

**ADOPTED REGULATION OF  
THE COMMISSION FOR COMMON-INTEREST  
COMMUNITIES AND CONDOMINIUM HOTELS**

**LCB File No. R152-13**

Effective June 26, 2015

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

AUTHORITY: §§1-3, NRS 116A.200.

A REGULATION relating to common-interest communities; revising certain provisions relating to the continuing education for community managers; and providing other matters properly relating thereto.

**Legislative Counsel's Digest**

Existing law prohibits a person from acting as the community manager of a common-interest community or condominium hotel unless he or she has obtained a certificate from the Real Estate Division of the Department of Business and Industry. (NRS 116A.400) Existing law authorizes the Commission for Common-Interest Communities and Condominium Hotels to adopt regulations to carry out the provisions of existing law governing community managers. (NRS 116A.200)

Existing regulations require a community manager to obtain at least 18 hours of continuing education in courses approved by the Commission. (NAC 116A.140) Under existing regulations, a community manager may obtain not more than 6 hours of continuing education credit for attending a meeting of the Commission. (NAC 116A.255) Existing regulations establish certain requirements for the approval of continuing education credit, including, without limitation, a requirement that a course consist of at least 3 hours of distance education or instruction in a classroom and a requirement that a Commission meeting for which credit is sought last at least 3 hours. (NAC 116A.230, 116A.235, 116A.255) This regulation provides that the Commission will grant continuing education credit for courses which consist of at least 1 hour of distance education or instruction in a classroom and for Commission meetings which last at least 1 hour.

**Section 1.** NAC 116A.230 is hereby amended to read as follows:

116A.230 1. Except as otherwise provided in subsection 4, an application for the approval of a course for continuing education must be submitted to the Division on a form provided by the

Division for review and presentation to the Commission and must include the fee required by NAC 116A.515. If the Commission approves a course for continuing education, the Commission's approval is effective for 1 year after the original approval or a renewal and the Commission will not grant more than:

(a) Seven hours of credit for continuing education for a day of instruction in the course if the sponsor does not require a student to complete and pass a final examination to pass the course.

(b) Eight hours of credit for continuing education for a day of instruction in the course if the sponsor requires a student to complete and pass a final examination to pass the course.

2. The Commission may grant retroactive approval for a course for continuing education.

3. If an application for the approval of a course for continuing education is presented to the Commission pursuant to subsection 1, the Commission will grant credit for the course only if:

(a) The course consists of at least ~~3 hours~~ *1 hour* of distance education or instruction in a classroom.

(b) The course satisfies the requirements of NAC 116A.232.

(c) For a course of instruction in a classroom, the sponsor of the course:

(1) Certifies the attendance of holders of a certificate who take the course for credit.

(2) Maintains for at least 4 years a record of attendance which contains the following information with respect to each holder of a certificate who has taken the course for credit:

(I) The name of the holder of a certificate in attendance and the number of his or her certificate.

(II) The title and number of the course.

(III) The hours of instruction attended and dates of attendance by the holder of a certificate.

(IV) A statement that the holder of a certificate has successfully completed the course, if applicable.

(3) Assures the Commission that an approved instructor will preside throughout the course.

(d) For a course of distance education, the sponsor of the course:

(1) Requires each student to:

(I) Take a closed-book final examination with a proctor present at a location designated by the sponsor in its application for approval filed with the Division and receive a score of at least 75 percent to pass the course;

(II) Prove his or her identity before he or she is allowed to take any examination;

(III) Complete an entire course to receive credit for taking the course; and

(IV) Complete each course within an established minimum and maximum time.

(2) Gives credit for only the number of hours for which the course has been approved by the Commission to a holder of a certificate who has completed the course.

(3) Publishes a policy for retaking an examination which a holder of a certificate failed.

(4) Maintains for at least 4 years a record of completion of the course which contains the following information with respect to each holder of a certificate who has taken the course for credit:

(I) The name of the holder of a certificate who completes the course and the number of his or her certificate.

(II) The title and number of the course.

(III) A statement that the holder of a certificate has successfully completed the course, which includes, without limitation, the date that the course was completed and the number of hours completed.

4. The Administrator may grant credit for continuing education for a course offered by any university, school or community college which is a part of the Nevada System of Higher Education, or any other university or college bearing the same or an equivalent accreditation if:

(a) The course provides instruction in the management of a common-interest community or the association of a condominium hotel or a subject directly related to the management of a common-interest community or the association of a condominium hotel;

(b) The university, school or college offers the course for university or college credit; and

(c) The sponsor of the course agrees to comply with paragraphs (a), (c) and (d) of subsection 3, subsection 5, NAC 116A.240 and 116A.250 and subsection 1 of NAC 116A.285.

