

**ADOPTED REGULATION OF THE COMMISSION FOR
COMMON-INTEREST COMMUNITIES**

LCB File No. R205-05

Effective September 18, 2006

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

AUTHORITY: §§1-6 and 18-21, NRS 116.615; §§7 and 10, NRS 116.31142; §§8, 9, 11 and 29, NRS 116.31144; §12, NRS 116.4109; §13, NRS 116.1201; §§14-17, NRS 116.31185 and 116.615; §22, NRS 116.1201 and 116.615; §23, NRS 116A.200 and 116A.410; §§24 and 26, NRS 116A.200 and 116A.400; §§25 and 27, NRS 116A.200, 116A.400 and 116A.410; §28, NRS 116.3103 and 116.615.

A REGULATION relating to common-interest communities; prescribing the requirements for the preparation and presentation of financial statements of an association; prescribing the requirements for the auditing or reviewing of financial statements of an association; limiting the amount that an association may charge for preparing certain certificates; requiring a limited-purpose association to comply with certain requirements; exempting certain classes and related costs from constituting a gift, reward or other item of value; limiting the amount that certain persons may receive as gifts, rewards or other items of value; requiring such persons to report such gifts; revising the requirements for provisional community managers and supervising community managers; and providing other matters properly relating thereto.

Section 1. Chapter 116 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 17, inclusive, of this regulation.

Sec. 2. *“Audited financial statement” has the meaning ascribed to it in the Guide.*

Sec. 3. *“Financial records” means the financial or transaction records necessary to support the financial statements of an association which include, without limitation, receipts, bank statements, income tax reports, reserve studies, budgets, contracts, minutes of executive board meetings, inventories, investments, expenses, disbursements, obligations, depreciation*

in property or equipment, contingent liabilities and any other records deemed necessary by the Division or by the accountants or auditors of an association.

Sec. 4. *“Guide” means the Common Interest Realty Associations - AICPA Audit and Accounting Guide, as adopted by reference in NAC 116.410.*

Sec. 5. *“Reviewed financial statement” has the meaning ascribed to it in the Guide.*

Sec. 6. *“Unit’s owner” has the meaning ascribed to it in NRS 116.095.*

Sec. 7. *The interim financial statements of an association may be prepared using fund accounting or a single column presentation and must:*

1. Include, at a minimum, a month-to-date and year-to-date presentation of:

(a) The balance sheet, including operating and reserve for future repairs and replacement assets, liabilities and fund balances or members’ equity if a single column format is used;

(b) The statement of revenues and expenses for all operating and reserve activities, presenting information about all assessments, revenues and expenses;

(c) A schedule comparing the details of the actual expenses of the association with the expenses budgeted for the association;

(d) Any changes in the fund balances to be presented on the statement of revenues and expenses if fund accounting is used; and

(e) A footnote which states that the association is in compliance with paragraph (b) of subsection 2 of NRS 116.3115 and that reserve funds have not been used for daily maintenance.

2. Be prepared on a full accrual basis.

3. Be prepared by, or the preparation of the interim financial statements must be supervised by, a person with accounting knowledge and experience in the preparation of financial statements.

4. Be distributed monthly, promptly upon completion, to the treasurer of the association, the community manager and each member of the executive board.

Sec. 8. *The financial statements of an association subject to an audit or review must be presented using fund accounting and must include, at a minimum:*

1. An operating fund which reflects the accounting transactions surrounding the normal maintenance and service operations of the association; and

2. A reserve fund which reflects the accounting transactions pertaining to the long-term, major repair and replacement requirements of the association and the restrictions of its use as described in paragraph (b) of subsection 2 of NRS 116.3115.

Sec. 9. 1. *The audited financial statement of an association must:*

(a) Include a full presentation of accrual-basis accounting prepared in accordance with generally accepted accounting principles which includes, at a minimum:

(1) A balance sheet for the operating fund and reserve fund, presenting assets, liabilities and fund balances;

(2) A statement of revenues and expenses for the operating fund and reserve fund which presents information about all assessments, revenues and expenses;

(3) A statement of changes in fund balances which reconciles beginning and ending fund balances with results of operations;

(4) A statement of cash flows;

(5) Any note disclosures as required by the Guide; and

(6) The following unaudited supplementary information:

(I) Any reserve disclosures as required by the Guide and NRS 116.31152; and

(II) An accompanying schedule which compares details of the actual expenses of the association to the budgeted amounts of the association.

(b) Be prepared and completed not later than 210 days after the end of the fiscal year for the association.

(c) Be made available to the Division not later than 30 days after requested by the Division.

