

Community Interests

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



LEGISLATIVE ISSUE

Only Six Months until the Gavel Drops
on the 2017 Legislative Session

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MINDY MARTINEZ,
CIC, CISR, CIRMS,
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PRESIDENT

President's Message

MAKE YOUR VOICE HEARD: CHOOSE "TRANFAIRENCY"

Believe it or not, we're more than halfway to the holidays—and shortly after that, we'll be in the 2017 legislative session for Nevada. You probably don't want to think about your summer flying by that quickly, but it's important that we start contemplating the issues that currently affect HOAs. That way, we can develop solid plans for legislative action.

As you know, the Nevada State Supreme Court made a controversial ruling in April regarding the super priority lien; basically HOAs cannot include fees and costs when collecting super priority lien prior to October 1, 2015. The ruling has had a large impact on our communities and the severity is still unknown. How do we fight back? First, we need HOAs to support "Buck-A-Door," where each association donates \$1 per door for each home in that community. The donations will fund our lobbyist, Garret Gordon, whom we are committed to support both off and on legislative years. The Nevada Legislative Action Committee hired Gordon in 2015. He has done a fantastic job, but we have more work ahead of us.

Second, we invite all homeowners to join our Grassroots Committee. As a Grassroots Committee member, you will receive call-to-action e-mails for or against Nevada legislative bills. After you open the e-mail, you can identify your legislator; request a meeting; or send an e-mail to your representative directly from your laptop or mobile phone. Here's a link to find the legislators who serve your location: <http://mapserve1.leg.state.nv.us/whoRU/>. Having your voice heard is literally a click away, thanks to our evolving technological world. It's easier than ever before to get involved in legislation.

Personally, I would like to see a revision to NRS116.31185. This legislative bill restricts the compensation/gratuity/remuneration you are allowed to accept as a community manager or board of directors volunteer to \$100 per year. CAI is a non-profit organization, and our goal is to educate our managers and board members. It is costly for a volunteer board member to attend and participate in all CAI events. The same phenomenon exists with our manager members: not all management companies reimburse managers when they participate in events.

We need transparency for management companies who also own a landscape company, insurance agency, handyman company or bank. How can transparency exist? Let's start by requiring management companies to disclose their financial gains by utilizing specific vendors. It's only fair and just.

As an organization, we would like to engage any homeowner or manager interested in attending our events without repercussions. Keep in mind, these events are geared toward educating our members. Spreading knowledge to non-members by offering free education would benefit all HOA communities in the state of Nevada. Does an educational event constitute a gift? That's a question we need to address during the next legislative session.

In addition, I would like to see legislation address what Southwest Airlines calls "Transfarency"—which refers to its low flight fares and lack of hidden fees for passengers. I'd like to coin a new term. In our industry, let's call this "TransFAIRency." We need transparency for management companies who also own a landscape company, insurance agency, handyman company or bank. How can transparency exist? Let's start by requiring management companies to disclose their financial gains by utilizing specific vendors. It's only fair and just.

What can homeowners and manager members do now? Be sure to join the Grassroots effort and sign up for the call-to-action e-mails that I mentioned earlier in this article. And for our members in Reno, Nevada, we ask that you plan to attend the 2017 legislative session and share your opinion. If you live in Reno, the legislative session is right in your backyard – lucky you! The most important thing we can do is share our unique voices. As the Chinese philosopher Lao Tzu said, "If you do not change direction, you may end up where you are heading." Now that's food for thought.

Mindy Martinez

Chapter Commentary

It seems lately, each time I turn on the news there is a crisis beyond one's comprehension. In Dallas, Texas, five police officers were killed and nine others wounded. Racial tension is on the rise in our country after the deaths of two African-American men who were killed by police officers.

The news of this came as I was spending a long weekend in the mountains outside Las Vegas volunteering at a camp for children with autism. We had eighty-seven campers and close to one hundred volunteers.

The racial makeup of the children and counselors were white, black, Asian and Hispanic. The volunteer pool consisted of teachers, nurses, college students, Metro SWAT officers, grocery clerks, bartenders, pool lifeguards and electricians, just to name a few.

What took place on that mountainside for some was life changing. Who knew for a child with autism that the thought of climbing a rock wall would be terrifying beyond comprehension? That same child had a counselor come along beside him, hold him, reassure him and convinced him to at least give it a try. The counselor, saddled into a harness himself to climb step-by-step right next to the camper, reassured him he would be okay and he could do it. It would have been very easy for the counselor to move his camper onto another less frightening activity, but instead he patiently waited all the while gently reassuring his camper he could do it. You know what happened? The camper began to believe he could, and with one foot in front of the other he did. He conquered his fear.

I was reluctant to commit to volunteering at the camp with my hectic schedule. The thought of not having internet or cellular phone service panicked me a bit. The story above was just one of many stories to come from camp. What I witnessed this past weekend was love poured out in its purest form from complete strangers, and what it did for me was ease the pain of my aching heart over the events of late. I came back down the mountain a little less jaded with my faith in humanity restored a bit.

Right now you might be thinking, "oh, that is a really nice story," but what does this have to do with the CAI Nevada chapter? Actually, in a small way, it has a lot to do with our members and the

opportunities our Community Outreach events provide for members to become more involved in playing a small part in changing the lives of others through volunteerism.

On a very hot July evening our members gathered to make and distribute sandwiches with items donated from sponsors to feed the homeless.

Our HOA Champions team will once again participate in the Candlelighters for Childhood Cancer Run on September 10, 2016.

Our Northern Nevada Outreach will again be participating in the Sierra Nevada Donor Walk on September 18, 2016.