5. If a course is approved, the sponsor shall provide a certified copy of the record of attendance or record of completion to the holder of a certificate upon his or her completion of the course. The Division shall accept the certified copy as proof of the attendance of the holder of a certificate or completion of the course by the holder of a certificate for the purpose of renewal or reinstatement of his or her certificate. If the course is taken at a university or community college, the proof of attendance must be a certified transcript. The certified copy of the record of attendance or record of completion of a sponsor must contain the:

(a) Name of the sponsor;

(b) Name of the holder of a certificate and his or her certificate number;

(c) Number of hours of credit for continuing education for which the course is approved;

(d) Dates of instruction for a course of instruction in a classroom;

- (e) Date of completion of the course for a course of distance education;
- (f) Title of the course or seminar;
- (g) Number of the sponsor assigned by the Division and a statement that the course was approved by the Commission;
- (h) Signature of the person authorized to sign for the sponsor;
- (i) Grade received by the holder of a certificate or a statement of whether the holder of a certificate passed the class if an examination was given; and
- (j) Manner in which instruction for the course was delivered.

**Sec. 2.** NAC 116A.235 is hereby amended to read as follows:

116A.235 1. A person who requests approval of a distance education course must demonstrate to the satisfaction of the Commission that the proposed distance education course satisfies the following requirements:

(a) The course must be designed to ensure that students actively participate in the instructional process by utilizing techniques that require substantial interaction with the instructor, other students or a computer program. If the subject matter of the course is such that the learning objectives for the course cannot be reasonably accomplished without direct interaction between the instructor and the students, the course design must provide for such interaction.

(b) If the course does not provide students with the opportunity for continuous audio and visual communication with the instructor during the presentation of the course, the course must utilize testing and remedial processes appropriate to ensure mastery of the subject matter of the course by the students.

(c) If the course involves self-paced study, the course must be designed so that the time required for a student of average ability to complete the course is within the number of hours for which the course is approved, and the sponsor of the course shall utilize a system which ensures that students have actually performed all tasks designed to ensure participation and mastery of the subject matter of the course by the students.

(d) The proposed methods of instruction used in the course must be appropriate to the proposed learning objectives of the course, and the scope and depth of the instructional materials must be consistent with the proposed learning objectives.

(e) The sponsor of the course shall provide appropriate technical support to enable students to complete the course satisfactorily.

(f) An approved instructor must be reasonably available to respond timely to questions asked by students concerning the subject matter of the course and to direct students to additional sources of information. For the purposes of this paragraph, a response by an approved instructor shall be deemed timely if the response is made within 2 business days after the question is submitted.

(g) The sponsor of the course shall provide students with an orientation or information package which contains all information that the Division requires to be provided to students and all necessary information about the course, including, without limitation, information concerning fees and refund policies, subject matter and learning objectives, procedures and requirements for satisfactory completion, any special requirements with regard to computer hardware and software or other equipment, and instructor and technical support. The sponsor shall make available to students technical support relating to the use of any computer hardware or software, or other equipment or technology needed to complete the course.

(h) The sponsor of the course shall utilize procedures which reasonably ensure that a student who receives credit for continuing education for completing the course actually performed all the work required to complete the course. If the course involves independent study by students, such procedures must include, without limitation, the opportunity for direct contact by the sponsor with the student at the student's home or business via telephone or electronic mail and a signed statement by the student certifying that he or she personally completed all course work. The sponsor shall retain such signed statements and records of student contact together with all other course records the sponsor must maintain.

2. A sponsor seeking approval of a computer-based distance education course must submit a complete copy of the course to the Division in the medium to be used and, if requested, must make available, at a date and time satisfactory to the Division and at the sponsor's expense, all equipment and software necessary to enable the Division to review the course. In the case of an Internet-based course, the sponsor shall provide the Division with access to the course via the Internet at no charge at a date and time satisfactory to the Division.

3. In determining whether to approve a distance education course pursuant to this section, the Commission will consider whether:

- (a) The course consists of at least ~~3 hours~~ *1 hour* of instruction;
- (b) Students are required to complete a written examination proctored by a person acceptable to the Division or using a secure electronic method acceptable to the Division; and
- (c) The course is presented by an accredited college or university that offers distance education in other disciplines, or whether the course design and method of delivery have been accredited by an accrediting agency which accredits distance education and which is approved by the Commission. For an accrediting agency to be approved by the Commission for the

purposes of this paragraph, the accrediting agency must use the following considerations when making its determination on whether to accredit a distance education course:

- (1) The mission statement of the sponsor of the course;
- (2) The minimum design of the course and the procedures for updating the course;
- (3) The interactivity of the instruction with the students;
- (4) Whether the instruction provided in the course teaches mastery of the course material;
- (5) The support services that are available to students;
- (6) The medium through which the course is delivered to students;
- (7) A time study of the range of instructional hours for which a course should be approved or accredited;
- (8) For each module of instruction, whether there is:
  - (I) At least one learning objective for the module of instruction;
  - (II) A structured learning method to enable the student to achieve each such learning objective;
  - (III) A method of assessment of the student's performance during the module of instruction; and
  - (IV) A method of remediation pursuant to which a student who, based on the assessment of his or her performance, is determined to be deficient in his or her mastery of the course material may repeat the module until the student understands the course material; and
- (9) Whether a complete syllabus or student manual, or both, for all courses or programs is provided in written form and includes accurate and clearly stated information about admissions, progression, completion, criteria, dismissal and any applicable licensing requirements.

