/24	Las Vegas Manager Breakfast	CAI Training Center	9:00 a.m.
	9/28	Las Vegas Homeowner Seminar	CAI Training Center	9:00 a.m.

Northern Nevada

AUGUST	8/16	Northern Nevada Golf Tournament	Incline Mountain Course	10:00 a.m.
SEPTEMBER	9/18	Northern Nevada Quarterly Member Breakfast	Peppermill Hotel	7:30 a.m.
	9/19	Northern Nevada Manager's Breakfast	Peppermill Hotel	9:00 a.m.
	9/19	Northern Nevada Homeowner Seminar	Peppermill Hotel	6:00 p.m.

All Dates and Events are subject to change or cancellation.



MICHAEL SCHULMAN, ESQ. IS A PARTNER IN THE LAW FIRM, OF WOLF RIFKIN SHAPIRO SCHLUMAN & RABKIN LLP

Senate Bill 60; Assembly Bills 334 and 366

by Michael Schulman, Esq

SENATE BILL 60

This bill amends NRS 116 Chapters 76-82.

This bill relates to businesses, registered agents, and filing for business licenses. For those associations that were formed under Chapter 81, it continues the requirement to obtain a state business license.

The bill goes on to set certain parameters for those who serve as registered agents. For management companies and or attorneys in the industry that serve as registered agents, for 10 or more business entities, the bill requires that they must register with the Secretary of State as a commercial registered agent. This will provide the Secretary of State with certain rights to audit the records of the registered agents. Finally, the law adds additional steps for entities that fail to file an annual list of officers and directors within one

year of the due date to renew their licenses. In order to be reinstated, the entities will have to take additional steps, including filing a declaration with the Secretary of State, under penalty of perjury, that the reinstatement is authorized by a court of competent jurisdiction or the duly elected Board of Directors or other governing body of the entity. For those management companies that are owned by an entity which has been formed in a different state, the requirement for a "foreign" (non-Nevada corporation) to register with the Secretary of State has been expanded to require the filing of not only a declaration of existence of the corporation in the foreign jurisdiction, but a declaration that the corporation is in good standing in the jurisdiction in which it was incorporated.

ASSEMBLY BILL 334

This bill amends NRS 116 Chapters 624 and 645.

This bill relates to certain exemptions for licensed real estate brokers and sales person from provisions relating to the requirement that they be licensed as contractors if they are involved in assisting clients in engaging contractors.

The bill exempts licensed real estate brokers, real estate broker sales persons from the provisions to be licensed as a contractor, if they are acting within the scope of their license, assisting a client in scheduling work to repair or maintain a residential property under certain circumstances. The exemption applies to jobs under \$10,000 that do not require a permit.

This is important for common interest communities because there is no language in the bill that relates to a Community Association Manager (CAM). The Nevada State Contractors Board has recently raised issues about whether or not an association and or its CAM is acting in the capacity of a contractor when the associations engage more than one contractor, involved in different disciplines, to work on the same job.

Michael Abalos	Thomas High	Melvin Romans
Christine Andrus	Sam Kim	Sharon Stein
William Erdmann	Barbara Kinnear	Vernon Stultz
Krista Gilmore	Timo Kuusela	Alynn Thompson
Mike Grady	Maryann Overton	Frank House Walthall
Kathryn D. Haisan	Theresa Price	



By way of clarification, if an association directly engages a landscaper, plumber and an electrician to work on, install, repair or replace an intricate irrigation system and the landscaping relating thereto, the State Contractors Board has said it may take the position that the association or the CAM are acting as a general contractor if no such general contractor is involved in the project.

If the Contractors Board takes such a position, then the association or the CAM could be deemed to be in violation of the statute requiring general contractors to be licensed. The reason that AB 334 is important to CAMs is that it demonstrates that the legislature did not think to provide to CAMs the same exemption the Bill provides to licensed real estate brokers. The real issues for licensed Real Estate Brokers and CAMs is that the exemption granted in the Bill only applies to jobs of under \$10,000.00 and where permits are not required.

Often CAMs are involved in jobs that involve much more than \$10,000.00, that involve more than one licensed contractor and that require permits. CAMs and their respective clients should review the issues relating to contractors and the need for licenses with their legal counsel before embarking on construction projects including, but not limited to, simple repair projects.

ASSEMBLY BILL 366

This Bill amends NRS 116 Chapters 81,82 and 92A.

This Bill relates to non-profit corporations. It revises certain provisions of corporate statute governing non-profit cooperative corporations. This Bill will apply to associations that are actually formed pursuant to NRS 81.0102 through NRS 81.160.

The Bill requires certain provisions be included in Bylaws and the Articles of Incorporation and that certain words be included in the name of cooperative corporations. The interesting question is whether or not an existing cooperative has to amend its Bylaws or its name to comply with such statute. There are very few homeowner associations in Nevada that are cooperatives. However, some developer attorneys, who drafted documents for associations, may have inadvertently formed associations under the sections of NRS 81 referred to above.

Any board member or manager who knows that his or her association was formed under such sections should consult the association's legal counsel in order to determine whether or not changes have to be made to the Articles, Bylaws or name of the corporation. ●



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Preposterous Proposals that Perished

by LAC/Grassroots Committee

The 2013 Legislative session kicked off with some of the more preposterous bills we saw throughout the 120 days.