So when you get the e-mail blast asking you to participate in one of our Community Outreach events, remember that participating may not only change the life of a stranger, but it could change yours as it did mine.

"The best antidote I know for worry is work. The best cure for weariness is the challenge of helping someone who is even more tired. One of the great ironies of life is this: He or she who serves almost always benefits more than he or she who is served." —Gordon B. Hinckley

Warm Regards,

Mary Rendina



MARY RENDINA
CHAPTER EXECUTIVE
DIRECTOR



OOPS!

CAI would like to apologize to **Debbie Iossa, PCAM** for misspelling her name in the June issue.



GARRETT GORDON, ESQ., IS THE LOBBYIST FOR CAI

What Does Your Lobbyist Do During the Non-legislative Year?

by Garrett Gordon, Esq.

During the legislative interim (between legislative sessions) there is plenty of work to keep us busy. There are several interim committees that address different issues, including implementing bills passed in the previous legislative session, reviewing budgets, strategizing on how the state could be working better, and addressing issues that were not finalized during the prior legislative session.

This interim, we have been keeping a close eye on the Sunset Subcommittee of the Legislative Committee (the "Sunset Committee") which reviews all state boards and commissions to determine if changes are needed. For example, the Sunset Committee will determine if a board or commission should be combined with another board or commission, or if a certain board or commission should be terminated. This year the Commission for Common-Interest Communities and Condominium Hotels (the "Commission") was up for discussion by the Sunset Committee, as

requested by Assemblyman Glenn Trowbridge. The Commission was initially discussed by the Sunset Committee on February 23, then again on June 16 when the Sunset Subcommittee recommended that the Commission's composition change slightly. The Sunset Committee recommended that the three unit owner representatives on the Commission be "owner-occupied" unit owners (i.e. the unit owner must live in a common-interest community) to avoid "absentee" members of the Commission. This recommendation will go before the Nevada Legislature in 2017.

We also spend time visiting Nevada associations to update them on the legislation passed during the 2015 Legislative Session. For example, we made a legislative presentation to the Wingfield Springs Community Association in April 2016. The main topic of these presentations is to review the legislation passed in the previous session and to discuss the impact of the new laws on the

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association's daily business. Some laws have a larger impact, such as Assembly Bill 125 which impacts construction defect laws, and others have a smaller impact, such as Assembly Bill 301 which allows the Nevada State flag to be flown in an association similar to an American flag.

The time for bill draft requests is also quickly approaching for the upcoming 2017 Legislative Session meaning we will start reviewing draft legislation very soon. The process for submitting bill drafts was changed last session. Now, bill drafts must be more specific and include the goal that the legislator is trying to achieve. Prior to this change, a bill draft request could be submitted by simply stating things like: "Makes various changes relating to common-interest communities." Now the bill draft must state the specific purpose, for example: "Requires members of the executive board of a unit-owners' association to complete certain courses of instruction." This is a positive change and will allow us to react more quickly to proposed legislation.

Each legislative member is given a certain number of bill draft requests that are subject to specific deadlines. Incumbent members are allowed to submit more bill draft requests than those legislators who are newly elected in November. Assembly incumbent members are allowed a total of 10 bill draft requests (four bills on or before August 1, five bills on or before December 10, and one bill on or before February 13, 2016) and Senate incumbent members are allowed a total of 20 bill drafts (eight bills on or before August 1, 10 bills on or before December 10, and two bills on or before February 13, 2016).

Newly elected Assembly members are allowed a total of six bill draft requests (five bills on or before December 10 and one bill on or before February 13, 2016) and newly elected Senate members are allowed a total of 12 bill draft requests (10 bills on or before December 10 and two bills on or before February 13, 2016). The Senate Majority Leader and the Speaker of the Assembly are allowed an additional 15 bill draft requests and the Senate and Assembly Minority Leaders are allowed an additional 10 bill drafts. The Supreme Court is allowed 10 bill drafts and the Governor/Executive Branch is allowed 115 bill drafts due by September 1, 2016. Additional offices and departments of the State Government including the Lieutenant Governor, Secretary of State, State Treasurer, State Controller and Attorney General have their own allotment of bill draft requests. Counties and cities are also given a certain number of bill draft requests depending on their population. This results in over 1,000 bills to review and analyze for potential impact on common-interest communities.

Finally, we spend time monitoring the primary and general elections given the significant impact they have on the next legislative session. We hope everyone is educating themselves on the candidates and voting in both the primary and general elections. 



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JEFF POPE IS WITH LEVEL PROPERTY MANAGEMENT

New State Law Streamlines Collections for HOAs

What it means for homeowners

by Jeff Pope, CMCA

Senate Bill 306 passed into law effective October 1, and was seen as a compromise for lenders, homeowners associations and the real estate market. It symbolized that adverse parties sometimes can find common ground, and in theory, everyone wins.

But all compromises come with a downside too. The risks of not acting still remain, especially for homeowners who need to be the most aggressive party in trying to keep their homes. As with any legal issue, every case is not the same so boards should consult their attorneys for guidance.

The risk for an association, in simple terms, is if it does not move to foreclose on an owner, the association could lose all delinquent assessments when the lender does foreclose. This puts boards in a tough spot of having to choose to foreclose on a neighbor for what could be a relatively small debt, or risk losing at least six months' worth of

The risk for an association, in simple terms, is if it does not move to foreclose on an owner, the association could lose all delinquent assessments when the lender does foreclose.

payments used to maintain and run the association and end up with a budget shortfall.

The super-priority lien – a guarantee of up to nine months of assessments plus some costs and fees – finally has been clarified by the state legislature moving forward. It supersedes the mortgage; and when a HOA exercises its right to foreclose it eliminates junior liens.

