

SENATE BILL NO. 144—SENATOR SPEARMAN

FEBRUARY 23, 2021

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to common-interest communities. (BDR 10-565)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to common-interest communities; requiring a unit-owners’ association to create and maintain an Internet website through which its members can establish and access their individual accounts; requiring an association to perform certain duties relating to the Internet website; removing the authority of an association to foreclose on certain liens against units in the association; revising requirements concerning the provision of notice by an association; revising provisions relating to the duties of the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels; requiring community managers to submit to the Real Estate Division of the Department of Business and Industry an annual report containing certain information relating to past due obligations incurred in associations; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law establishes provisions relating to the management of common-  
2 interest communities. (NRS 116.3101-116.350) **Section 1** of this bill requires a  
3 unit-owners’ association to create and maintain a secure Internet website through  
4 which a unit’s owner is able to establish an individual account for the purpose of  
5 making electronic payments to the association and having access to certain  
6 information. **Section 1** also requires a unit-owners’ association to: (1) include the  
7 name of the community manager for the association and the name of each affiliate  
8 of the community manager for the association on the Internet website; (2) provide  
9 to new units’ owners at the time the association provides to them a declaration of  
10 covenants, conditions and restrictions, a form to complete that will enable the  
11 association to establish an account for the unit’s owner on the Internet website; and



12 (3) ensure that all information on the Internet website is updated as expeditiously as  
13 possible. **Section 2** of this bill makes a conforming change to indicate the proper  
14 placement of **section 1** in the Nevada Revised Statutes.

15 Existing law generally requires a unit-owners' association to deliver any notice  
16 required to be given by the association to any mailing or electronic mail address  
17 designated by a unit's owner or, if a unit's owner has not designated a mailing or  
18 electronic mail address, to deliver any such notice by certain authorized means.  
19 (NRS 116.31068) **Section 6** of this bill instead generally requires an association to  
20 deliver any such notice and any communication from or other information provided  
21 by the association to the electronic mail address designated by a unit's owner unless  
22 the unit's owner has opted out of receiving electronic communications or has not  
23 designated an electronic mail address.

24 Existing law establishes certain duties of the Ombudsman for Owners in  
25 Common-Interest Communities and Condominium Hotels, including: (1) assisting  
26 owners in common-interest communities in understanding their rights and  
27 responsibilities under Nevada law and the governing documents of their  
28 associations; and (2) assisting members of executive boards and officers of  
29 associations in carrying out their duties. (NRS 116.625) **Section 10** of this bill  
30 provides that if the Ombudsman provides any training for the purposes of carrying  
31 out those specific duties, such training may be provided in person or online.

32 Existing law sets forth provisions relating to the regulation of community  
33 managers of common-interest communities. (Chapter 116A of NRS) **Section 12** of  
34 this bill requires a community manager to submit to the Real Estate Division of the  
35 Department of Business and Industry, for each association managed by the  
36 community manager, an annual report that contains: (1) the total number of past  
37 due obligations incurred in the association that were referred to a collection agency  
38 during the previous calendar year; (2) the amount of each such past due obligation;  
39 and (3) without including any personally identifiable information and only if the  
40 information is voluntarily made available to the community manager, the race,  
41 ethnicity, gender identity or expression and sexual orientation of each person whose  
42 past due obligation was referred to a collection agency.

43 Existing law provides that a unit-owners' association has a lien on a unit in a  
44 common-interest community for certain assessments and charges imposed on unit  
45 owners from the time the assessment or charge becomes due and establishes the  
46 process for the foreclosure of such liens. (NRS 116.310312, 116.3116-116.31168)  
47 **Sections 5 and 17** of this bill eliminate the authority of an association to foreclose  
48 on such liens and the procedures for such a foreclosure. **Sections 3, 4, 7-9, 11 and**  
49 **13-15** of this bill make conforming changes relating to the elimination of such  
50 authority and procedures in the Nevada Revised Statutes. **Section 16** of this bill  
51 provides that the revisions made to the foreclosure process by **sections 5 and 17** do  
52 not apply to any lien for which a unit-owners' association initiated the foreclosure  
53 process before October 1, 2021.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 116 of NRS is hereby amended by adding  
2 thereto a new section to read as follows:

3 *1. Each association shall create and maintain a secure*  
4 *Internet website through which any unit's owner is able to*  
5 *establish an individual account. The Internet website must allow a*  
6 *unit's owner to:*



1 (a) *Make electronic payments to the association; and*

2 (b) *Access his or her account to view:*

3 (1) *Any notices sent to the unit's owner by the association;*

4 (2) *Any complaints that have been filed against the unit's*  
5 *owner; and*

6 (3) *Whether any payments made by the unit's owner have*  
7 *been received by the association and the dates on which such*  
8 *payments were received.*

9 2. *An association shall include on the Internet website*  
10 *created and maintained pursuant to subsection 1:*

11 (a) *The name of the community manager for the association;*  
12 *and*

13 (b) *The name of each affiliate of the community manager for*  
14 *the association. As used in this paragraph, "affiliate" has the*  
15 *meaning ascribed to it in NRS 692C.030.*

16 3. *At the time that an association provides a new unit's owner*  
17 *with a declaration of covenants, conditions and restrictions, the*  
18 *association shall also provide a form for the unit's owner to*  
19 *complete with the information necessary for the association to*  
20 *establish an account for the unit's owner on the Internet website*  
21 *created and maintained pursuant to subsection 1.*

22 4. *The association shall ensure that all information on the*  
23 *Internet website is updated as expeditiously as possible, including,*  
24 *without limitation, all records of payments received by the*  
25 *association through any means.*

26 **Sec. 2.** NRS 116.1203 is hereby amended to read as follows:

27 116.1203 1. Except as otherwise provided in subsections 2  
28 and 3, if a planned community contains no more than 12 units and is  
29 not subject to any developmental rights, it is subject only to NRS  
30 116.1106 and 116.1107 unless the declaration provides that this  
31 entire chapter is applicable.

32 2. The provisions of NRS 116.12065 and the definitions set  
33 forth in NRS 116.005 to 116.095, inclusive, to the extent that the  
34 definitions are necessary to construe any of those provisions, apply  
35 to a residential planned community containing more than 6 units.

36 3. Except for NRS 116.3104, 116.31043, 116.31046 and  
37 116.31138, the provisions of NRS 116.3101 to 116.350, inclusive,  
38 *and section 1 of this act* and the definitions set forth in NRS  
39 116.005 to 116.095, inclusive, to the extent that such definitions are  
40 necessary in construing any of those provisions, apply to a  
41 residential planned community containing more than 6 units.

42 **Sec. 3.** NRS 116.12075 is hereby amended to read as follows:

43 116.12075 1. The provisions of this chapter do not apply to a  
44 nonresidential condominium except to the extent that the declaration  
45 for the nonresidential condominium provides that:



- 1 (a) This entire chapter applies to the condominium;  
2 (b) Only the provisions of NRS 116.001 to 116.2122, inclusive,  
3 and 116.3116 ~~[to 116.31168, inclusive,]~~ apply to the condominium;  
4 or  
5 (c) Only the provisions of NRS 116.3116 ~~[to 116.31168,~~  
6 ~~inclusive,]~~ apply to the condominium.