ASSEMBLY BILL 137

Representative Dina Neal (Democrat, District 7) introduced legislation that would prohibit associations from requiring homeowners to landscape their backyard. Apparently, Ms. Neal moved into an HOA and did not want to bear the cost of installing basic landscaping, like gravel or turf. When the association sought to work with her on the matter, she decided to take matters into her own hands and introduced Assembly Bill 137 banning HOAs from requiring that residents landscape their backyards. Despite a rather lengthy introductory testimony by Representative Neal, the bill languished in committee.

ASSEMBLY BILL 121

Another preposterous proposal was Assembly Bill 121 introduced by Representative Lynn Stewart (Republican, District 22). Mr. Stewart's bill would have required an association to provide the association's mailing list and contact information of all association homeowner/residents, at no charge, to any candidate running for office in the community.

The bill would also have required the association to mail campaign material, at the candidate's expense, to unit owners.

The bill generated concern on two levels ... first, it created cause for concern in releasing resident information with few qualifications and second, the law ignored that there are many electronic tools, websites and other materials that a candidate and association can use to get the word out. This bill joined AB 137 in the dustbin at the end of session.

AUGUST LUNCHEON ...

DUST FROM THE 2013 LEGISLATIVE SESSION HAS SETTLED!
COME AND GET AN UPDATE ABOUT HOW THE NEW LAWS AFFECT YOU.

Our LAC (Legislative Action Committee) panel of experts, John Leach, Esq., Michael Schulman, Esq., Paul Terry, Esq., Gayle Kern, Esq., and Robert Rothwell, Ph.D. will be presenting an update and showing how these laws affect you and your Community.

You won't want to miss this informative legislative update! Contact CAI and register today!



ASSEMBLY BILL 34

Assembly Bill 34 was another challenging bill that arose during session.

Introduced by the Assembly Judiciary Committee, the bill would have provided some relief from the burdensome "3 bid" rule that exists for association procurements, but would have come at a high cost.

AB 34 also would have redefined a board meeting so broadly as to include just about any time a handful of board members may be in the same area, even if it is for a social event or a meeting with the managers.

The bill also would have imposed a requirement that an association appoint an election monitor upon petition of 10% of the residents.

AB 34 would also have created a "referee program" for association disputes. At the end of session, the bill remained in committee, although some of the elements of the bill found their way into other proposals.

ANALYSIS

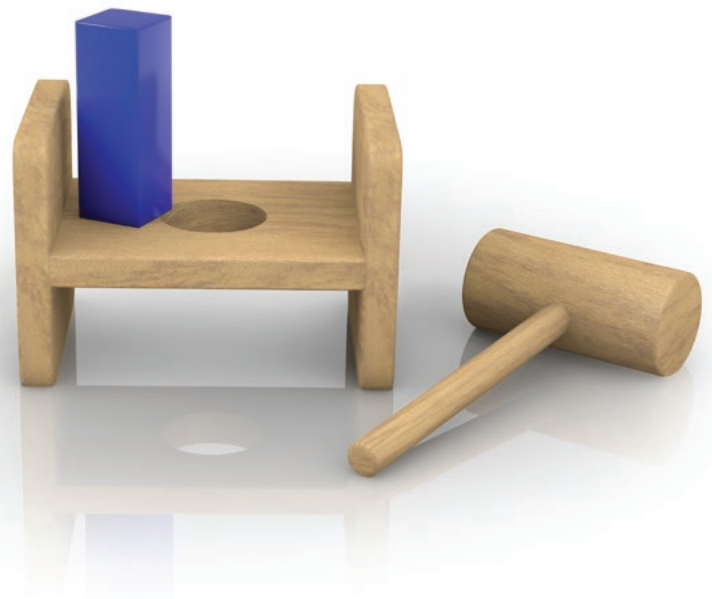
The common theme faced throughout the legislative session was that Legislators continue to place great emphasis on protecting the rights of unit owners who do not pay their assessments.

While such consumer protections are helpful in terms of ensuring that residents feel protected in their ownership interest from overzealous boards, it is clear from the burdensome impositions found in this session's legislation that the pendulum may have swung too far in that direction.

Changing Federal Mortgage regulations means that the association finances will increasingly become a factor in mortgage lending decisions.

For example, the FHA condominium underwriting guidelines require that an association have no more than 15% of units 60 days late in their assessments ... but the requirements of Senate Bill 280 mean that the association cannot even send a notice of delinquency until at least 61 days from when the assessment becomes past due.

Thanks to the work of LAC and the Grassroots Committee the legislature was aware of this requirement; however, none-the-less, they chose to impose the new notice requirements.



That said, there were numerous proposals that were far worse than what was enacted ... which we were able to stop with your support! In fact, looking at the past two sessions, 2013 demonstrated that when we all work together in unity to voice our concerns, we can influence the process in a positive direction for all Nevada Communities.

If you are interested in receiving one-page summaries on the legislation discussed in this issue, please email the CAI Chapter office at admin@cai-nevada.org

CIRMS

Community Association Underwriters (CAU) is once again pleased to be a promoter of Community Associations Institute's CIRMS Designation in 2013. A CIRMS Designation identifies individuals in the insurance industry that have demonstrated the highest level of competence in community association insurance and risk management. Specialization, knowledge, ethical standards, and involvement are some of the characteristics of your typical CIRMS Designee. For community leaders this designation becomes a great assist in identifying talented individuals in the community association insurance and risk management field. As of December 12, 2012 CAU Employees represent 19 of the 92 designees nationwide. They are proudly listed below.

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Robert Travis, CIRMS

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To read the article "The Community Association Specialist. Insurance and Risk Management" please visit our website at www.cauinsure.com. This article explains the benefits to community associations when working with a CIRMS Designee.