During the Great Recession many boards chose not to proceed with the foreclosure sale and

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delayed as long as they could for one simple reason – there were no buyers. But they had some leeway in dealing with delinquent owners, who, in some cases, entered into and honored payment plans years after the delinquency started because their financial situation turned around. Now, you can bet lenders won't be patient to foreclose knowing that they could lose a \$300,000 mortgage loan to a HOA which is owed only \$3,000. The new law means all sides have to act quickly to secure their share.

Hopefully, the number of foreclosures will never again rise to the level we've seen in the past seven years and associations will be able to run smoothly without such jarring hits to their budgets. But the new law is likely to be challenged in the courts and probably revised, rewritten or scrapped in 2017 when the Legislature meets again.

The Notice of Default (NOD) is the first step in the foreclosure process after the lien has been recorded on the property. It gives the homeowner, and the lender, a chance to pay off the debt and avoid losing the house. However, any entity that files this notice should do so with the intent to follow through with foreclosure or else it could be in violation of the federal Fair Debt Collection Practices Act. Circumstances may arise that allow a board to halt a foreclosure sale even after the NOD is filed. HOA boards – just like their corporate counterparts – are expected to follow the Good Business Judgment Rule and act in good faith. But if a board follows the collection process to the letter of the law, the NOD could be filed in no less than 150 days followed by the sale four months later.



The risk for homeowners has always been clear – pay your mortgage and assessments or lose your home. Although the new law added a 60-day redemption period after the sale, the bottom line for all homeowners remains – don't fall behind on your assessments or you could lose your home in just one year from that missed payment. ☒

This editorial is for informational purposes only and is not legal advice.

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More Unintended Consequences from the Foreclosure Storm

by Barbara Holland, CPM

It was only a matter of time, and the worst is yet to come.

Nevada has had the highest number of D&O (directors and officers insurance) claims in the United States for the past three years according to Western Risk Insurance Agency. D&O insurance defends associations that are being sued by homeowners or third parties (in most cases, the lending institutions and investors) based on the allegations that associations failed to comply with their governing documents or state laws.

Currently, all of the insurance companies that had been issuing D&O policies in Nevada are making changes to every new policy being issued

during their renewal. Travelers D&O policies are excluding coverage for ALL claims related to FORECLOSURES, TITLE TO PROPERTY OR LIEN ISSUES. As of March 15, 2016, Liberty Underwriters has added an endorsement that increases the D&O deductibles to \$35,000 for any claim related to FORECLOSURE, TITLE TO PROPERTY AND OR LIEN ISSUES. As of June 15, 2016, Great American has increased its deductible to \$25,000 for any of these claims.

Both Liberty and Great American will require that the association pay the defense costs until the deductible is met. Do you live in a homeowner association that can afford one, two, three or more claims in one year without the need of a special assessment? Does your association have a contingency fund for the unexpected expenses?



If you are interested in joining us at the Capitol in 2017, visit www.fsresidential.com/2017DAC

Politically involved or not, there is always the possibility that the changes in the Nevada legislation every two years could affect you and your community. We have seen several changes- positive and negative- over the years. With the 2017 Legislative Session quickly approaching, it is important to be aware of the possible changes and to recognize what changes need to be made.

In early 2015, we organized our first "Day at the Capitol" event. This event was coordinated for board members to visit Carson City to attend hearings and speak with their legislators. The trip was a great success for many reasons- most significantly because the attendees' voices were heard.

We received very positive feedback and are already planning our next trip in 2017. We strongly encourage you, as board members, to get involved in the legislative process and attend our next "Day at the Capitol" on March 28, 2017.

To learn more about our legislative events and other educational opportunities, please contact us today!

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You can also expect to see your premium substantially increase. That will definitely impact your current operating expenses as well as your 2017 projected operating expenses.

Right now, associations are either being served with ADR claims (Alternative Dispute Resolutions) - which are overwhelming the Nevada Real Estate Division - or being served with lawsuits filed in District Court (where the court could dismiss the cases) stating that the plaintiffs need to go to ADR claims first. What are some of the claims? With the Nevada State Supreme Court deciding that the nine month super priority lien only included assessments, some of the claims state that the associations improperly included other expenses, such as late fees, legal and collection costs in their demands during the foreclosure process. Other claims state that the association sold the foreclosed homes well below their market values, as well as that the association failed to follow their governing documents or the state laws regarding the actual foreclosure process.

The collection companies and law offices that included collection services that were authorized by associations to process the foreclosures are also being served ADR or lawsuits by the same parties as the associations. Don't be surprised if the collection companies and law firms revert

Right now, associations are either being served with ADR claims (Alternative Dispute Resolutions) - which are overwhelming the Nevada Real Estate Division - or being served with lawsuits filed in District Court (where the court could dismiss the cases) stating that the plaintiffs need to go to ADR claims first.

back to a "pay as you go" foreclosure process which was the "norm" many years ago. In the 70s, an association paid for each step of the foreclosure process in order to enforce its collection policies. If such change occurs, not only will the operating expenses of an association increase, but for many associations with limited funds in the first place foreclosure actions may not be an option which could lead to further delinquencies.