7 2. If this entire chapter applies to a nonresidential  
8 condominium, the declaration may also require, subject to NRS  
9 116.1112, that:

10 (a) Notwithstanding NRS 116.3105, any management,  
11 maintenance operations or employment contract, lease of  
12 recreational or parking areas or facilities and any other contract or  
13 lease between the association and a declarant or an affiliate of a  
14 declarant continues in force after the declarant turns over control of  
15 the association; and

16 (b) Notwithstanding NRS 116.1104 and subsection 3 of NRS  
17 116.311, purchasers of units must execute proxies, powers of  
18 attorney or similar devices in favor of the declarant regarding  
19 particular matters enumerated in those instruments.

20 **Sec. 4.** NRS 116.12077 is hereby amended to read as follows:  
21 116.12077 1. The provisions of this chapter do not apply to a  
22 planned community in which all units are restricted exclusively to  
23 nonresidential use unless the declaration provides that this chapter  
24 or a part of this chapter does apply to that planned community  
25 pursuant to this section.

26 2. This chapter applies to a planned community containing  
27 both units that are restricted exclusively to nonresidential use and  
28 other units that are not so restricted only if the declaration so  
29 provides or if the real estate comprising the units that may be used  
30 for residential purposes would be a planned community in the  
31 absence of the units that may not be used for residential purposes.

32 3. The declaration for the nonresidential planned community  
33 may provide that:

- 34 (a) This entire chapter applies to the planned community;  
35 (b) Only the provisions of NRS 116.001 to 116.2122, inclusive,  
36 and 116.3116 ~~[to 116.31168, inclusive,]~~ apply to the planned  
37 community; or  
38 (c) Only the provisions of NRS 116.3116 ~~[to 116.31168,~~  
39 ~~inclusive,]~~ apply to the planned community.

40 4. If this entire chapter applies to a nonresidential planned  
41 community pursuant to subsection 3, the declaration may also  
42 require, subject to NRS 116.1112, that:

43 (a) Notwithstanding NRS 116.3105, any management,  
44 maintenance operations or employment contract, lease of  
45 recreational or parking areas or facilities and any other contract or



1 lease between the association and a declarant or an affiliate of a  
2 declarant continues in force after the declarant turns over control of  
3 the association; and

4 (b) Notwithstanding NRS 116.1104 and subsection 3 of NRS  
5 116.311, purchasers of units must execute proxies, powers of  
6 attorney or similar devices in favor of the declarant regarding  
7 particular matters enumerated in those instruments.

8 **Sec. 5.** NRS 116.310312 is hereby amended to read as  
9 follows:

10 116.310312 1. A person who holds a security interest in a  
11 unit must provide the association with the person's contact  
12 information as soon as reasonably practicable, but not later than 30  
13 days after the person:

14 (a) Files an action for recovery of a debt or enforcement of any  
15 right secured by the unit pursuant to NRS 40.430; or

16 (b) Records or has recorded on his or her behalf a notice of a  
17 breach of obligation secured by the unit and the election to sell or  
18 have the unit sold pursuant to NRS 107.080.

19 2. If an action or notice described in subsection 1 has been  
20 filed or recorded regarding a unit and the association has provided  
21 the unit's owner with notice and an opportunity for a hearing in the  
22 manner provided in NRS 116.31031, the association, including its  
23 employees, agents and community manager, may, but is not  
24 required to, enter the grounds of the unit, whether or not the unit is  
25 vacant, to take any of the following actions if the unit's owner  
26 refuses or fails to take any action or comply with any requirement  
27 imposed on the unit's owner within the time specified by the  
28 association as a result of the hearing:

29 (a) Maintain the exterior of the unit in accordance with the  
30 standards set forth in the governing documents, including, without  
31 limitation, any provisions governing maintenance, standing water or  
32 snow removal.

33 (b) Remove or abate a public nuisance on the exterior of the unit  
34 which:

35 (1) Is visible from any common area of the community or  
36 public streets;

37 (2) Threatens the health or safety of the residents of the  
38 common-interest community;

39 (3) Results in blighting or deterioration of the unit or  
40 surrounding area; and

41 (4) Adversely affects the use and enjoyment of nearby units.

42 3. If:

43 (a) A unit is vacant;



1 (b) The association has provided the unit's owner with notice  
2 and an opportunity for a hearing in the manner provided in NRS  
3 116.31031; and

4 (c) The association or its employee, agent or community  
5 manager mails a notice of the intent of the association, including its  
6 employees, agents and community manager, to maintain the exterior  
7 of the unit or abate a public nuisance, as described in subsection 2,  
8 by certified mail to each holder of a recorded security interest  
9 encumbering the interest of the unit's owner, at the address of the  
10 holder that is provided pursuant to NRS 657.110 on the Internet  
11 website maintained by the Division of Financial Institutions of the  
12 Department of Business and Industry,

13 ↪ the association, including its employees, agents and community  
14 manager, may enter the grounds of the unit to maintain the exterior  
15 of the unit or abate a public nuisance, as described in subsection 2, if  
16 the unit's owner refuses or fails to do so.

17 4. If a unit is in a building that contains units divided by  
18 horizontal boundaries described in the declaration, or vertical  
19 boundaries that comprise common walls between units, and the unit  
20 is vacant, the association, including its employees, agents and  
21 community manager, may enter the grounds and interior of the unit  
22 to:

23 (a) Abate a water or sewage leak in the unit and remove any  
24 water or sewage from the unit that is causing damage or, if not  
25 immediately abated, may cause damage to the common elements or  
26 another unit if the unit's owner refuses or fails to abate the water or  
27 sewage leak.

28 (b) After providing the unit's owner with notice but before a  
29 hearing in accordance with the provisions of NRS 116.31031:

30 (1) Remove any furniture, fixtures, appliances and  
31 components of the unit, including, without limitation, flooring,  
32 baseboards and drywall, that were damaged as a result of water or  
33 mold damage resulting from a water or sewage leak to the extent  
34 such removal is reasonably necessary because water or mold  
35 damage threatens the health or safety of the residents of the  
36 common-interest community, results in blighting or deterioration of  
37 the unit or the surrounding area and adversely affects the use and  
38 enjoyment of nearby units, if the unit's owner refuses or fails to  
39 remediate or remove the water or mold damage.

40 (2) Remediate or remove any water or mold damage in the  
41 unit resulting from the water or sewage leak to the extent such  
42 remediation or removal is reasonably necessary because the water or  
43 mold damage threatens the health or safety of the residents of the  
44 common-interest community, results in blighting or deterioration of  
45 the unit or the surrounding area and adversely affects the use and



1 enjoyment of nearby units, if the unit's owner refuses or fails to  
2 remediate or remove the water or mold damage.