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CHUCK NIGGEMEYER,
DCAL IS PRESIDENT
OF SAGE HILLS
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ASSOCIATION AND
A MEMBER OF CAI
NEVADA LEGISLATIVE
ACTION COMMITTEE

Flight of the 2013 Nevada 77th Session of the Legislature

by Chuck Niggemeyer, DCAL

Most of us have been on a commercial airline flight, which seemed at times to be extremely rough and turbulent with the seat belt sign constantly illuminated. Even the flight attendants were not able to provide in-flight refreshments.

However, at destination, when the pilots (I used to be one) made a glassy smooth landing, the prior moments of doubt and worry disappeared.

The 77th session of the Nevada Legislature in many ways resembled just such a flight or should I say 'plight'.

The session got off to a rocky start with a member being expelled for legal reasons. Then the session took off and seat belts and rough days were in order as the 120-day flight session 'took flight'.

The session was something I was able to both observe and actively participate in ... as a homeowner, board member, and member of the CAI Legislative Action Committee (LAC),

One thing I learned during the 2011 76th session of the Nevada Legislature is that most HOA bills that become law generally emanate from someone who is upset about living in a Common Interest Community and wants to change the law/rules to suit themselves. Never seems to be important that the overwhelming majority of residents living in approximately 3000 Nevada Homeowner Associations are happy and content!

Therein lies the difficulty in getting the Legislators to hear the truth.

The 2012 election of Nevada Legislators provided an excellent opportunity for me to present to and

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The results achieved from the cooperation, collaboration and communication between these two committees proved that our voices can be heard and can be the reason why legislators need to 'think deeper' and 'understand more fully' the contents of a proposed Bill before automatically giving it a 'rubber stamp'.

educate the residents of our Community Association about the importance of becoming involved and being heard in the upcoming 77th session of the Nevada Legislature.

During our last two 2012 Board of Director meetings, I made sure all in attendance knew their Nevada Senate and Assembly Members. I explained the CAI and Grassroots Initiative and the function of the CAI Legislative Action Committee. I encouraged joining Grassroots and passed out informational flyers and obtained email addresses from interested residents and became the information conduit for Grassroots in our Community Association.

As soon as the 120-day legislative flight departed in February 2013, the information started flowing from LAC to Grassroots and to our residents. Every Grassroots bullet point message was distributed and the reasons to support or oppose each bill were made known to the appropriate legislator/committee member. Many residents reported receiving messages back from legislator/committee members acknowledging their email was received and their concerns were being heard.

I personally attended the discussions of several HOA legislative committee bills, teleconferenced to the Grant Sawyer Building. I also testified for or against bills when the committee chair allowed public comment. This was a great experience that provided insight into the turbulent, keep-your-seat-belt-fastened nature of the Nevada political process. Everyone should attend a hearing while the Legislature is in session. Think 2015!

The 77th Nevada Legislative Flight landed in early June 2013. I think for the most part, the landing was pretty smooth, due in part to the great participation of the Grassroots members and the members of our LAC committee. The results achieved from the cooperation, collaboration and communication between these two committees proved that our voices can be heard and can be the reason why legislators need to 'think deeper' and 'understand more fully' the contents of a proposed Bill before automatically giving it a 'rubber stamp'.

Homeowners will probably see some changes in the form of curbside trash and recycling procedures.

Managers and board members will see changes with violation documentation requiring photographic support. Homeowners, board members and managers will now have protection from "bullying" which now will be classed as a misdemeanor. The "bullying" law goes both ways so all parties are protected. Homeowners, board members, and managers will see procedural changes in collection and foreclosure mediation provisions. Finally the Nevada Real Estate Division is establishing a voluntary "referee" program for dispute resolution when interpretations of governing documents are questioned.

I'm reminded of a quote from Angela Merkel, chancellor of Germany, "Politicians have to be committed to people in equal measures."

We all need to prepare now so we are ready for 2015 when the 78th Session of the Nevada takes off.

Fasten your seat belt! ●



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WENDY WHALEY,
DCAL IS CHAIR OF THE
COMMUNITY OUTREACH
COMMITTEE

Homeless Helpers

by Wendy Whaley, DCAL

600 slices of bread, 300 slices of cheese, 600 slices of ham, mayonnaise and mustard packets, Ziploc baggies and a group willing workers from Community Outreach Committee ... combine all those ingredients and what do you have ... 300 sandwiches to feed 300 Homeless people on the streets of Las Vegas.

On June 19, 2013, the Community Outreach Committee partnered with Homeless Helpers of Nevada, a nonprofit organization dedicated to helping the working poor and homeless. They provide a nighttime meal and always maintain a mobile feeding service to reach those unable to easily access shelters. In addition to the food program they provide blankets, coats, bus passes, and hygiene kits for the Homeless.

We made the sandwiches at "Get Docs Now" and transported them to a location where we met program Director, Tony Sipich. We loaded up our ice chests with water, sandwiches, crackers and cookie snack packs and caravanned to different locations to hand out the food.

We were amazed by the polite way everyone lined up as they saw the Homeless Helper truck come into view. There was never any pushing ... always smiles and a 'thank you' for us. They were so grateful for this sandwich and water.

Sometimes we would ask if they would like another sandwich and they would say "no, save it for someone else" while others would take it for a friend who was in the park. They showed us so much kindness!

I can truly say that all of us left that day with hearts so full. I think that many of those people touched us more than we touched them. It was a wonderful experience and we are already planning another trip to visit them again.