**Sec. 3.** NAC 116A.255 is hereby amended to read as follows:



116A.255 1. The Commission will grant credit for continuing education, not to exceed 6 hours during a certification period, to a holder of a certificate for attending a meeting of the Commission if:

(a) The meeting of the Commission for which credit for continuing education is being sought is not a meeting in which the holder of a certificate was participating or otherwise affiliated with a specific disciplinary hearing;

(b) The meeting of the Commission for which credit for continuing education is being sought lasts at least ~~3 hours;~~ *1 hour*; and

(c) The Commission certifies, for the purposes of providing credit for continuing education, the attendance of the holder of a certificate at the meeting.

2. If a holder of a certificate attends only part of a meeting of the Commission, the Division may determine the number of hours of credit, if any, that the holder of a certificate may receive for credit for continuing education pursuant to this section.

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY  
NRS 233B.066  
LCB FILE R152-13**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 116A.230, 116A.235, and 116A.255.

**1. A clear and concise explanation of the need for the adopted regulation.**

The Commission for Common-Interest Communities and Condominium Hotels (Commission) requested an amendment decreasing the number of hours a Commission meeting must last for a community manager to receive continuing education credit for attending from three hours to one hour. There have been times when the duration of a Commission meeting has not lasted three hours. Community managers in attendance did not receive any continuing education credits for that time. The Commission agreed that one hour increments would guarantee that community managers would receive continuing education credit since some Commission meetings do not last longer than three hours.

The Real Estate Division (Division) suggested amending regulations to decrease the minimum number of hours that a continuing education distance education and instruction in a classroom course must consist of to be approved for credit. These changes will allow for more topics specific educational opportunities for community managers.

**2. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.**

The Small Business Impact Statement for LCB File No. R152-13 was posted on the Division's website February 2014 prior to the workshop scheduled for February 27, 2014. Members of the public were invited to submit written comment or to attend the workshop and comment. Division staff is present at Commission meetings during public comment, the workshop and Commission discussion.

The Division received a comment that was for allowing community managers to receive an hour credit when attending a Commission meeting because the length of time that Commission meetings last cannot be predicted. On the other hand, it would be difficult for education curriculum to be developed for a short period of time and Q&A portions of continuing education courses might be reduced.

The Commission for Common-Interest Communities and Condominium Hotels conducted an adoption hearing on March 3, 2015 in Las Vegas, Nevada and video conferenced to Carson City, Nevada. The minutes of the adoption hearing for March 3, 2015 are attached.

Minutes of the workshop and adoption hearing, attached hereto, contain summaries of public comment, Commission discussion and actions. A copy of this summary may be obtained from the Real Estate Division, 2501 E. Sahara Avenue, Suite 303, Las Vegas, Nevada 89104,

702-486-4036 or email Teralyn Thompson, Administration Section Manager, tlthompson@red.state.nv.us.

**3. The number of persons who:**

**(a) Attended each hearing:**

February 27, 2014: 17

March 3, 2015: 38

**(b) Testified at each hearing:**

February 27, 2014: 1

March 3, 2015: 1

**(c) Submitted to the agency written comments: 1**

**4. A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented, for each person identified above in #3, as provided to the agency, is attached as Exhibit A.**

Please see attached.

**5. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.**

Comments were solicited from affected businesses in the same manner as they were solicited from the public. The summary may be obtained as instructed in the response to question #2.

**6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

The proposed regulation was adopted on March 3, 2015, and included changes suggested at the workshop conducted as stated above.

**7. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:**

**Business which it is to regulate**

**(a) Both adverse and beneficial effects; and**

**Adverse effects:** No adverse effects on small business are anticipated. These proposed regulations do not change the total number of hours of continuing education required by a community manager to be taken in the licensure renewal period.

**Beneficial effects:** The change from 3 hours to 1 hour in the minimum number of hours which can be approved for continuing education will give community managers more

options in topics for education. Education providers will be able to develop more specific course topics.

Decreasing the number of hours that a Commission meeting must last for a community manager to receive continuing education credit for attendance from 3 hours to 1 hour is beneficial to community manager. Some Commission meetings do not last for more than three hours.

**(b) Both immediate and long-term effects.**

**Immediate effects:** Would allow programs on special topics to be developed, including possible luncheon meeting programs.

**Long-term effects:** An increase in professional participation by industry groups.

**Public**

**(a) Both adverse and beneficial effects:**

**Adverse effects:** No anticipated adverse economic effect to the public.

**Beneficial effects:** No beneficial effect to the public.

**(b) Both immediate and long-term effects:**

**Immediate effects:** No immediate effects on the public.

**Long-term effects:** No long term effect on the public.

**8. The estimated cost to the agency for enforcement of the adopted regulation.**

There is no additional cost to the agency for the implementation of LCB File No. R152-13.

**9. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

There are no other state or government agency regulations that the proposed regulation duplicates.

**10. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**

There are no federal regulations that apply.

**11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

The regulation does not provide a new fee or increase an existing fee.