3 5. After the association has provided the unit's owner with  
4 notice and an opportunity for a hearing in the manner provided in  
5 NRS 116.31031, the association may order that the costs of any  
6 maintenance or abatement or the reasonable costs of remediation or  
7 removal conducted pursuant to subsection 2, 3 or 4, including,  
8 without limitation, reasonable inspection fees, notification and  
9 collection costs and interest, be charged against the unit. The  
10 association shall keep a record of such costs and interest charged  
11 against the unit and has a lien on the unit for any unpaid amount of  
12 the charges. ~~{The lien may be foreclosed under NRS 116.31162 to~~  
13 ~~116.31168, inclusive.}~~

14 6. A lien described in subsection 5 bears interest from the date  
15 that the charges become due at a rate determined pursuant to NRS  
16 17.130 until the charges, including all interest due, are paid.

17 7. Except as otherwise provided in this subsection, a lien  
18 described in subsection 5 is prior and superior to all liens, claims,  
19 encumbrances and titles other than the liens described in paragraphs  
20 (a) and (c) of subsection 2 of NRS 116.3116. If the federal  
21 regulations of the Federal Home Loan Mortgage Corporation or the  
22 Federal National Mortgage Association require a shorter period of  
23 priority for the lien, the period during which the lien is prior and  
24 superior to other security interests shall be determined in accordance  
25 with those federal regulations. Notwithstanding the federal  
26 regulations, the period of priority of the lien must not be less than  
27 the 6 months immediately preceding the institution of an action to  
28 enforce the lien.

29 8. A person who purchases or acquires a unit at a foreclosure  
30 sale pursuant to NRS 40.430 or a trustee's sale pursuant to NRS  
31 107.080 is bound by the governing documents of the association and  
32 shall maintain the exterior of the unit in accordance with the  
33 governing documents of the association. Such a unit may only be  
34 removed from a common-interest community in accordance with the  
35 governing documents pursuant to this chapter.

36 9. Notwithstanding any other provision of law, an association,  
37 its directors or members of the executive board, employees, agents  
38 or community manager who enter the grounds or interior of a unit  
39 pursuant to this section are not liable for trespass.

40 10. Nothing in this section gives rise to any rights or standing  
41 for a claim for a constructional defect made pursuant to NRS 40.600  
42 to 40.695, inclusive.

43 11. As used in this section:

44 (a) "Exterior of the unit" includes, without limitation, all  
45 landscaping outside of a unit, the exterior of all property exclusively



1 owned by the unit owner and the exterior of all property that the unit  
2 owner is obligated to maintain pursuant to the declaration.

3 (b) "Remediation" does not include restoration.

4 (c) "Vacant" means a unit:

5 (1) Which reasonably appears to be unoccupied;

6 (2) On which the owner has failed to maintain the exterior to  
7 the standards set forth in the governing documents of the  
8 association; and

9 (3) On which the owner has failed to pay assessments for  
10 more than 60 days.

11 **Sec. 6.** NRS 116.31068 is hereby amended to read as follows:

12 116.31068 1. Except as otherwise provided in subsection 3  
13 ~~{}~~ and unless a unit's owner opts out of receiving electronic  
14 communications or has not designated an electronic mail address,  
15 an association shall deliver any notice required to be given by the  
16 association under this chapter and any communication from or  
17 other information provided by the association to ~~{any mailing or}~~  
18 the electronic mail address a unit's owner designates. Except as  
19 otherwise provided in subsection 3, if a unit's owner has opted out  
20 of receiving electronic communications or has not designated ~~{a~~  
21 ~~mailing or}~~ an electronic mail address to which a notice ~~{must}~~ ,  
22 communication or other information can be delivered, the  
23 association may deliver notices , communications and other  
24 information by:

25 (a) Hand delivery to each unit's owner;

26 (b) Hand delivery, United States mail, postage paid, or  
27 commercially reasonable delivery service to the mailing address of  
28 each unit; or

29 ~~{Electronic means, if the unit's owner has given the~~  
30 ~~association an electronic mail address; or~~

31 ~~{(d)}~~ Any other method reasonably calculated to provide notice to  
32 the unit's owner.

33 2. The ineffectiveness of a good faith effort to deliver notice by  
34 an authorized means does not invalidate action taken at or without a  
35 meeting.

36 3. The provisions of this section do not apply ~~{~~

37 ~~{(a) To a notice required to be given pursuant to NRS 116.3116~~  
38 ~~to 116.31168, inclusive; or~~

39 ~~{(b) If}~~ if any other provision of this chapter specifies the manner  
40 in which a notice , communication or other information must be  
41 given by an association.

42 **Sec. 7.** NRS 116.3116 is hereby amended to read as follows:

43 116.3116 1. The association has a lien on a unit for any  
44 construction penalty that is imposed against the unit's owner  
45 pursuant to NRS 116.310305, any assessment levied against that





1 unit or any fines imposed against the unit's owner from the time the  
2 construction penalty, assessment or fine becomes due. Unless the  
3 declaration otherwise provides, any penalties, fees, charges, late  
4 charges, fines and interest charged pursuant to paragraphs (j) to (o),  
5 inclusive, of subsection 1 of NRS 116.3102 and any costs of  
6 collecting a past due obligation charged pursuant to NRS  
7 116.310313 are enforceable as assessments under this section. If an  
8 assessment is payable in installments, the full amount of the  
9 assessment is a lien from the time the first installment thereof  
10 becomes due.

11 2. A lien under this section is prior to all other liens and  
12 encumbrances on a unit except:

13 (a) Liens and encumbrances recorded before the recordation of  
14 the declaration and, in a cooperative, liens and encumbrances which  
15 the association creates, assumes or takes subject to;

16 (b) A first security interest on the unit recorded before the date  
17 on which the assessment sought to be enforced became delinquent  
18 or, in a cooperative, the first security interest encumbering only the  
19 unit's owner's interest and perfected before the date on which the  
20 assessment sought to be enforced became delinquent, except that a  
21 lien under this section is prior to a security interest described in this  
22 paragraph to the extent set forth in subsection 3;

23 (c) Liens for real estate taxes and other governmental  
24 assessments or charges against the unit or cooperative; and

25 (d) Liens for any fee or charge levied pursuant to subsection 1 of  
26 NRS 444.520.