I would encourage you to join us when you can ... it is an amazing experience!

For more information, go to www.homelesshelpersnv.org

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Countdown to the Gala ... Seven ... Six ...

by Melissa Ramsey, AMS®, CMCA®, CPO®

The Gala Committee is excited to announce a NEW Award ... Outstanding Provisional Community Manager! We know there are "newbies" out in the field learning the 'ins and outs' of our industry and its time to show them we see their efforts.

The Gala awards are designed to recognize those who not only give their time to their community, but also to the industry through participation in CAI programs and events.

Remember only a short time is left to nominate a Manager, Community Association, or Board Member. The nomination period ends on Thursday, August 15. Nominations can be made online at www.cai-nevada.org.

Each award category must have at least TWO nominations to proceed in the process. Once the nomination period is closed, nominees will receive an email with further instructions on

completing the award application, which will include an essay in 250 words or less. Nominees will also need to include their CAI membership number for their response to be accepted.

The Gala will be Saturday, February 8, 2014 at Treasure Island Resort. ●



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CAI Nevada Chapter Members' Brag Page



CHRISTIAN DIAMANDIS, BRIAN DELISLE AND LISA R. NUNLEY AWARDED PCAM DESIGNATION

Christian Diamandis of Las Vegas and Brian DeLisle and Lisa Nunley of Northern Nevada have completed all requirements and have been awarded the PCAM® designation by CAI National. This designation is the pinnacle of professionalism for Community Association Managers. It is the highest of the advanced levels of recognition awarded by CAI. Through advanced education, training and guidance, the PCAM® designation helps ensure that the manager has the knowledge, experience and integrity to provide the best possible service. Both Brian and Lisa are with **Associa Sierra North**. Christian Diamandis is with **Associa Nevada South**.



SUSAN BAUMAN NAHU CERTIFIED ON THE PPACA

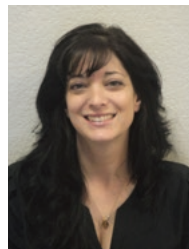
Susan Bauman, president of **Western Risk Insurance** became certified through The National Association of Health Underwriters' (NAHU) new professional development course on the Patient Protection and

Affordable Care Act (PPACA). This continuing education course for agents has been approved in all 50 states, and Susan will receive 10 education credits from the Nevada Department of Insurance.

Susan completed this 10-hour course to receive the most up-to-date information on the key technical components of PPACA and is prepared to counsel clients on upcoming required healthcare changes and new options for health plans.

"By taking this course, Susan Bauman has joined an elite group whose members are uniquely qualified to assist clients in complying with the new law," said NAHU CEO Janet Trautwein. "She

understands how the market is likely to change over the next few years, and is in the perfect position to advise families and businesses in planning for the future."



DEBBIE KLUSKA IS NAMED COLLECTION MANAGER AT NEVADA ASSOCIATION SERVICES

Debbie became interested in homeowners associations when she relocated to Las Vegas in 1996. Prior to joining Nevada Association Services, she spent

four years working as an onsite manager at Painted Desert Community Association.

In August 2000, Debbie began working as an administrative assistant for Nevada Association Services, Inc learning the 'ins and outs' of collections for community associations.

The more she learned, the more her role at the company grew, from title liaison to trustee sales officer to her most recent position as collections supervisor. During that time, she also worked closely to resolve issues with debtors, community managers and homeowner association board members.

Her new responsibilities involve overseeing collections staff, upgrading systems and technology and administering customer service policies. In addition, she regularly represents Nevada Association Services, Inc at functions and HOA board meetings.

Debbie resides in a Community Association with her family. ●

If you have anything you want to share, please submit it by the 5th of each month so it can be included in the next magazine. Anything received after the 5th of the month may not make it into the next magazine, but will appear in the following issue. Please submit your items to info@cai-nevada.org or fax to 702-240-9690.



NORM ROSENSTEEL,
PCAM IS THE PRESIDENT
ELECT FOR THE NEVADA
CHAPTER OF CAI

Establishing Relationships With Your Legislator

by Norm Rosensteel, PCAM

First, do you know who your Legislators are? Everyone has a State Senator and a State Assemblyperson. There are 21 Senators and 42 Assemblypersons for a total of 63 Legislators who meet every other year for a 120-day Legislative Session. To find your Legislators, go to www.cai-nevada.org, click on the 'Grassroots Initiative' tab, and then click on the 'Find Your Legislator' link. Then, you can enter your address and it will find your State Senator and Assemblyperson.

Now that you've found who represents you, what do you do next? Contact them with your opinions!

It's very important to realize a few things.

Trying to have a conversation with your Legislator during the Legislative session is very difficult. They are extremely busy! For example, 1,034

different Bills were introduced in the last session. That means they are trying to analyze and fully understand 9 or 10 new Bills every day of the session, in addition to attending to their other duties such as serving on Legislative Committees. Also, our Legislature is made up of ordinary citizens like you and me. They are paid a very modest salary to serve, and most of them work a real job in addition to being an elected official.

So ... starting now, and through the next 18 months or so, is the time to have some discussions with them.

I met my assemblyman on a plane coming back to Reno from Las Vegas. In conversation, I realized he is my neighbor and lives only four houses down the street. Prior to the last session, we had several conversations regarding associations and other issues that are important to all of us.

To properly represent their constituents, our Legislators want and need our input. They vote on such a wide range of policy issues, and, due to the complexity and variety of issues, they rely on input from many sources to gather information: community members, practitioners, lobbyists and experts in a particular field. During the session, when you send emails and have input on Bills, you have a much better chance of being heard if you already have a relationship with your Legislator.