I wish I could end on a positive note, but I need to make homeowners - that's right, the taxpayers of our state - aware of the fact that come the 2017 legislative session there will be proposed foreclosure laws with the intention to not only eliminate the nine month super priority lien but also change the foreclosure process from non-judicial to judicial. If you think the worst has come, think again. It is way past time for association boards and homeowners to take ownership and become involved with the legislative process. Campaigning to protect your pocketbook begins now. ☐

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The Legislative Action Committee (LAC) Galaxy of Stars

by Chuck Niggemeyer, DCAL

A galaxy is a large grouping of stars, gas and dust that make up the universe. The universe in our case is made up of LAC supporters, stars, who contribute money through direct donations, fundraising events and the buck-a-door program. Our stars are not born from gas and dust like celestial stars but rather are real living breathing stars we work with daily. The CAI Nevada chapter will be posting the stars list in September to honor and recognize the LAC Galaxy of Stars!

Stars come in many different types, and our star list will be composed of several of these types to recognize the support each gives to the center of our galaxy. LAC.

STAR LIST

- 1. **Sirius** – the brightest star in the sky – supporters contributing \$5000 or more.
- 2. **Polaris** – the north star, always guiding – supporters contributing \$2500 to \$5000.

- 3. **Blue White** – the hottest temperature stars – supporters contributing \$1000 to \$2500.
- 4. **Red** – the coolest stars – supporters contributing \$500 to \$1000.
- 5. **Milky Way** – over 100 billion stars – supporters contributing - \$250 to \$500.
- 6. **Stardust** – the substance needed to create stars- supporters contributing up to \$250.

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 and add your name to the star list. It's an easy visit. Go to www.cai-nevada.org and click on the LAC tab. ☑



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SAVE THE DATE!

SATURDAY, SEPTEMBER 10, 2016 @ 7.30AM

Exploration Park @ Mountain's Edge (9275 South Buffalo Dr, Las Vegas, NV 89178)

Candlelighters – Superhero 5k!

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community
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<https://secure.qgiv.com/event/835699/>





WWW.CAI-ONLINE.ORG

2016 Ordinary People, Extraordinary Measures Nominees

"Whatever you do will be insignificant, but it is very important that you do it."

– Mahatma Gandhi

B.E. A S.H.E.R.O Foundation

Kimberly Miles

<http://sherofoundation.org/contact-us/>

Provide resources and support to young girls and women suffering from abuse, abandonment and human trafficking.

Black Nights Robotics Team

Robert Culberg, Sierra Vista H.S., CCSD

Mentor and science teacher who goes above and beyond in helping students through their interests in robotics competitions.

Brazen Conversations

Monica Gresser

Mixes interest in architecture with social issues involving homeless, senior housing, mental health and neighborhoods. Promotes conversations and advocacy in the Las Vegas Valley.

"Life's most persistent and urgent question is, 'What are you doing for others?'"

– Martin Luther King Jr.

Desert Shores Community Association Swan & Wildlife Care & Volunteer,

Dee Paturzo

Dee is often called the "foster Mom" of the beautiful swans in the Desert Shore community. The swans have been targeted by humans and also by mother-nature in years past. Dee and her committee of 20 have taken it upon themselves to be their protectors.

Giving Trail (Reno, NV)

Steve & Greta Mestre

<https://givingtrail.org>

Helps charitable organizations raise money and recruit volunteers through an easy online system which allows organizations to create and post projects, then accept donations all in one place.

Las Vegas Mobile Grooming & Massage

Sinead Magee

Donates her time, supplies and business grooming trailer to give free makeovers to homeless animals who are hoping to be "adopted."

Look Good, Feel Better program of the American Cancer Society

Lia Yulianti

lia@thebelia.com

Shares her knowledge and skills for skin care to cancer patients suffering side effects from medications.

Park Village HOA Neighborhood Watch Organizer

Oscar Arman

<http://www.nnw.org>

True example of an active, energetic homeowner who is fully engaged in his community.

Pets of the Homeless (Carson City, NV)

<https://www.petsofthehomeless.org>

Belief and support in the healing power of companion pets for the homeless.

Special Forces Green Beret, Chapter 51, Ladies Auxiliary

Judy Hendley

Organizer of a Ladies' Auxiliary for the sole purpose of military members taking care of military members.

Two Lunch Tuesdays

Sarah Striblin

<http://www.vegasbrokenchains.org/two-lunch-tuesdays/>

Teacher leading by example: bring two lunches, one for yourself and one for someone in need.

We Care Foundation

<http://wecarehouse1961.wix.com/wecare>

Non-profit residential recovery home for women over 18 with drug and alcohol addictions. ☑

"If you can't feed a hundred people, feed just one."

– Mother Teresa



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How Far will Your Dollar Go?

by Don Schaefer, DCAL


Two years ago we started the Buck-a-Door program by asking every association to make a voluntary contribution of one dollar to the Nevada Legislative Action Committee for every household in each community. Your dollars help us hire and retain a full time lobbyist to represent homeowner associations in Nevada.

This year, through the month ending May 31, 2016, we have collected \$14,352. We have received an additional \$8,109 from CAI National and raised another \$6,522 by holding a fund raiser. So what have we gotten for these dollars?

If you remember the last Legislative session in 2015, there were 33 bills proposed which, if passed, would have further regulated HOAs and how they are managed. Some would have resulted in associations raising assessments. Of the 33 proposed additions and/or changes to NRS 116, only 13 actually became law. This was in great part due to the fact the NLAC and the grassroots folks worked with Garrett Gordon to help legislators understand that some of the changes or additions they were proposing would have a negative effect on their constituents.

Of the 13 bills which affected associations, 12 were modified through the direct efforts of Gordon and the LAC. We were able to get language into these bills that resulted in either fully supporting the bill or at least making it more reasonable. Only one bill involving Construction Defects was passed that had a negative impact on associations and homeowners. This is what your dollars have helped us achieve.