27 3. A lien under this section is prior to all security interests  
28 described in paragraph (b) of subsection 2 to the extent of:

29 (a) Any charges incurred by the association on a unit pursuant to  
30 NRS 116.310312;

31 (b) The unpaid amount of assessments, not to exceed an amount  
32 equal to assessments for common expenses based on the periodic  
33 budget adopted by the association pursuant to NRS 116.3115 which  
34 would have become due in the absence of acceleration during the 9  
35 months immediately preceding the ~~[date on which the notice of~~  
36 ~~default and election to sell is recorded pursuant to paragraph (b) of~~  
37 ~~subsection 1 of NRS 116.31162;]~~ *institution of a judicial action to*  
38 *enforce the lien;* and

39 (c) The costs incurred by the association to enforce the lien in an  
40 amount not to exceed the amounts set forth in subsection 5,

41 ↪ unless federal regulations adopted by the Federal Home Loan  
42 Mortgage Corporation or the Federal National Mortgage  
43 Association require a shorter period of priority for the lien. If federal  
44 regulations adopted by the Federal Home Loan Mortgage  
45 Corporation or the Federal National Mortgage Association require a



1 shorter period of priority for the lien, the period during which the  
2 lien is prior to all security interests described in paragraph (b) of  
3 subsection 2 must be determined in accordance with those federal  
4 regulations, except that notwithstanding the provisions of the federal  
5 regulations, the period of priority for the lien must not be less than  
6 the 6 months immediately preceding ~~the recording of a notice of~~  
7 ~~default and election to sell pursuant to paragraph (b) of subsection 1~~  
8 ~~of NRS 116.31162 or~~ the institution of a judicial action to enforce  
9 the lien.

10 4. This section does not affect the priority of mechanics' or  
11 materialmen's liens, or the priority of liens for other assessments  
12 made by the association.

13 5. The amount of the costs of enforcing the association's lien  
14 that are prior to the security interest described in paragraph (b) of  
15 subsection 2 must not exceed the actual costs incurred by the  
16 association ~~[, must not include more than one trustee's sale~~  
17 ~~guaranty]~~ and must not exceed:

18 (a) For a demand or intent to lien letter, \$150.

19 (b) For a notice of delinquent assessment, \$325.

20 ~~[(c) For an intent to record a notice of default letter, \$90.~~

21 ~~—(d) For a notice of default, \$400.~~

22 ~~—(e) For a trustee's sale guaranty, \$400.]~~

23 ↘ No costs of enforcing the association's lien, other than the costs  
24 described in this subsection, and no amount of attorney's fees may  
25 be included in the amount of the association's lien that is prior to the  
26 security interest described in paragraph (b) of subsection 2.

27 6. Notwithstanding any other provision of law, an association,  
28 or member of the executive board, officer, employee or unit's owner  
29 of the association, acting under the authority of this chapter or the  
30 governing documents of the association, or the community manager  
31 of the association, or any employee, agent or affiliate of the  
32 community manager, while engaged in the management of the  
33 common-interest community governed by the association, is not  
34 required to be licensed as a collection agency pursuant to chapter  
35 649 of NRS or hire or contract with a collection agency licensed  
36 pursuant to chapter 649 of NRS to collect amounts due to the  
37 association in accordance with subsection 1 . ~~[before the recording~~  
38 ~~of a notice of default and election to sell pursuant to paragraph (b)~~  
39 ~~of subsection 1 of NRS 116.31162.]~~

40 7. The holder of the security interest described in paragraph (b)  
41 of subsection 2 or the holder's authorized agent may establish an  
42 escrow account, loan trust account or other impound account for  
43 advance contributions for the payment of assessments for common  
44 expenses based on the periodic budget adopted by the association  
45 pursuant to NRS 116.3115 if the unit's owner and the holder of that



1 security interest consent to the establishment of such an account. If  
2 such an account is established, payments from the account for  
3 assessments for common expenses must be made in accordance with  
4 the same due dates as apply to payments of such assessments by a  
5 unit's owner.

6 8. Unless the declaration otherwise provides, if two or more  
7 associations have liens for assessments created at any time on the  
8 same property, those liens have equal priority.

9 9. Recording of the declaration constitutes record notice and  
10 perfection of the lien. No further recordation of any claim of lien for  
11 assessment under this section is required.

12 10. A lien for unpaid assessments is extinguished unless ~~fa~~  
13 ~~notice of default and election to sell is recorded as required by~~  
14 ~~paragraph (b) of subsection 1 of NRS 116.31162, or~~ judicial  
15 proceedings to enforce the lien are instituted ~~[.]~~ within 3 years after  
16 the full amount of the assessments becomes due.

17 11. This section does not prohibit actions to recover sums for  
18 which subsection 1 creates a lien . ~~for prohibit an association from~~  
19 ~~taking a deed in lieu of foreclosure.]~~

20 12. A judgment or decree in any action brought under this  
21 section must include costs and reasonable attorney's fees for the  
22 prevailing party.

23 13. The association, upon written request, shall furnish to a  
24 unit's owner a statement setting forth the amount of unpaid  
25 assessments against the unit. If the interest of the unit's owner is real  
26 estate , ~~for if a lien for the unpaid assessments may be foreclosed~~  
27 ~~under NRS 116.31162 to 116.31168, inclusive.]~~ the statement must  
28 be in recordable form. The statement must be furnished within 10  
29 business days after receipt of the request and is binding on the  
30 association, the executive board and every unit's owner.

31 14. ~~In a cooperative, upon nonpayment of an assessment on a~~  
32 ~~unit, the unit's owner may be evicted in the same manner as~~  
33 ~~provided by law in the case of an unlawful holdover by a~~  
34 ~~commercial tenant, and:~~

35 ~~—(a) In a cooperative where the owner's interest in a unit is real~~  
36 ~~estate under NRS 116.1105, the association's lien may be foreclosed~~  
37 ~~under NRS 116.31162 to 116.31168, inclusive.~~

38 ~~—(b) In a cooperative where the owner's interest in a unit is~~  
39 ~~personal property under NRS 116.1105, the association's lien:~~

40 ~~—(1) May be foreclosed as a security interest under NRS~~  
41 ~~104.9101 to 104.9709, inclusive; or~~

42 ~~—(2) If the declaration so provides, may be foreclosed under~~  
43 ~~NRS 116.31162 to 116.31168, inclusive.~~

44 ~~—15.] In an action by an association to collect assessments , for~~  
45 ~~to foreclose a lien created under this section,] the court may appoint~~



1 a receiver to collect all rents or other income from the unit alleged to  
2 be due and owing to a unit's owner before commencement or  
3 during pendency of the action. The receivership is governed by  
4 chapter 32 of NRS. The court may order the receiver to pay any  
5 sums held by the receiver to the association during pendency of the  
6 action to the extent of the association's common expense  
7 assessments based on a periodic budget adopted by the association  
8 pursuant to NRS 116.3115.

9 ~~116.]~~ 15. Notwithstanding any other provision of law, any  
10 payment of an amount due to an association in accordance with  
11 subsection 1 by the holder of any lien or encumbrance on a unit that  
12 is subordinate to the association's lien under this section becomes a  
13 debt due from the unit's owner to the holder of the lien or  
14 encumbrance.