You can also find their contact information at www.leg.state.nv.us. If you are happy in your association, let them know it. If there are changes you believe are needed, let them know about it.

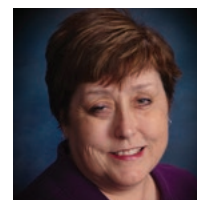
Remember, NOW is the time to begin preparation for the next Legislative session in February 2015.

Let's work WITH our legislators to make Nevada a great place to live. ●

Save the Date!
Friday, August 16
Northern Nevada Golf

Please go to www.cai-nevada.org under the events tab for more information.

NEVADA CHAPTER
community
ASSOCIATIONS INSTITUTE



ALICE M. MOORE IS A MEMBER OF THE BOARD OF DIRECTORS AT CLUB ALIANTE HOMEOWNERS ASSOCIATION

You Get Out ... What You Put In!

by Alice M. Moore



may have gotten involved because you had a question or special interest. You probably stayed involved when you realized how much you enjoyed trying to make your community a better place and you wanted to guide it towards that vision. Listen to each other!

It might be more challenging to make friends when we are no longer children, but it's not impossible.

If you are not currently active and / or do not participate in any of the social events that may be available, just remember as in the rest of life ... you get out what you put in.

If the Community that you live in isn't your "Common Interest," it will never feel like home. ●

I am the youngest of five children born into a Military family. Even though I came along about the same time as my father's retirement from 20 years active duty, I still have lived in more than nine different homes in my 50 plus years. When I mention this to some people, they look at me with pity in their eyes, thinking how sad it is that I don't have strong roots in any one place.

I share this detail with you because I want to convey the secret of how my family and each of us learned to thrive, despite pulling up stakes every few years. As my Mom and Dad both used to say, "it's not the house, it's the people that make the home." I'm sure growing up during the depression influenced their worldview and the values they passed along to their children.

Their favorite adage works just as well with Common Interest Communities ... "it's not the HOA, it's the people that make the Community". Sometimes, Board members forget this fact, and you can see evidence of this in contentious meetings; poor turnout at social events; and an "us versus them" atmosphere.

If you are currently active in your community, regardless at what level ... as an event participant, as a committee member, serving on the board, or any other volunteer role ... please remember to treat each other with respect. You

NORTHERN NEVADA TRADESHOW AND LEGISLATIVE UPDATE CLASS

Many thanks to **Alessi and Koenig** and **Seacoast Commerce Bank** for sponsoring the 3 credits 2013 Legislative Update Law Class required for our Community Manager members for their recertification.

Exhibitors for the Northern Nevada Tradeshow were All Seasons Landscaping; Alliance Association Financial Services; Allied Barton Security; Alpha 1 Construction; Angius and Terry, LLP; Applied Pavement Technologies; Advanced Property Services; Associa Sierra North; ATC Assessment Collection Group; Behr Paints; Belfor Property Management; Browning Reserve Group, Cout Cleaning, Empire Community Painting and Construction, Equus Management, First 100 LLC; Fuller Jenkins Clarkson; Hampton and Hampton; Mike Menath Insurance; Pacific Western Bank; Red Rock Financial Services; Reno Green Landscaping; Seacoast Commerce Bank; Signature Landscapes; Terra West; Wolf Rifkin Shapiro Schulman & Ribkin, LLP

Without ALL of you, the success of our members would not be possible!



ERIC THEROS, CAM, IS A
COMMUNITY MANAGER
WITH COMMUNITY
MANAGEMENT GROUP

Candlelighters Event – Time to Light It Up!

by Eric Theros, CAM

Two questions were asked at a meeting of a group of those who work in the Community Association Management industry.

First, are you tired of hearing all the negative stories about community associations and management companies and being lumped into “that” negative category?

From the reaction, it was apparent that nobody enjoyed being portrayed in the news as the cannibalistic ‘grim reaper’.

The second question was: if they could, would they do something to help sick children battling cancer? The overwhelming reaction was ‘yes’!

What is the connection between these two questions? The answer is that there is now a way to shed a ‘positive’ light on community association managers and help children with

cancer ... register to participate in the Candlelighters 5k event, a Community Outreach Committee activity.

The annual Nevada Candlelighters “Race For Our Kids” 5k held on September 14, 2013 at Mountain’s Edge is quickly approaching, and our CAI team is starting to pick up steam. Our team has continued to grow and has been recognized for being the ‘largest overall team in membership numbers’ as well as the ‘largest corporate fundraising team’. Our goal is to make sure we hold onto those records! Having overwhelming support from all the members of CAI Nevada is the only effective way to accomplish this.

Our team “CAI – HOA Champions” has shown this to be true every year.

All team members will be easily noticed, as each person will be wearing a bright green CAI visor

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This is an amazing cause, and we truly hope that the team goal of 200 members and \$8,000 raised will not only be met, but will be passed!

as well as bright green wristbands. Wearing these items makes our team members 'stand out', helps to identify us anywhere and everywhere and shows everyone what a massive amount of support we bring. A sincere 'thank you' to 'The Management Trust' and 'Taylor Association Management' for donating the visors and to 'Valley Crest Landscape' for donating the wristbands.

'Candlelighters' is an organization that helps children and their families who are affected by childhood cancer ... including counseling; help with medical bills and every other aspect of relief. While we all hope we will never personally need to utilize a program such as this, it is heartwarming to know that 'Candlelighters' is there for us in case our families are ever afflicted with this horrible disease.