(d) Include on the annual registration form with the Division the following information:

(1) The amount of budgeted revenues;

(2) Whether the financial statements were audited or reviewed and, if so, the date on which the audit or review of the financial statements was completed; and

(3) Whether the audit opinion is qualified or unqualified or whether the review report is modified or unmodified.

2. An auditor performing the annual audit for an association must:

(a) Be a certified public accountant licensed pursuant to chapter 628 of NRS.

(b) Be independent of the association as set forth in Section 100, "Independence, Integrity, and Objectivity," of the AICPA Code of Professional Conduct.

Sec. 10. *The financial statements of an association described in sections 7, 8 and 9 of this regulation may provide for such other funds as the association deems appropriate to report the transactions of separate business activities, special assessments and contingency or other restricted funds.*

Sec. 11. 1. *The review of the financial statements of an association must be performed in accordance with the AICPA's Statement on Standards for Accounting and Review Services*

as referenced in the Guide. The financial statements must include a full presentation of accrual-basis accounting prepared pursuant to subsection 1 of section 9 of this regulation.

The supplementary information may be compiled or reviewed.

2. An auditor performing the annual review for an association must:

(a) Be a certified public accountant licensed pursuant to chapter 628 of NRS.

(b) Be independent of the association as set forth in Section 100, “Independence, Integrity, and Objectivity,” of the AICPA Code of Professional Conduct.

Sec. 12. *1. Except as otherwise provided in subsection 2, an association may not charge more than \$160 for preparing the certificate furnished pursuant to NRS 116.4109.*

2. If a unit’s owner or his authorized agent requests that the certificate be furnished sooner than 3 business days after the date of the request, the association may charge a fee not to exceed \$125 to expedite the preparation of the certificate.

3. Nothing in this section is to be construed to prohibit an association from requiring a fee for any other copy, form or service.

Sec. 13. *A limited-purpose association must comply with all the provisions of NRS 116.4101 to 116.412, inclusive.*

Sec. 14. *1. As used in NRS 116.31185, the term “gifts, incentives, gratuities, rewards or other items of value” does not include:*

(a) Any prepaid tuition for an approved class within the State for members of an executive board, officers of an association, community managers or employees of the community manager;

(b) The cost or value of an approved class that is offered free of charge; and

(c) The cost or value of any breakfast, lunch, snack or hot or cold nonalcoholic beverage provided at an approved class or during the breaks of an approved class.

2. A member of the executive board or an officer of the association who attends or participates in an approved class must disclose his attendance or participation in the approved class to the executive board at the next meeting of the executive board after the date of the approved class.

3. As used in this section, "approved class" means a course which has been approved pursuant to the provisions of this chapter and which at all times satisfies the requirements of this chapter.

Sec. 15. *1. No member of an executive board or officer of an association shall receive, in the aggregate, any gift, incentive, gratuity, reward or other item of value pursuant to subsection 2 of NRS 116.31185 in any calendar year which exceeds the sum of \$100.*

2. On or before the annual distribution to each unit's owner of the budgets of the association pursuant to subsection 1 of NRS 116.31151, each member of an executive board and officer of an association shall deliver to the executive board for inclusion in the annual distribution of the budgets a statement of any gifts, incentives, gratuities, rewards or other items of value which exceed \$15 received pursuant to subsection 2 of NRS 116.31185.

Sec. 16. *1. No community manager or employee of the community manager shall receive, in the aggregate, any gift, incentive, gratuity, reward or other item of value pursuant to subsection 2 of NRS 116.31185 in any calendar year which exceeds the sum of \$500.*

2. On or before the date of renewal of a license for a community manager, each community manager shall disclose to the Division, in the renewal form, a statement of any gifts, incentives, gratuities, rewards or other items of value which exceed \$15 received

pursuant to subsection 2 of NRS 116.31185 during each of the years following the last renewal.

Sec. 17. *Nothing in sections 14, 15 and 16 of this regulation is to be construed as permitting a member of an executive board, an officer of an association, a community manager or an employee of the community manager to solicit or accept any form of compensation, gratuity or other remuneration in violation of the provisions of subsection 1 of NRS 116.31185.*

Sec. 18. NAC 116.010 is hereby amended to read as follows:

116.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 116.013 to 116.075, inclusive, *and sections 2 to 6, inclusive, of this regulation* have the meanings ascribed to them in those sections.

Sec. 19. NAC 116.035 is hereby amended to read as follows:

116.035 “Community manager” means a person who *holds a certificate and who* provides for or otherwise engages in the management of a common-interest community.