Having a full-time lobbyist ensures that we have access to every assembly member and senator as well as having someone to testify at the various hearings for proposed bills affecting homeowners living in HOAs. Having a full-time lobbyist gives our legislators a single point of contact when issues arise.

Your donation gives you a voice in the NLAC advocacy program which serves over 500,000 homeowners in Nevada. Please encourage your boards to include voluntary donations in their 2016-17 budgets so we can continue to have a full-time lobbyist representing us before legislators during the 2017 legislative seasons. 

Each association should consult with their legal counsel to verify their governing documents permit this contribution on behalf of the association.

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For more photos, visit our Facebook page! Search **CAI Nevada**.

Las Vegas July Monthly Breakfast



Greg Toussaint, DCAL, introduces two new DCALs: Allen Becker and Dennis Kariger.

Thank you to speaker Norm Rosensteel, PCAM, NVEBP.

Business Partner NRED Course Application Seminar



Business partners came to learn how to create their own seminar for continued education credit.

Thank you to instructors Stacey Spoerl, Program Training Officer, State of Nevada, Dept. of Business & Industry, Real Estate Division and Norm Rosensteel, PCAM, NVEBP.

CAI Nevada Chapter Members' Brag Page

LORRIE OLSON, CMCA, AMS, PCAM, DCAL, RECEIVED SME

Congratulations to **Lorrie Olson, CMCA, AMS, PCAM, DCAL**, on being nominated and accepted as a Subject Matter Expert (SME) for CAI National's CAMICB Exam Development Committee! Community Association Managers International Certification Board (CAMICB) administers the Certified Manager of Community Associations (CMCA®).

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.

SORROWFUL ANNOUNCEMENT

Thomas M. Skiba, CAE, Chief Executive Officer



It is with deep sorrow that I have to inform you that our friend and colleague Frank Rathbun passed away this morning after a long battle with lung cancer. Frank joined Team CAI in January 2003 and since that time has led the marketing, communications and media relations operation with skill, dedication and not a little bit of wry humor. Every publication, every web page, every marketing piece and every press release in the past 13 years bore his imprint.

Frank was an important part of our team and our lives for the past 13 years and will be missed by us all. He loved his family, his work and Michigan football, although I am not quite sure in what order. ☹️





For more photos, visit our Facebook page! Search CAI Nevada.

Northern Nevada Tradeshow

Over 70 Northern Nevada managers and homeowners attended the recent Legislative update sponsored by Seacoast Commerce Bank. The attorney panel consisted of Adam Clarkson, Esq., Troy Dickerson, Esq., Eva Segerblom, Esq. and Sheila Van Duyne, Esq. The seminar was preceded with an update by Garrett Gordon, Esq. and Donna Zanetti, Esq. Participants ended the afternoon with a luncheon and Trade Show.





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Thank you to Our exhibitors:

- Alliance Association Bank
- Menath Insurance
- Nevada Association Service, Inc.
- The Clarkson Law Group
- KRT Fitness & Patio Concepts
- Community Access Systems
- FirstService Residential
- Better Reserve Consultants
- Coit Services of Reno
- Mutual of Omaha Bank
- Van Duyne Law Group
- Browning Reserve Group
- Seacoast Commerce Bank
- Wolf Rifkin Shapiro Schulman
- Rabin LLP

Special thanks to Norm Rosensteel, PCAM, NVEBP, Garrett Gordon, Esq., Donna Zanetti, Esq. for the LAC update. Eva Segerbloom, Esq., Adam Clarkson, Esq., Sheila Van Duyne, Esq. and Troy Dickerson, Esq. for the legislative update class. Thank you to Seacoast Bank for sponsoring the class.



BLAKE GUINN IS A LIFELONG NEVADAN AND LAS VEGAS HOMEOWNER WHO IS PART OF THE FIGHT TO BRING ROOFTOP SOLAR BACK TO NEVADA..

Help Bring Back Solar!

by Blake Guinn

You may have noticed a new sight on homeowners' roofs in your communities: solar panels. Over the last few years, the Silver State had become a national leader in clean energy, with more than 22,000 Nevada families installing solar on their roofs. By the end of 2015, the solar industry had created more than 8,700 Nevada jobs, giving Nevada the most solar jobs per-capita in the country. Solar energy had become increasingly affordable and accessible, allowing homeowners to save money while generating clean energy. Unfortunately, the Public Utilities Commission of Nevada (PUC) chose to shut down Nevada's solar industry by hiking electricity rates for solar customers, putting over 1,000 Nevadans out of work.

Solar homeowners in your communities are already feeling the impact of the punitive new rates. The solar rate hike, when fully implemented, will more than triple the monthly "fixed charge" on solar customers' utility bills, while decreasing by 75 percent the credit customers get for sending energy back to the grid. The solar rate hike will cost the

average solar homeowner between an additional \$8,500 and \$25,000 over the life of their panels.

It's possible for solar to become a bright spot in Nevada's economy once again. Solar has been booming across the country: first, the price of solar power dropped dramatically, over 65 percent since 2009. Next, innovations in solar financing allowed homeowners to lease their solar panels, turning large up-front investments into small monthly payments. Last, Nevada, like many states, had a so-called "net metering" policy, which gave homeowners a dollar-for-dollar bill credit for the power their solar panels generate. Nevada's "net metering" policy was eliminated last December by the Public Utilities Commission, a government agency responsible for regulating utilities like electric company NV Energy.