The trend for registrations in past years has been a slow beginning followed by a wild rush to the finish line to reach our goal of 'largest team' and 'most money raised'. Last year, literally 50% of the registrations came in within the last two weeks of registration. This has become a new CAI 'staple' event that members know about and attend annually. If you haven't joined yet, you are missing out on an incredible event!

Oftentimes some wait to see who else is registered before they join ... so speak up and invite your friends, both in your office and in your community. Some of the teams with the largest numbers were from all of the sub teams created by Management Companies and Business Partners. Sometimes up to 20 people from one office would all join together, and those truly make a HUGE difference!

If you have already joined the team, then on behalf of the Outreach Committee as well as the families of the Candlelighters kids, THANK YOU.

There are still ways that each group of CAI members can help raise awareness and help our team grow:

MANAGERS: Ask your Board members if they would be willing, in the next community mailing, to allow you to insert a flyer promoting the event and inviting all of the residents of the community to attend and join our team. The amount of people we touch through newsletters or email blasts is staggering. Master Association Mountain's Edge has been doing this already and they are joining our CAI team this year. Ask those in your office and see who else is going. Try to rally some friends to join the team. (Use guilt if you have to ... remember ... this is to raise money for those affected by childhood cancer!)

BUSINESS PARTNERS: Talk to the Board members and Managers you see while on site. Our Business Partners

touch every Management Company and association in the Las Vegas Valley and in the Northern Nevada area, and spreading the word is a HUGE help! Those not affiliated with CAI may not even know this is happening, and our goal is to bring the entire industry together. This helps not only the team; it helps those in need and CAI in general.

HOMEOWNERS: Talk to your neighbors and friends and family, and jump in! You are the largest portion of the CAI membership, and if you haven't 'gotten your feet wet', so to speak, at a CAI event, this is definitely a great one to become a part of. This event is an informal way to meet a lot of people and also a way to be a part of something truly special and heartwarming.

If you haven't signed up, below are the options you have to join!

JOIN THE TEAM: You can participate by joining the team and can choose to walk or run 5k. For those who feel 5k is a little much, you can participate in a leisurely 1-mile stroll. While this is called "Race for Our Kids", only those who choose to actually run will be timed. You are not rushed to hurry and finish and can enjoy the morning and the festivities. (When you register, it gives you the many options of what to join. Click the "Team Registration" button since you will be joining the team.)

GHOST WALK: While this may sound scary, it just means that you join the team, but you may choose not to come to the event. Whether you don't want to do the walk itself or perhaps you'll be out of town or simply you're just not a morning person and won't be able to make it, you can still register as a member of the team. Doing this will give to the cause itself as well as help the team reach its membership goals.

DONATE: If you would just like to donate a few dollars to help the cause, you can do that as well. You can donate as much or as little as you choose. *Every dollar helps and every dollar collected stays right here in Nevada!*

To do any of the above, you can either visit the Nevada Chapter CAI page at www.cai-nevada.org and click on the Outreach Committee tab, or you can simply go to directly to the team page at www.2013Candlelighters5k.kintera.org/CAIHOAChampions

This is an amazing cause, and we truly hope that the team goal of 200 members and \$8,000 raised will not only be met, but will be passed!

Remember ... it's ALL for the kids! ●



AARON C. YEN, ESQ.
IS AN ASSOCIATE
ATTORNEY WITH THE
LAW FIRM OF ANGIUS &
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Service Animals, Pet Policies, and Your Community

by Aaron C. Yen, Esq.

Over the years, in response to bodily injuries caused by dogs, many city and states have adopted breed specific legislation (“BSL”) that bans certain perceived “dangerous” breeds of dogs from being kept as pets.

Housing complexes and community associations soon followed with their own breed restrictions contained in their pet policies. American Staffordshire Bull Terriers (known as Pitbulls), Dobermans, and Rottweilers are commonly banned in such policies.

However, are breed restrictions the most effective way to deal with the potential liabilities associated with dog-related accidents? The short answer is “no”. When creating and amending a pet policy, association Boards would be wise to consider the following factors and issues.

SERVICE ANIMALS

What if a disabled homeowner has a service animal that is barred by a Breed Specific Legislation? Is it the responsibility of the Association to enforce the legislation and ban the service animal from its property? More importantly, will the Association be in violation of the Americans with Disabilities Act (“ADA”) by doing so?

Generally, the ADA does not apply to community associations unless the association knowingly invites members of the public into its common areas. However, if the association does provide this “public accommodation”, then the association is bound by the ADA and must provide disabled individuals and their service animal equal access to the facilities.

The ADA defines a service animal as a dog that is trained to do work or perform certain tasks for a person with a qualified disability. The task

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being performed by the animal needs to be directly related to the disability suffered by the person ... such as leading blind individuals, physically alerting deaf individuals, pulling a wheelchair, etc. The ADA, however, places no breed restrictions on service animals. Accordingly, even if a homeowner's service animal is a breed that is prohibited by the local law or the association's own pet policy, the association is likely not allowed to take any action to exclude or remove the animal from the common areas.

COMPLETE BAN ON DOGS

A complete ban on dogs at a development is not a perfect solution either. While the ADA applies to areas of public accommodation, the Federal Fair Housing Act of 1968 (and its 1988 amendment) applies to any housing provider, including associations, even within an individual's home or unit and includes a wider range of qualified disabilities. Additionally, it provides protection for individuals who have emotional conditions and allows them to possess animals whose sole function is to provide comfort and emotional support.