15 **Sec. 8.** NRS 116.4105 is hereby amended to read as follows:

16 116.4105 If the declaration provides that ownership or  
17 occupancy of any units, is or may be in time shares, the public  
18 offering statement shall disclose, in addition to the information  
19 required by NRS 116.4103 and 116.41035:

- 20 1. The number and identity of units in which time shares may  
21 be created;
- 22 2. The total number of time shares that may be created;
- 23 3. The minimum duration of any time shares that may be  
24 created; and
- 25 4. The extent to which the creation of time shares will or may  
26 affect the enforceability of the association's lien for assessments  
27 provided in NRS 116.3116. ~~[and 116.31162.]~~

28 **Sec. 9.** NRS 116.41095 is hereby amended to read as follows:

29 116.41095 The information statement required by NRS  
30 116.4103 and 116.4109 must be in substantially the following form:

31  
32 **BEFORE YOU PURCHASE PROPERTY IN A**  
33 **COMMON-INTEREST COMMUNITY**  
34 **DID YOU KNOW . . .**

35 **1. YOU GENERALLY HAVE 5 DAYS TO CANCEL**  
36 **THE PURCHASE AGREEMENT?**

37 When you enter into a purchase agreement to buy a home or  
38 unit in a common-interest community, in most cases you  
39 should receive either a public offering statement, if you are  
40 the original purchaser of the home or unit, or a resale  
41 package, if you are not the original purchaser. The law  
42 generally provides for a 5-day period in which you have the  
43 right to cancel the purchase agreement. The 5-day period  
44 begins on different starting dates, depending on whether you  
45 receive a public offering statement or a resale package. Upon



1 receiving a public offering statement or a resale package, you  
2 should make sure you are informed of the deadline for  
3 exercising your right to cancel. In order to exercise your right  
4 to cancel, the law generally requires that you hand deliver the  
5 notice of cancellation to the seller within the 5-day period, or  
6 mail the notice of cancellation to the seller by prepaid United  
7 States mail within the 5-day period. Alternatively, if you are  
8 not the original purchaser and received a resale package, you  
9 may deliver the notice of cancellation by electronic  
10 transmission to the seller within the 5-day period in order to  
11 exercise your right to cancel. For more information regarding  
12 your right to cancel, see Nevada Revised Statutes 116.4108, if  
13 you received a public offering statement, or Nevada Revised  
14 Statutes 116.4109, if you received a resale package.

15 2. YOU ARE AGREEING TO RESTRICTIONS ON  
16 HOW YOU CAN USE YOUR PROPERTY?

17 These restrictions are contained in a document known as the  
18 Declaration of Covenants, Conditions and Restrictions. The  
19 CC&Rs become a part of the title to your property. They bind  
20 you and every future owner of the property whether or not  
21 you have read them or had them explained to you. The  
22 CC&Rs, together with other "governing documents" (such as  
23 association bylaws and rules and regulations), are intended to  
24 preserve the character and value of properties in the  
25 community, but may also restrict what you can do to improve  
26 or change your property and limit how you use and enjoy  
27 your property. By purchasing a property encumbered by  
28 CC&Rs, you are agreeing to limitations that could affect your  
29 lifestyle and freedom of choice. You should review the  
30 CC&Rs, and other governing documents before purchasing to  
31 make sure that these limitations and controls are acceptable to  
32 you. Certain provisions in the CC&Rs and other governing  
33 documents may be superseded by contrary provisions of  
34 chapter 116 of the Nevada Revised Statutes. The Nevada  
35 Revised Statutes are available at the Internet address  
36 **<http://www.leg.state.nv.us/nrs/>**.

37 3. YOU WILL HAVE TO PAY OWNERS'  
38 ASSESSMENTS FOR AS LONG AS YOU OWN YOUR  
39 PROPERTY?

40 As an owner in a common-interest community, you are  
41 responsible for paying your share of expenses relating to the  
42 common elements, such as landscaping, shared amenities and  
43 the operation of any homeowners' association. The obligation  
44 to pay these assessments binds you and every future owner of  
45 the property. Owners' fees are usually assessed by the



1 homeowners' association and due monthly. You have to pay  
2 dues whether or not you agree with the way the association is  
3 managing the property or spending the assessments. The  
4 executive board of the association may have the power to  
5 change and increase the amount of the assessment and to levy  
6 special assessments against your property to meet  
7 extraordinary expenses. In some communities, major  
8 components of the common elements of the community such  
9 as roofs and private roads must be maintained and replaced  
10 by the association. If the association is not well managed or  
11 fails to provide adequate funding for reserves to repair,  
12 replace and restore common elements, you may be required to  
13 pay large, special assessments to accomplish these tasks.

14 4. IF YOU FAIL TO PAY OWNERS'  
15 ASSESSMENTS, ~~[YOU COULD LOSE]~~ **THE**  
16 **HOMEOWNERS' ASSOCIATION HAS A LIEN ON**  
17 **YOUR HOME?**

18 If you do not pay these assessments when due, the association  
19 ~~[usually]~~ has ~~[the power to collect them by selling]~~ **a lien on**  
20 **your property . [in a nonjudicial foreclosure sale.]** If fees  
21 become delinquent, you may also be required to pay penalties  
22 and the association's costs and attorney's fees to become  
23 current. ~~[If you dispute the obligation or its amount, your only~~  
24 ~~remedy to avoid the loss of your home may be to file a~~  
25 ~~lawsuit and ask a court to intervene in the dispute.]~~

26 5. YOU MAY BECOME A MEMBER OF A  
27 HOMEOWNERS' ASSOCIATION THAT HAS THE  
28 POWER TO AFFECT HOW YOU USE AND ENJOY  
29 YOUR PROPERTY?

30 Many common-interest communities have a homeowners'  
31 association. In a new development, the association will  
32 usually be controlled by the developer until a certain number  
33 of units have been sold. After the period of developer control,  
34 the association may be controlled by property owners like  
35 yourself who are elected by homeowners to sit on an  
36 executive board and other boards and committees formed by  
37 the association. The association, and its executive board, are  
38 responsible for assessing homeowners for the cost of  
39 operating the association and the common or shared elements  
40 of the community and for the day to day operation and  
41 management of the community. Because homeowners sitting  
42 on the executive board and other boards and committees of  
43 the association may not have the experience or professional  
44 background required to understand and carry out the  
45 responsibilities of the association properly, the association



1 may hire professional community managers to carry out these  
2 responsibilities.