The evidence shows that net metering is a fair way to account for the value of the energy solar panels produce. By generating power in our communities, where we need it, rooftop solar saves NV Energy money by reducing the need for expensive power lines, power plants and other new equipment. Plus,



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it is only fair that homeowners should get a dollar of credit for each dollar's worth of energy they produce. Despite all of solar's benefits, however, NV Energy sees the Nevada's solar boom as a serious threat to its business, and convinced the Public Utilities Commission to raise rates. The PUC even imposed its new rates on existing customers, penalizing middle-class homeowners for their investment in Nevada's future.

Needless to say, the Public Utilities Commission's solar rate hike has been very unpopular. Nearly 90 percent of Nevadans disagree with the solar rate hike, and more than 100,000 Nevadans have signed on to support the Bring Back Solar Alliance which is fighting to bring solar back to Nevada. Though the legislature does not meet until 2017, Nevada's leadership is already taking steps to undo the solar rate hike. In May, the Governor's New Energy Task Force announced its support for grandfathering existing solar customers, returning them to the rates they signed up for.

As leaders in Nevada community associations, it is crucial that you understand the solar rate hike, so you can educate your friends and neighbors in your communities about its impact. The Bring Back Solar Alliance has a wealth of information and resources available that demonstrate how the rate hike will impact electricity bills, and how solar benefits everyone in our communities. Armed with that information, you can then advocate for your own and your neighbors' right to affordably go solar.

Together, we can bring back solar, make our neighborhoods cleaner and healthier, and help our communities save money.

To learn more, please visit our website at www.bringbacksolar.org, or contact us at info@bringbacksolar.org. 

2017 IS OUR NEXT NEVADA LEGISLATIVE SESSION. GET INVOLVED.

August 9 is a breakfast meeting everyone should attend. We are all affected by the laws that our legislators pass or do not pass. The more our industry is involved in the legislative process the better the results will be. You will meet our Lobbyist, Garrett Gordon. He will explain what he does both during the legislative session and when they are not meeting; plus how he intends to continue to make our representatives aware of our issues. We will meet and honor the actual legislators that supported our industry and were real friends to us. They will give us a brief outlook as to how they can help us during the next session.

Save the date and attend our August Breakfast and learn how each one of us can be involved and make a difference.





VICKI NIGGEMEYER,
CO-CHAIR OF SAGE
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Be Aware. Do Your Share. Vote!

Election Day is getting closer. Have you registered to vote?
by Vicki Niggemeyer

The act of voting demonstrates a serious commitment to our community, our state and our country. An equally serious part of voting is learning about the various candidates before you vote. With today's vast amount of coverage of candidates, information about each candidate can be overwhelming, but there is still time to sort through the information and misinformation. In other words, do your homework and make an informed vote.

According to a recent CAI National e-mail, "One-third of Americans who are eligible to vote have never registered. Even worse, of those who have registered and are eligible to vote, fewer than 58 percent did so in the last presidential election."

Every vote counts! Remember the year 2000? Gore vs. Bush? This election year promises some equally close races both at the federal and state levels. So be aware. Do your share. Vote!

Election Day is November 8, from 7 a.m. to 7 p.m., which means that **you must be registered to vote no later than October 8; 30 days before the election.**

Same day registration is not an option in Nevada. Information for online registration or applying in person is available by going to the Secretary of State's Internet site. Just type in Secretary of State Nevada. You will see a section about elections, click on the voters button. You can also apply for an absentee ballot at this same site. You can also go to www.caionline.org/YourVoteCounts.

Remember - your vote is your voice. ☐



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Understanding Service Animals

by Gayle Kern, Esq. and Veronica Carter, Esq.

Faced with a request for the use of companion, comfort or assistance animal? Board members and association leaders must be aware of the restrictions imposed by the Americans with Disabilities Act (ADA) and the Fair Housing Act (FHA), both of which address service and assistance animals and reasonable accommodations.

The ADA prohibits discrimination against persons with disabilities in places of public accommodation. The ADA's applicability to associations is limited to the extent the association holds its facilities open to the general public and would not apply if an association's facilities or common areas are reserved for the use of association members.

Under the ADA, public entities shall modify policies, procedures and practices to permit the use of a "service animal" by a person with a disability. See 28 C.F.R. § 35.136. The ADA limits "service animals" to dogs that are trained to do work or perform tasks to assist an individual with a disability. See 28 C.F.R. § 35.104. The definition specifically excludes animals used for the provision of "emotional

support, well-being, comfort or companionship." *Id.* However, reasonable modifications shall be made for miniature horses when they are trained to perform tasks for the benefit of the disabled individual and are in control of the handler. See 28 C.F.R. § 35.136(i); See also NRS 651.075(5).

In contrast, the FHA applies to all housing providers, including homeowners or condominium associations, regardless of whether facilities are held open to the public. The FHA makes it unlawful to discriminate against individuals with a handicap in the provision of services or facilities in connection with a dwelling. See 42 U.S.C. § 3604(f). Discrimination in violation of the FHA includes the refusal to make reasonable accommodations or modifications when such accommodations or modifications are necessary for a handicapped individual to fully enjoy the use of his or her residence.

The FHA does not use the limited ADA definition of "service animal." Rather, under the FHA, upon request, an association shall make reasonable accommodations for an individual who has a disability-related need for a comfort, companion or assistance animal, whether or not the animal is specifically trained. See *Fair Hous. of the Dakotas, Inc. v. Goldmark Prop. Mgmt.*, 778 F. Supp. 2d 1028, 1036 (D.N.D. 2011).

