

SENATE BILL NO. 221—SENATOR MANENDO

MARCH 5, 2015

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing the addition of fence rollers to certain walls in common-interest communities. (BDR 10-1006)

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; providing that an association may not unreasonably restrict the addition of fence rollers that are attached to certain walls in a common-interest community under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides that a unit’s owner may not change the appearance of the
2 common elements or the exterior appearance of a unit without the permission of the
3 association. However, an association may not unreasonably restrict, prohibit or
4 withhold approval for a unit’s owner to add shutters that are attached to a unit or
5 are attached to certain common elements or limited common elements under certain
6 circumstances. (NRS 116.2111) This bill similarly provides that an association may
7 not unreasonably restrict, prohibit or withhold such approval for a unit’s owner to
8 add fence rollers which are designed to prevent wildlife, pets or other animals from
9 coming into or leaving the rear or side yard of a unit and which are attached to
10 common elements or limited common elements under certain circumstances.

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

1 **Section 1.** NRS 116.2111 is hereby amended to read as
2 follows:

3 116.2111 1. Except as otherwise provided in this section and
4 subject to the provisions of the declaration and other provisions of
5 law, a unit’s owner:



1 (a) May make any improvements or alterations to his or her unit
2 that do not impair the structural integrity or mechanical systems or
3 lessen the support of any portion of the common-interest
4 community;

5 (b) May not change the appearance of the common elements, or
6 the exterior appearance of a unit or any other portion of the
7 common-interest community, without permission of the association;
8 and

9 (c) After acquiring an adjoining unit or an adjoining part of an
10 adjoining unit, may remove or alter any intervening partition or
11 create apertures therein, even if the partition in whole or in part is a
12 common element, if those acts do not impair the structural integrity
13 or mechanical systems or lessen the support of any portion of the
14 common-interest community. Removal of partitions or creation of
15 apertures under this paragraph is not an alteration of boundaries.

16 2. An association may not:

17 (a) Unreasonably restrict, prohibit or otherwise impede the
18 lawful rights of a unit's owner to have reasonable access to his or
19 her unit.

20 (b) Charge any fee for a person to enter the common-interest
21 community to provide services to a unit, a unit's owner or a tenant
22 of a unit's owner or for any visitor to the common-interest
23 community or invitee of a unit's owner or a tenant of a unit's owner
24 to enter the common-interest community.

25 (c) Unreasonably restrict, prohibit or withhold approval for a
26 unit's owner to add to a unit:

27 (1) Improvements such as ramps, railings or elevators that
28 are necessary to improve access to the unit for any occupant of the
29 unit who has a disability;

30 (2) Additional locks to improve the security of the unit;

31 (3) Shutters to improve the security of the unit or to reduce
32 the costs of energy for the unit; or

33 (4) A system that uses wind energy to reduce the costs of
34 energy for the unit if the boundaries of the unit encompass 2 acres or
35 more within the common-interest community.

36 (d) With regard to approving or disapproving any improvement
37 or alteration made to a unit, act in violation of any state or federal
38 law.

39 3. Any improvement or alteration made pursuant to subsection
40 2 that is visible from any other portion of the common-interest
41 community must be installed, constructed or added in accordance
42 with the procedures set forth in the governing documents of the
43 association and must be selected or designed to the maximum extent
44 practicable to be compatible with the style of the common-interest
45 community.



1 4. An association may not unreasonably restrict, prohibit or
2 withhold approval for a unit's owner to add shutters to improve the
3 security of the unit or to reduce the costs of energy for the unit,
4 including, without limitation, rolling shutters, that are attached to a
5 portion of an interior or exterior window, interior or exterior door or
6 interior or exterior wall which is not part of the unit and which is a
7 common element or limited common element if:

8 (a) The portion of the window, door or wall to which the
9 shutters are attached is adjoining the unit; and

10 (b) The shutters must necessarily be attached to that portion of
11 the window, door or wall during installation to achieve the
12 maximum benefit in improving the security of the unit or reducing
13 the costs of energy for the unit.

14 5. *An association may not unreasonably restrict, prohibit or*
15 *withhold approval for a unit's owner to add fence rollers to*
16 *prevent wildlife, pets or other animals from coming into or leaving*
17 *the rear or side yard of the unit, including, without limitation,*
18 *fence rollers that are attached to a portion of an exterior wall,*
19 *party wall or security wall which is not part of the unit and which*
20 *is a common element or limited common element if:*

21 (a) *The portion of the exterior wall, party wall or security wall*
22 *to which the fence rollers are attached is adjoining or adjacent to*
23 *the unit; and*

24 (b) *The fence rollers must necessarily be attached to that*
25 *portion of the exterior wall, party wall or security wall during*
26 *installation to achieve the maximum benefit in preventing wildlife,*
27 *pets or other animals from coming into or leaving the rear or side*
28 *yard of the unit.*

29 6. If a unit's owner adds ~~shutters~~:

30 (a) *Shutters* pursuant to subsection 4, the unit's owner is
31 responsible for the maintenance of the shutters.

32 (b) *Fence rollers pursuant to subsection 5, the unit's owner is*
33 *responsible for the maintenance of the fence rollers.*

34 ~~6.1~~ 7. For the purposes of subsection 4, a covenant, restriction
35 or condition which does not unreasonably restrict the addition of
36 shutters and which is contained in the governing documents of a
37 common-interest community or a policy established by a common-
38 interest community is enforceable so long as the covenant,
39 restriction or condition was:

40 (a) In existence on July 1, 2009; or

41 (b) Contained in the governing documents in effect on the close
42 of escrow of the first sale of a unit in the common-interest
43 community.

44 ~~7.1~~ 8. *For the purposes of subsection 5, a covenant,*
45 *restriction or condition which does not unreasonably restrict the*



1 *addition of fence rollers and which is contained in the governing*
2 *documents of a common-interest community or a policy*
3 *established by a common-interest community is enforceable so*
4 *long as the covenant, restriction or condition was:*

5 *(a) In existence on July 1, 2015; or*

6 *(b) Contained in the governing documents in effect on the*
7 *close of escrow on the first sale of a unit in the common-interest*
8 *community.*

9 **9.** A unit's owner may not add to the unit a system that uses
10 wind energy as described in subparagraph (4) of paragraph (c) of
11 subsection 2 unless the unit's owner first obtains the written consent
12 of each owner of property within 300 feet of any boundary of the
13 unit.

14 **10.** *As used in this section:*

15 *(a) "Fence rollers" means a device that:*

16 *(1) Is attached to the top of an exterior wall, party wall or*
17 *security wall; and*

18 *(2) Is designed with a rolling mechanism to prevent*
19 *wildlife, pets and other animals from coming into or leaving a rear*
20 *or side yard.*

21 *(b) "Party wall" has the meaning ascribed to it in*
22 *NRS 116.1209.*

23 *(c) "Security wall" has the meaning ascribed to it in*
24 *NRS 116.31073.*

25 **Sec. 2.** This act becomes effective on July 1, 2015.