3 Homeowners' associations operate on democratic principles.  
4 Some decisions require all homeowners to vote, some  
5 decisions are made by the executive board or other boards or  
6 committees established by the association or governing  
7 documents. Although the actions of the association and its  
8 executive board are governed by state laws, the CC&Rs and  
9 other documents that govern the common-interest  
10 community, decisions made by these persons will affect your  
11 use and enjoyment of your property, your lifestyle and  
12 freedom of choice, and your cost of living in the community.  
13 You may not agree with decisions made by the association or  
14 its governing bodies even though the decisions are ones  
15 which the association is authorized to make. Decisions may  
16 be made by a few persons on the executive board or  
17 governing bodies that do not necessarily reflect the view of  
18 the majority of homeowners in the community. If you do not  
19 agree with decisions made by the association, its executive  
20 board or other governing bodies, your remedy is typically to  
21 attempt to use the democratic processes of the association to  
22 seek the election of members of the executive board or other  
23 governing bodies that are more responsive to your needs. If  
24 you have a dispute with the association, its executive board or  
25 other governing bodies, you may be able to resolve the  
26 dispute through the complaint, investigation and intervention  
27 process administered by the Office of the Ombudsman for  
28 Owners in Common-Interest Communities and Condominium  
29 Hotels, the Nevada Real Estate Division and the Commission  
30 for Common-Interest Communities and Condominium  
31 Hotels. However, to resolve some disputes, you may have to  
32 mediate or arbitrate the dispute and, if mediation or  
33 arbitration is unsuccessful, you may have to file a lawsuit and  
34 ask a court to resolve the dispute. In addition to your personal  
35 cost in mediation or arbitration, or to prosecute a lawsuit, you  
36 may be responsible for paying your share of the association's  
37 cost in defending against your claim.

38 **6. YOU ARE REQUIRED TO PROVIDE**  
39 **PROSPECTIVE PURCHASERS OF YOUR PROPERTY**  
40 **WITH INFORMATION ABOUT LIVING IN YOUR**  
41 **COMMON-INTEREST COMMUNITY?**

42 The law requires you to provide a prospective purchaser of  
43 your property with a copy of the community's governing  
44 documents, including the CC&Rs, association bylaws, and  
45 rules and regulations, as well as a copy of this document. You



1 are also required to provide a copy of the association's  
2 current year-to-date financial statement, including, without  
3 limitation, the most recent audited or reviewed financial  
4 statement, a copy of the association's operating budget and  
5 information regarding the amount of the monthly assessment  
6 for common expenses, including the amount set aside as  
7 reserves for the repair, replacement and restoration of  
8 common elements. You are also required to inform  
9 prospective purchasers of any outstanding judgments or  
10 lawsuits pending against the association of which you are  
11 aware. For more information regarding these requirements,  
12 see Nevada Revised Statutes 116.4109.

13 **7. YOU HAVE CERTAIN RIGHTS REGARDING**  
14 **OWNERSHIP IN A COMMON-INTEREST COMMUNITY**  
15 **THAT ARE GUARANTEED YOU BY THE STATE?**

16 Pursuant to provisions of chapter 116 of Nevada Revised  
17 Statutes, you have the right:

18 (a) To be notified of all meetings of the association and  
19 its executive board, except in cases of emergency.

20 (b) To attend and speak at all meetings of the association  
21 and its executive board, except in some cases where the  
22 executive board is authorized to meet in closed, executive  
23 session.

24 (c) To request a special meeting of the association upon  
25 petition of at least 10 percent of the homeowners.

26 (d) To inspect, examine, photocopy and audit financial  
27 and other records of the association.

28 (e) To be notified of all changes in the community's rules  
29 and regulations and other actions by the association or board  
30 that affect you.

31 **8. QUESTIONS?**

32 Although they may be voluminous, you should take the time  
33 to read and understand the documents that will control your  
34 ownership of a property in a common-interest community.  
35 You may wish to ask your real estate professional, lawyer or  
36 other person with experience to explain anything you do not  
37 understand. You may also request assistance from the Office  
38 of the Ombudsman for Owners in Common-Interest  
39 Communities and Condominium Hotels, Nevada Real Estate  
40 Division, at (telephone number).

41  
42 Buyer or prospective buyer's initials: \_\_\_\_\_

43 Date: \_\_\_\_\_





1       **Sec. 10.** NRS 116.625 is hereby amended to read as follows:

2       116.625 1. The Office of the Ombudsman for Owners in  
3 Common-Interest Communities and Condominium Hotels is hereby  
4 created within the Division.

5       2. The Administrator shall appoint the Ombudsman. The  
6 Ombudsman is in the unclassified service of the State.

7       3. The Ombudsman must be qualified by training and  
8 experience to perform the duties and functions of office.

9       4. In addition to any other duties set forth in this chapter, the  
10 Ombudsman shall:

11       (a) Assist in processing claims submitted to mediation or  
12 arbitration or referred to a program pursuant to NRS 38.300 to  
13 38.360, inclusive;

14       (b) Assist owners in common-interest communities and  
15 condominium hotels to understand their rights and responsibilities  
16 as set forth in this chapter and chapter 116B of NRS and the  
17 governing documents of their associations, including, without  
18 limitation, publishing materials related to those rights and  
19 responsibilities;

20       (c) Assist members of executive boards and officers of  
21 associations to carry out their duties;

22       (d) When appropriate, investigate disputes involving the  
23 provisions of this chapter or chapter 116B of NRS or the governing  
24 documents of an association and assist in resolving such disputes;  
25 and

26       (e) Compile and maintain a registration of each association  
27 organized within the State which includes, without limitation, the  
28 following information:

29       (1) The name, address and telephone number of the  
30 association;

31       (2) The name of each community manager for the common-  
32 interest community or the association of a condominium hotel and  
33 the name of any other person who is authorized to manage the  
34 property at the site of the common-interest community or  
35 condominium hotel;

36       (3) The names, mailing addresses and telephone numbers of  
37 the members of the executive board of the association;

38       (4) The name of the declarant;

39       (5) The number of units in the common-interest community  
40 or condominium hotel;

41       (6) The total annual assessment made by the association;

42       (7) The number of foreclosures which were completed on  
43 units within the ~~common interest community or~~ condominium  
44 hotel and which were based on liens for the failure of the unit's



1 owner to pay any assessments levied against the unit or any fines  
2 imposed against the unit's owner; and

3 (8) Whether the study of the reserves of the association has  
4 been conducted pursuant to NRS 116.31152 or 116B.605 and, if so,  
5 the date on which it was completed.

6 *5. If the Ombudsman provides any training for the purposes*  
7 *of carrying out his or her duties pursuant to paragraph (b) or (c)*  
8 *of subsection 4, such training may be provided in person or*  
9 *online.*

10 **Sec. 11.** NRS 116.665 is hereby amended to read as follows:

11 116.665 1. The Commission shall conduct such hearings and  
12 other proceedings as are required by the provisions of this chapter.

13 2. The Commission shall collect and maintain or cause to be  
14 collected and maintained accurate information relating to:

15 (a) The number and kind of common-interest communities in  
16 this State;

17 (b) The effect of the provisions of this chapter and any  
18 regulations adopted pursuant thereto on the development and  
19 construction of common-interest communities, the residential  
20 lending market for units within common-interest communities and  
21 the operation and management of common-interest communities;

22 (c) Violations of the provisions of this chapter and any  
23 regulations adopted pursuant thereto;

24 (d) The accessibility and use of, and the costs related to, the  
25 arbitration, mediation and program procedures set forth in NRS  
26 38.300 to 38.360, inclusive, and the decisions rendered and awards  
27 made pursuant to those procedures;

28 (e) ~~The number of foreclosures which were completed on units~~  
29 ~~within common-interest communities and which were based on liens~~  
30 ~~for the failure of the unit's owner to pay any assessments levied~~  
31 ~~against the unit or any fines imposed against the unit's owner;~~

32 ~~—(f)~~ The study of the reserves required by NRS 116.31152; and

33 ~~(g)~~ (f) Other issues that the Commission determines are of  
34 concern to units' owners, associations, community managers,  
35 developers and other persons affected by common-interest  
36 communities.