Nevada Revised Statutes Chapter 118 provides that a landlord (including associations) "may not refuse a disabled tenant's animal if such animal assists, supports, or provides services to the tenant."

Last, it is important to note that both these laws do not narrow the definition of 'animal' to only 'dogs'. This means

that any variety of animals ... cats, birds, etc ... may qualify as support animals for a disabled individual.

There are certain criteria that the disabled individuals and their animals must meet in order to qualify under the law, but the standard is surprisingly low. Therefore, community associations must proceed carefully when individuals request permission to keep their service animals, even if there is a pet policy to the contrary.

EFFECTIVE PET POLICY

Ultimately, an association's written policies and procedures should provide guidance for the members, protect the membership and the property, but not expose the association (corporation) to legal challenges and claims of discrimination. As such, rather than creating rules which focus on a specific breed, boards should identify problem behavior of any animal. Because aggressive animal behavior is not limited to dogs and can create an unsafe environment for the membership, boards should ensure that their pet policies include narrow definitions of the unacceptable behavior ... i.e. charging, growling, snapping, biting ... which can be enforced against the owner of any animal that exhibits those traits. By shifting the focus of enforcement off the specific animal or breed, the association will create a policy that can be enforced in a uniform manner and will more likely withstand judicial scrutiny. ●

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Requests For Proposals (RFP)

by Vincent T. Oliva, CMCA®, AMS®, PCAM®, CM

For any *non-routine* maintenance that occurs within an Association, it is appropriate to prepare a Request for Proposal (RFP) to be sent to contractors and service providers. An RFP serves as an announcement that the Board of Directors will be reviewing proposals for a particular project.

Written RFP ... Every RFP should be prepared in writing. This will allow the Board to compare an “apples to apples” comparison of the exact work that needs to be completed, and specify exactly what the potential bidders need to include in their proposal.

It might seem quicker and easier to simply call a service provider and ask for a bid on potential work, but that provider’s interpretation may be quite different from another’s, and that will only delay the comparison of the bid and the overall completion of the project.

Association Name on RFP ... When preparing the RFP, request that the Association’s name is on the proposal, not the Management Company. It is the Association that would like to enter into a potential contract with the bidders, not the Managing Agent.

Scope of Work ... The Manager and the Board should discuss and clearly define the scope of work in the RFP. The Board should review the final scope of work prior to it being finalized and sent to potential bidders. In addition to an extremely detailed scope, the exact area of the Association where the work is to be performed should also be provided (with a map or plat if possible). The scope should include the specific materials to be utilized (if applicable) and indicate the deadline at which the sealed proposal should be submitted, as well as the expected work date completion if chosen for the project. Since NRS requires sealed proposals, it is recommended that you request a scope of work proposal without the pricing, so that the Board can review what is being proposed prior to the Board Meeting. This will save the Board the time necessary to compare the proposals, and may allow for a more timely decision (particularly in Associations where Board meetings are held quarterly).

Components of a Comprehensive RFP ... In order to ensure that your RFP is completed thoroughly, the Manager and Board should review the following checklist once the RFP is finalized and ready to be sent to potential bidders.

1. The RFP should include the Association’s legal name, address, contact person, telephone number, and email address.
2. It should include a detailed scope of work and the location where the work is to be completed.
3. It should include the deadline for submitting the bid and for work completion. It is a good idea to request that all sealed proposals as well as the scope without the pricing be received approximately 10-14 days prior to a Board Meeting, to allow the Board ample time to review what is being proposed prior to the meeting.



If a Board and a Manager are working together and communicating their expectations clearly to potential bidders for projects, this will make the solicitation and approval of contracts more efficient for your Community.

4. It should request the warranty that is guaranteed on the work.
5. It should request the Insurance Information from the potential bidder, to confirm company appropriately insured.
6. It should request copies of any licenses or permits that are necessary for performing the type of work in question.
7. It should contain a request that there is an Indemnification Clause included. so that the Association is held harmless in the event of damage or injury.
8. It should request that there is a Restoration clause in the proposal indicating that all Association common areas will be restored their original condition upon the completion of the work.
9. It should include the termination provisions if the Association is unsatisfied with the work being performed.
10. Request references of similar work in Associations that have been performed so that the Board can either contact the references or visit sites where the work was performed to inspect.