Under the FHA, a reasonable accommodation for a service or assistance animal is required when the individual has a handicap (a physical or mental impairment which substantially limits one or more life activities) and the animal performs tasks or services necessary to assist the individual with their handicap. See 42 U.S.C. § 3602(h). If the handicap is not apparent, the association may require reliable documentation of the alleged handicap and may make inquiry as to whether the alleged handicap is a mental or physical impairment which substantially limits one or more major life activities. See *Lucas v. Riverside Park Condos. Unit Owners Ass'n*, 2009 ND 217, 776 N.W.2d 801 (N.D. 2009) (because of the "conclusory and ambiguous nature" of the documents provided to demonstrate the individual's handicap, the association was justified in seeking additional information regarding the alleged handicap).

Further, the reasonable accommodation must be "necessary" to provide the handicapped individual

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“equal opportunity to use and enjoy a dwelling.” See 42 USCS § 3604(f)(3)(B). An accommodation is necessary when it directly ameliorates the effects of the handicap. See *Bhogaita v. Altamonte Heights Condo. Ass’n*, 765 F.3d 1277 (11th Cir. Fla. 2014). In *Bhogaita*, assertions from the Bhogaita’s treating psychiatrist that his dog assisted him “in coping with his disability” and “ameliorated” his psychiatric symptoms, and that without the assistance of the dog, his “social interactions would be so overwhelming that he would be unable to perform any kind of work” were sufficient to demonstrate that the dog was necessary as a reasonable accommodation.

However, the accommodation should not go beyond addressing the needs of the handicapped individual. The FHA does not require accommodations that increase a benefit to a handicapped individual outside of the handicap or that provide a benefit unrelated to the handicap which other residents do not enjoy. See *Schwarz v. City of Treasure Island*, 544 F.3d 1201, (11th Cir. Fla. 2008).

Finally, the accommodation must be reasonable and not impose an undue financial hardship or administrative burden. While accommodating service or assistance animals may increase costs associated with maintenance of the units, such costs are generally insufficient to refuse an accommodation to a pet restrictive policy. See *Fair Hous. of the Dakotas, Inc. v. Goldmark Prop. Mgmt.*, 778 F. Supp. 2d 1028 (D.N.D. 2011). Associations may not require payment of extra fees as a condition to approval of the reasonable accommodation.

Associations must consider these factors when evaluating requests for reasonable accommodations, though it is always advisable to contact the association’s legal counsel before taking action on a reasonable accommodation request for a service or assistance animal. 



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Your Tap Water: Safe, from the Source

by the Southern Nevada Water Authority

Has anyone ever tried to sell you a home water treatment system after “testing” your tap water and claiming it is either dirty or, at worst, harmful?

While the Southern Nevada Water Authority does not discourage you from buying a home water treatment system, the SNWA does want to assure you the water that comes out of your tap is some of the cleanest and safest in the nation.

And why is that? It all starts at the source.

About 90 percent of our drinking water comes from Lake Mead. The rest is drawn through wells from an aquifer hundreds of feet beneath the Las Vegas Valley. Nearly all of the water in Southern Nevada is treated through a series of processes including chlorine and ozonation, to kill any potentially harmful bacteria and microscopic organisms. The water then moves through a direct filtration process to

remove any remaining particles. After water leaves the treatment facility, it is disinfected yet again.

You can be sure that your water is safe thanks to the Safe Drinking Water Act. This act ensures that water quality standards are the same throughout the country. It identifies potential constituents in drinking water and sets safe limits for each of them.

This act also requires all water agencies to produce and distribute a water quality report every year. You should receive your local water purveyor’s report by the end of June. The report includes a comparison of test results to federal drinking water standards, information about municipal water sources and an overview of treatment processes.

You can learn more about water quality by visiting snwa.com or calling our Conservation Helpline at 258-SAVE.

New Voluntary Summer Watering Guidelines Ask Residents to Give their Landscapes a Rest on Sundays

Now that summer is in full swing—hot enough for ya yet?—the Southern Nevada Water Authority (SNWA) is asking the community to consider skipping landscape watering one day a week to encourage water conservation.


By watering six days per week—omitting Sundays from their schedules—residents and businesses can help save up to 900 million gallons of water this summer. While the “no watering on Sundays” guideline is voluntary, it is expected to become mandatory in 2017. The average home saves more than 500 gallons for each day irrigation is skipped.

“Our research suggests that skipping one day per week, even during summer months, doesn’t have a lasting negative effect on lawns,” said SNWA Conservation Manager Doug Bennett. “By asking all property owners to skip watering on Sundays, we’ll further extend our water supply and bolster our overall conservation efforts.”

Bennett said more than half of all water users in Southern Nevada don’t water every day during summer, and Sunday was found to be the most common day skipped.

Summer watering restrictions in effect through September 1 prohibit sprinkler watering between 11 a.m. and 7 p.m. daily—the hottest period of the day. In summer, SNWA recommends running sprinkler irrigation systems Monday through Saturday, three times a day, for four minutes at one-hour intervals to promote efficient absorption into your landscape’s root zone.

For drip irrigation systems, SNWA recommends running a single watering cycle of 30 to 90 minutes three days a week. The length of each watering should be determined by the drip emitter’s flow rate, soil type and weather conditions. In addition, shutting off irrigation systems on windy or rainy days can save up to 500 gallons of water a day.

To learn more about watering restrictions and other SNWA conservation programs, including the Water Smart Landscapes rebate program, or to find your watering group, visit snwa.com or call (702) 258-SAVE (7283). 

CA DAY IS COMING!