37 3. The Commission shall develop and promote:

38 (a) Educational guidelines for conducting the elections of the  
39 members of an executive board, the meetings of an executive board  
40 and the meetings of the units' owners of an association; and

41 (b) Educational guidelines for the enforcement of the governing  
42 documents of an association through liens, penalties and fines.

43 4. The Commission shall recommend and approve for  
44 accreditation programs of education and research relating to  
45 common-interest communities, including, without limitation:



- 1 (a) The management of common-interest communities;
- 2 (b) The sale and resale of units within common-interest
- 3 communities;
- 4 (c) Alternative methods that may be used to resolve disputes
- 5 relating to common-interest communities; and
- 6 (d) The enforcement [~~including by foreclosure,~~] of liens on
- 7 units within common-interest communities for the failure of the
- 8 unit's owner to pay any assessments levied against the unit or any
- 9 fines imposed against the unit's owner.

10 **Sec. 12.** Chapter 116A of NRS is hereby amended by adding

11 thereto a new section to read as follows:

12 *1. A community manager shall, on or before January 31 of*

13 *each year, submit to the Division a report for each association*

14 *managed by the community manager detailing the following*

15 *information for the previous calendar year:*

16 *(a) The total number of past due obligations incurred in an*

17 *association that were referred to a collection agency;*

18 *(b) The amount of each past due obligation that was referred*

19 *to a collection agency; and*

20 *(c) The race, ethnicity, gender identity or expression and*

21 *sexual orientation of each person whose past due obligation was*

22 *referred to a collection agency, if such information is voluntarily*

23 *made available to the community manager.*

24 *2. If a community manager includes in a report submitted to*

25 *the Division the information set forth in paragraph (c) of*

26 *subsection 1, the community manager shall not include any*

27 *personally identifiable information concerning any person whose*

28 *past due obligation was referred to a collection agency.*

29 **Sec. 13.** NRS 361.610 is hereby amended to read as follows:

30 361.610 1. Out of the sale price or rents of any property of

31 which he or she is trustee, the county treasurer shall pay the costs

32 due any officer for the enforcement of the tax upon the parcel of

33 property and all taxes owing thereon, and upon the redemption of

34 any property from the county treasurer as trustee, he or she shall pay

35 the redemption money over to any officers having fees due them

36 from the parcels of property and pay the tax for which it was sold

37 and pay the redemption percentage according to the proportion those

38 fees respectively bear to the tax.

39 2. In no case may:

40 (a) Any service rendered by any officer under this chapter

41 become or be allowed as a charge against the county; or

42 (b) The sale price or rent or redemption money of any one parcel

43 of property be appropriated to pay any cost or tax upon any other

44 parcel of property than that so sold, rented or redeemed.



1 3. After paying all the tax and costs upon any one parcel of  
2 property, the county treasurer shall pay into the general fund of the  
3 county, from the excess proceeds of the sale:

4 (a) The first \$300 of the excess proceeds; and

5 (b) Ten percent of the next \$10,000 of the excess proceeds.

6 4. The amount remaining after the county treasurer has paid the  
7 amounts required by subsection 3 must be deposited in an interest-  
8 bearing account maintained for the purpose of holding excess  
9 proceeds separate from other money of the county. If no claim is  
10 made for the excess proceeds within 1 year after the deed given by  
11 the county treasurer is recorded, the county treasurer shall pay the  
12 money into the general fund of the county, and it must not thereafter  
13 be refunded to the former property owner or his or her successors in  
14 interest. All interest paid on money deposited in the account  
15 required by this subsection is the property of the county.

16 5. If a person listed in subsection 6 makes a claim in writing  
17 for the excess proceeds within 1 year after the deed is recorded, the  
18 county treasurer shall pay the claim or the proper portion of  
19 the claim over to the person if the county treasurer is satisfied that  
20 the person is entitled to it.

21 6. A claim for excess proceeds must be paid out in the  
22 following order of priority to:

23 (a) The following persons in the order of priority of the liens  
24 recorded or perfected before the sale:

25 (1) A person holding a valid lien under subsection 3 of  
26 NRS 444.520;

27 (2) Persons specified in paragraphs (b), (c), (d), (g), (h) and  
28 (i) of subsection 4 of NRS 361.585; *and*

29 (3) ~~[An association, as defined in NRS 116.011, that has  
30 caused to be recorded a notice of default and election to sell the  
31 property pursuant to paragraph (b) of subsection 1 of NRS  
32 116.31162 that has not been rescinded; and~~

33 ~~— (4) An association, as defined in NRS 116B.030, or a hotel  
34 unit owner, as defined in NRS 116B.125, that has caused to be  
35 recorded a notice of default and election to sell the property  
36 pursuant to paragraph (b) of subsection 1 of NRS 116B.635 that has  
37 not been rescinded; and~~

38 (b) Any person specified in paragraphs (a), (e) and (f) of  
39 subsection 4 of NRS 361.585.

40 7. The county treasurer shall approve or deny a claim within 30  
41 days after the period described in subsection 4 for filing a claim has  
42 expired. Any records or other documents concerning a claim shall  
43 be deemed the working papers of the county treasurer and are  
44 confidential. If more than one person files a claim, and the county



1 treasurer is not able to determine who is entitled to the excess  
2 proceeds, the matter must be submitted to mediation.

3 8. If the mediation is not successful, the county treasurer shall:

4 (a) Conduct a hearing to determine who is entitled to the excess  
5 proceeds; or

6 (b) File an action for interpleader.

7 9. A person who is aggrieved by a determination of the county  
8 treasurer pursuant to this section may, within 90 days after the  
9 person receives notice of the determination, commence an action for  
10 judicial review of the determination in district court.

11 10. ~~If an association, as defined in NRS 116.011, recovers any~~  
12 ~~amount of excess proceeds of a sale of a residential unit, as defined~~  
13 ~~in NRS 116.332, the amount recovered by the association shall be~~  
14 ~~deemed to have satisfied the debt owed by the owner of the~~  
15 ~~residential unit to the association and the association may not~~  
16 ~~recover in a civil action or otherwise collect any deficiency~~  
17 ~~remaining due to the association from the owner.~~

18 ~~—11.]~~ Any agreement to locate, deliver, recover or assist in the  
19 recovery of remaining excess proceeds of a sale which is entered  
20 into by a person listed in subsection 6 must:

21 (a) Be in writing.