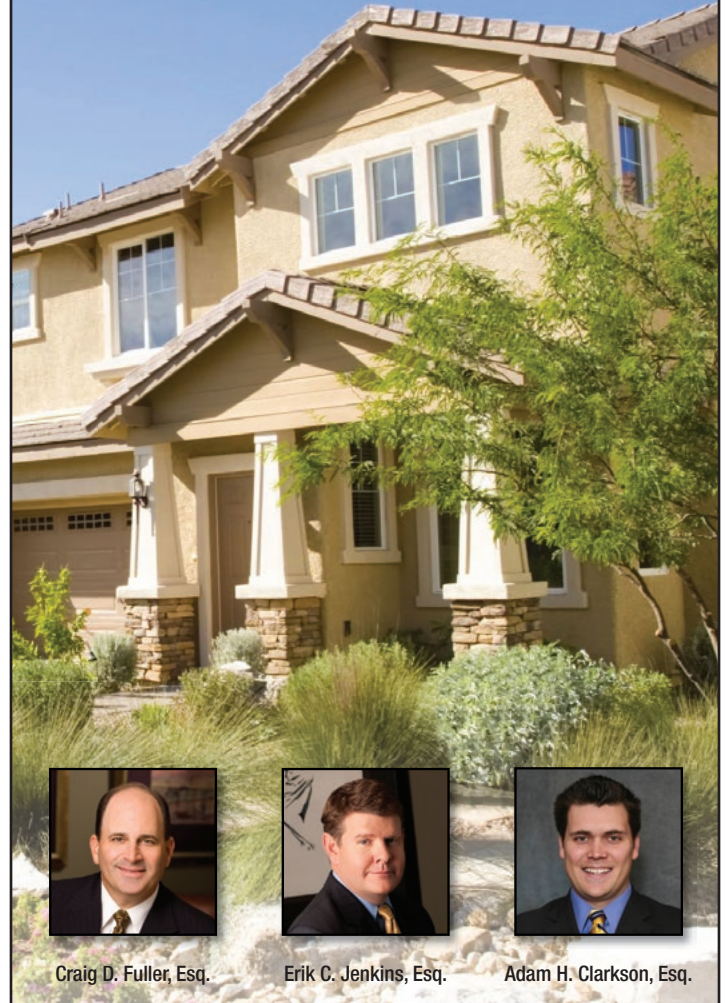
Evaluation of Proposals ... Once the proposals are received, the Board should review the scope of work that is presented without the pricing. Since they were requested in advance of the Board Meeting, if the proposal from a particular service provider is incomplete or incorrect, this will allow time to reach out to them and request that they update their bid prior to the meeting. If the Association is not familiar with the contractor, this is a good time to check the references that were provided. The insurance and applicable licenses should also be confirmed and on file prior to the meeting where the Board will be opening the sealed bids and considering the pricing.

If a Board and a Manager are working together and communicating their expectations clearly to potential bidders for projects, this will make the solicitation and approval of contracts more efficient for your Community. ●

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ANDREA BEHRENS,
DCAL IS THE CO-
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Event Helps HOA Residents Make Sense of New Legislation

by Andrea Behrens, DCAL

Community association board members and homeowners are eager to understand how new laws will impact their communities. CAI-Nevada took the initiative to organize an event full of timely and relevant information.

Eighty-five prospective CAI-Nevada members were treated to both breakfast and lunch catered by Las Vegas' own 'Rachel's Kitchen' and received a wealth of important information about how the 2013 Legislative Session will impact Nevada's Homeowner Associations and homeowners.

Held at Siena Golf Club on June 15, CAI-Nevada President Donna Toussaint along with Andrew Fortin, Esq., Paul Terry, Esq. and Ted Boyack, Esq. headlined the Grassroots Campaign 2013 Nevada State Legislative Session event.

New legislation covered in the session included: AB 395, the HOA Bullying Bill; AB 44, Trash/Recycling Cans; SB 130, Photo Support for Violations; AB 370,

Nevada "Referee" program & ADR changes; SB 280, Escrow, Letters of Intent, Demand Letters; and AB 273, Foreclosure Mediation Program.

"As someone with many years of experience in a large homeowners association, I understand the problems and pitfalls of HOAs and what needs to be done to improve the lives of the people who live in them. Learning about changes sooner rather than later is key to an HOA's success," said Donna Toussaint, who has referred to 2013 as "the year of the homeowner."

It was a great lunch ... and so much more!

The following sponsors helped make this great CAI-Nevada event possible: FirstService Residential, Angius & Terry Attorneys, Nevada Association Services Inc., Ideal Community Management, Seacoast Commerce Bank and Wolf Rifkin Shapiro Schulman & Rabkin LLP. ●



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Northern Nevada Bowling

by Beckie Richter

The 9th Annual Bowling Tournament for the Northern Nevada was a huge success! The theme, the Age of Aquarius, brought together a bowling alley full of groovy tie-dye, peace signs and far-out fun.

Over 100 people attended the event at the Grand Sierra Resort in Reno, Nevada for the afternoon of socializing, networking, and of course a little friendly competition.

Very hip blinking, light-up trophies were awarded for several categories:

Best Dressed Team: All Seasons Lawns and Landscape

Best Dressed Female: Kim Brown from Reno Green Landscaping

Best Dressed Male: Cameron Starner with Red Rock Financial

Highest Team Score: Pacific Western Bank

Highest Male Score: Charlie Washburn with Fuller Jenkins Clarkson

Highest Female Score: Carrie McGlothan with Maddox and Associates

Lowest Team Score: Wolf, Rifkin, Shapiro, Schulman and Rabkin

Lowest Male Score: Jim Townsend with Angius and Terry

Lowest Female Score: Betty Chronister with Wolf, Rifkin, Shapiro, Schulman and Rabkin

The raffle prizes, which included rounds of golf at Somerset in Reno, an entire Aces Aces gift basket, numerous, high-valued gift cards and some wonderful bottles of wine, were donated by our Business Partners.

All in all, the entire event was super hip and such a blast!

A big thank you to the Northern Nevada Bowling Committee: Beckie Richter, Kim Brown and Ken Carteron, and especially to our Business Partners whose generous sponsorships made this event possible: Fuller Jenkins Clarkson; Reno Green Landscaping; Seacost Commerce Bank; Advanced Property Service; RMI; Robert Maddox and Associates; All Seasons Landscape; Pacific Western Bank; Alliance Association Financial Services; Angius & Terry, LLP; ATC Assessment Collections; Red Rock Financial Services; Leach Johnson Song Gruchow; Belfor Property Restoration; Securitas/Alpha 1; Nigro Construction/Empire Painting; Wolf Rifkin Shapiro Schulman & Rabkin, LLP and Kelly-Moore Paints. ●



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