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AT THE GOLD COAST CASINO

EVENT SCHEDULE

Ask the LAC Panel with Ombudsman8:00AM - 9:00AM

Legislative Update CE Class
for Managers and Homeowners9:00AM - 12:00PM

Special Session for Homeowners

Homeowner Session2:00PM - 4:00PM

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The Value in Asphalt Maintenance

by Shonda L. Decker

Few people who buy a new home are willing to neglect repairs or maintenance to the point that the roof leaks like a sieve and walking across the floors becomes hazardous. A major purchase requires a little care if it is to retain its value. Your asphalt roadways and parking lots can also be considered a major purchase. Like a home, your asphalt needs a little care if you want to get the most value out of your investment. Asphalt maintenance and repairs are far more economical than allowing the pavement to deteriorate so badly that you will have no choice other than to replace it. Asphalt maintenance includes cleaning, crack filling and sealcoating.

To understand the importance of asphalt maintenance, it might be beneficial to discuss the composition of asphalt pavement. Asphalt contains small stones called aggregates and other fillers that are cemented together by the asphalt. This makes asphalt pavement waterproof, flexible and durable, but it is not impervious to damage. If you want to protect your community roadways and parking lots, here are some simple steps you can take.

TAKE A GOOD LOOK SEVERAL TIMES A YEAR

When you see something every day, you may fail to notice changes unless they are significant. Take the time to examine your neighborhood roadways and parking lots monthly or quarterly. Try to see it as others do or as if you were seeing it for the first time. Look for signs of damage, such as cracks or uneven wear patterns, check for faded pavement and notice whether there are any accumulations of debris or stains from automotive fluids.



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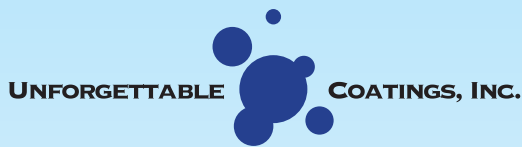
TAKE ACTION ON ISSUES PROMPTLY

Once you have ascertained that your asphalt needs attention, take care of the issues. Call your asphalt contractor to have cracks and potholes repaired, new sealcoating applied or stains cleaned. If you wait, you risk additional damages that can be costly to repair.

TAKE THE TIME TO BUDGET APPROPRIATELY

If you want your asphalt to reach its full life, you will need to maintain it. This means that you should budget funds to take care of things like crack filling, sealcoating or pothole repairs. Save yourself the torture of watching your streets deteriorate before your eyes because funds are unavailable by including a line item in your budget to cover necessary maintenance.

When properly installed and maintained, asphalt pavement can provide many years of good service. If neglected, it will have a shorter life and will also be much less attractive. By protecting your asphalt investment you are simultaneously improving the appearance of your community as well. It is far more cost-effective to make sure your roadways are kept properly maintained rather than having to replace your pavement prematurely. We hope these guidelines can help you make sure that you are doing all you can to keep your community asphalt in tip-top shape. 📺



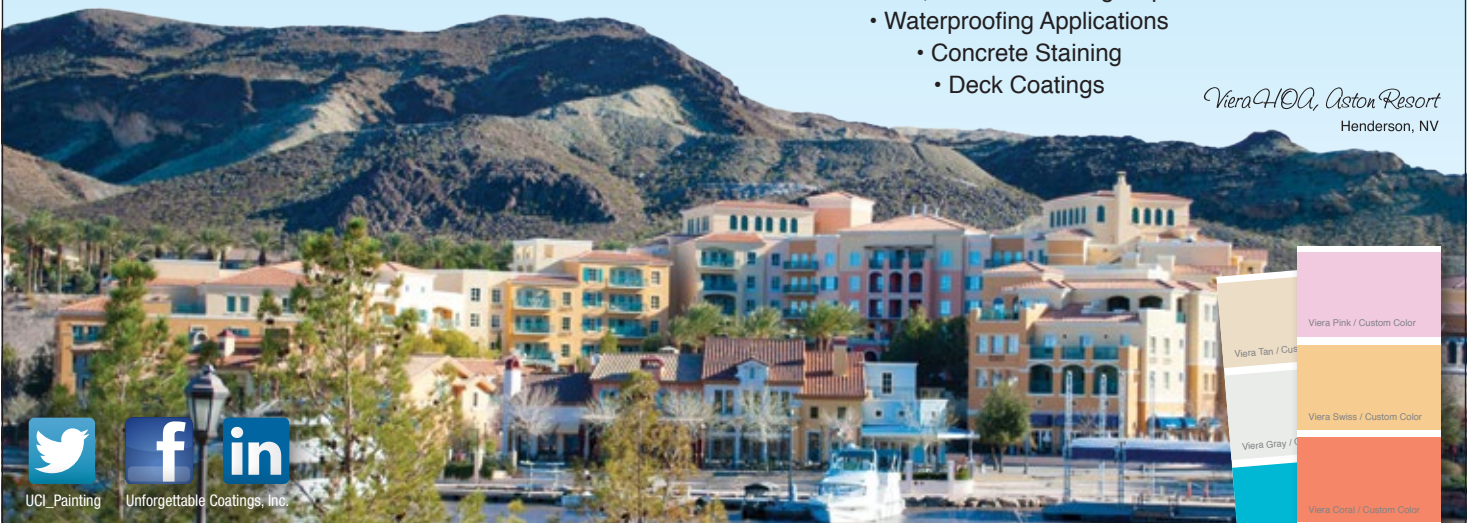
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Thank You Melissa!

Many of you know by now that Melissa Ramsey, CMCA, AMS, PCAM, CPO, has found it necessary to step down as chair of the magazine committee. A brand new baby, a pre-schooler, plus her workload at FirstService Residential are, of course, her first priorities. Melissa has been a great leader and chair of the magazine committee, always ready and willing to do whatever it takes to keep the magazine running at its best. She will definitely be missed. All of us on the Magazine Committee wish her the very best.

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