22 (b) Be signed by the person listed in subsection 6.

23 (c) If the agreement is entered into by a natural person for  
24 assistance in the recovery of excess proceeds remaining from a sale  
25 of a residence that was occupied by that natural person as his or her  
26 primary residence at the time of the sale, not provide for a fee of  
27 more than 10 percent of the total remaining excess proceeds of the  
28 sale due that person.

29 ~~[12.]~~ **11.** In addition to authorizing a person pursuant to an  
30 agreement described in subsection ~~[11]~~ **10** to file a claim and collect  
31 from the county treasurer any property owed to the person, a person  
32 listed in subsection 6 may authorize a person pursuant to a power of  
33 attorney, assignment or any other legal instrument to file a claim  
34 and collect from the county treasurer any property owed to him or  
35 her. The county is not liable for any losses resulting from the  
36 approval of the claim if the claim is paid by the county treasurer in  
37 accordance with the provisions of the legal instrument.

38 **Sec. 14.** NRS 649.020 is hereby amended to read as follows:

39 649.020 1. "Collection agency" means all persons engaging,  
40 directly or indirectly, and as a primary or a secondary object,  
41 business or pursuit, in the collection of or in soliciting or obtaining  
42 in any manner the payment of a claim owed or due or asserted to be  
43 owed or due to another.

44 2. "Collection agency" does not include any of the following  
45 unless they are conducting collection agencies:



1 (a) Individuals regularly employed on a regular wage or salary,  
2 in the capacity of credit men or in other similar capacity upon the  
3 staff of employees of any person not engaged in the business of a  
4 collection agency or making or attempting to make collections as an  
5 incident to the usual practices of their primary business or  
6 profession.

7 (b) Banks.

8 (c) Nonprofit cooperative associations.

9 (d) Unit-owners' associations and the board members, officers,  
10 employees and units' owners of those associations when acting  
11 under the authority of and in accordance with chapter 116 or 116B  
12 of NRS and the governing documents of the association, except for  
13 those community managers included within the term "collection  
14 agency" pursuant to subsection 3.

15 (e) Abstract companies doing an escrow business.

16 (f) Duly licensed real estate brokers, except for those real estate  
17 brokers who are community managers included within the term  
18 "collection agency" pursuant to subsection 3.

19 (g) Attorneys and counselors at law licensed to practice in this  
20 State, so long as they are retained by their clients to collect or to  
21 solicit or obtain payment of such clients' claims in the usual course  
22 of the practice of their profession.

23 3. "Collection agency":

24 (a) Includes a community manager while engaged in ~~the~~  
25 ~~management of a common interest community or~~ the management  
26 of an association of a condominium hotel if the community  
27 manager, or any employee, agent or affiliate of the community  
28 manager, performs or offers to perform any act associated with the  
29 foreclosure of a lien pursuant to NRS ~~116.31162 to 116.31168,~~  
30 ~~inclusive, or~~ 116B.635 to 116B.660, inclusive; and

31 (b) Does not include any other community manager while  
32 engaged in ~~the management of a common interest community or~~  
33 the management of an association of a condominium hotel.

34 4. As used in this section:

35 (a) "Community manager" has the meaning ascribed to it in  
36 NRS 116.023 or 116B.050.

37 (b) "Unit-owners' association" has the meaning ascribed to it in  
38 NRS 116.011 or 116B.030.

39 **Sec. 15.** NRS 657.110 is hereby amended to read as follows:

40 657.110 1. Each mortgagee or beneficiary of a deed of trust  
41 under a residential mortgage loan, including, without limitation, a  
42 bank, credit union, savings bank, savings and loan association, thrift  
43 company or other financial institution which is licensed, registered  
44 or otherwise authorized to do business in this State, shall provide to



1 the Division of Financial Institutions the name, street address and  
2 any other contact information of a person to whom:

3 (a) A borrower or a representative of a borrower must send any  
4 document, record or notification necessary to facilitate a mediation  
5 conducted pursuant to NRS 40.437 or 107.086.

6 (b) A unit-owners' association must send ~~[any]~~ notice ~~[required~~  
7 ~~to be given]~~ pursuant to *paragraph (c) of subsection 3 of* NRS  
8 ~~[116.3116 to 116.31168, inclusive.]~~ **116.310312.**

9 2. The Division of Financial Institutions shall maintain on its  
10 Internet website the information provided to the Division pursuant  
11 to subsection 1 and provide a prominent display of, or a link to, the  
12 information described in subsection 1, on the home page of its  
13 Internet website.

14 3. As used in this section:

15 (a) "Borrower" means a person who is a mortgagor or grantor of  
16 a deed of trust under a residential mortgage loan.

17 (b) "Residential mortgage loan" means a loan which is primarily  
18 for personal, family or household use and which is secured by a  
19 mortgage or deed of trust on owner-occupied housing as defined in  
20 NRS 107.015.

21 **Sec. 16.** 1. The amendatory provisions of sections 5 and 17  
22 of this act do not apply to any lien for which a unit-owners'  
23 association initiated the foreclosure process pursuant to NRS  
24 116.31162 to 116.31168, inclusive, before October 1, 2021.

25 2. As used in this section, "unit-owners' association" has the  
26 meaning ascribed to it in NRS 116.011.

27 **Sec. 17.** NRS 116.31162, 116.311625, 116.311627,  
28 116.31163, 116.311635, 116.31164, 116.31166, 116.31168 and  
29 278A.170 are hereby repealed.

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## LEADLINES OF REPEALED SECTIONS

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**116.31162 Foreclosure of liens: Mailing or delivery of notice of delinquent assessment; recording of notice of default and election to sell; period during which unit's owner may pay lien to avoid foreclosure; limitations on type of lien that may be foreclosed.**

**116.311625 Foreclosure of liens: Limitations, requirements and procedures applicable to servicemembers and their dependents; penalty; liability; tolling.**

**116.311627 Foreclosure of liens: Limitations, requirements and procedures applicable to federal workers, tribal workers**



and state workers and household members and landlords of such workers in connection with shutdown; penalty; liability.

**116.31163 Foreclosure of liens: Mailing of notice of default and election to sell to certain interested persons.**

**116.311635 Foreclosure of liens: Providing notice of time and place of sale; service of notice of sale; contents of notice of sale; proof of service.**

**116.31164 Foreclosure of liens: Procedure for conducting sale; satisfaction of lien before sale; purchase of unit by association; execution and delivery of deed; use of proceeds of sale.**

**116.31166 Foreclosure of liens: Title vested in purchaser subject to right of redemption; sale does not extinguish first security interest if superior amount of lien is satisfied; certificate of sale; exercise of right of redemption; deed without warranty; effect of recitals in deed; bona fide purchasers and bona fide encumbrancers for value.**

**116.31168 Foreclosure of liens: Requests by interested persons for notice of default and election to sell or notice of sale.**

**278A.170 Common open space: Procedures for enforcing payment of assessment.**