Sec. 20. NAC 116.065 is hereby amended to read as follows:

116.065 “Provisional community manager” means a ~~community manager~~ *person* who has fulfilled the educational requirements for certification as set forth in NAC 116.120 but has not yet fulfilled the experience requirements for certification as set forth in NAC 116.175. A provisional community manager may perform the tasks of a community manager under the ~~direct~~ supervision of a supervising community manager.

Sec. 21. NAC 116.075 is hereby amended to read as follows:

116.075 “Supervising community manager” means a community manager who ~~meets~~ :

1. *Meets* the qualifications set forth in NAC 116.185 ; and ~~[who directly supervises a provisional community manager.]~~

2. *Is responsible for the supervision of one or more provisional community managers or community managers.*

Sec. 22. NAC 116.090 is hereby amended to read as follows:

116.090 ~~[For purposes of exemption from the provisions of chapter 116 of NRS pursuant to NRS 116.1201:]~~

1. An association is ~~[exempt]~~ *a limited-purpose association* pursuant to subparagraph (1) of paragraph (a) of subsection ~~[2]~~ 6 of NRS 116.1201 if:

(a) The association has been created for the sole purpose of maintaining the common elements consisting of landscaping, public lighting or security walls, or trails, parks and open space;

(b) The declaration states that the association has been created as a landscape maintenance association; and

(c) The declaration expressly prohibits:

(1) The association, and not a unit's owner, from enforcing a use restriction against a unit's owner;

(2) The association from adopting any rules or regulations concerning the enforcement of a use restriction against a unit's owner; and

(3) The imposition of a fine or any other penalty against a unit's owner for a violation of a use restriction.

2. An association is ~~exempt~~ *a limited-purpose association* pursuant to subparagraph (2) of paragraph (a) of subsection ~~2~~ 6 of NRS 116.1201 if the association is created for the sole purpose of maintaining:

(a) Areas on an official plat that are designated as unsuitable for building;

(b) Areas required by the governing body to be designated as floodways, natural drainage or spillways; or

(c) Other areas that the governing body requires to be used for the purpose of collecting, facilitating, retaining or channeling storm water drainage of the residential property of the common-interest community.

3. An association is ~~exempt~~ *a limited-purpose association* pursuant to subparagraph (3) of paragraph (a) of subsection ~~2~~ 6 of NRS 116.1201 if:

(a) The association has been created as a rural agricultural residential common-interest community;

(b) The residential lots in the common-interest community are a minimum of 1 acre and are zoned for agricultural purposes by the county in which the community is located; and

(c) The governing documents of the association authorize the residents to farm or raise livestock on the residential lots.

4. As used in this section:

(a) “Governing body” has the meaning ascribed to it in NRS 278.015.

(b) “Landscaping” has the meaning ascribed to it in NRS 278.4781.

(c) “Public lighting” has the meaning ascribed to it in NRS 278.4783.

(d) “Security wall” has the meaning ascribed to it in NRS 271.203.

(e) “Trails, parks and open space” means trails, parks and open space that provide a substantial public benefit or are required by the governing body for the primary use of the public. The term does not include a private street or roadway, gated entry, swimming pool, gazebo, clubhouse, pond, tennis court, miniature golf course or frisbee golf course.

(f) “Use restriction” means any provision of the governing documents of an association that restricts a unit’s owner in the use of his unit.

Sec. 23. NAC 116.160 is hereby amended to read as follows:

116.160 1. A certificate must be renewed biennially.

2. Except as otherwise provided by subsection 5, the Division shall renew a certificate if the applicant submits to the Division ~~[at least 30 days]~~ before the expiration of his certificate:

(a) A completed application on a form prescribed by the Division;

(b) The statement described in NRS ~~[116.710;]~~ **116A.440;**

(c) The fee required by NAC 116.505 for renewal; and

(d) Documentation of the successful completion by the applicant of at least 18 hours of continuing education in courses approved by the Commission within the 2 years immediately preceding the date on which the certificate expires. At least 3 hours of the continuing education must consist of instruction relating to this chapter and chapter 116 of NRS.

3. The renewal of a certificate is effective on the date on which the renewal is issued.

4. If the holder of a certificate fails to complete the required hours of continuing education or fails to file an application for the renewal of his certificate before it expires, he may not engage in the management of a common-interest community until his certificate is reinstated.

5. The Division may refuse to renew a certificate if:

(a) The applicant has been convicted of, or entered a plea of guilty or nolo contendere to, forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or possessing for the purpose of sale any controlled substance or any crime involving moral turpitude;

(b) The applicant fails to complete, sign and submit the statement required pursuant to NRS ~~116.710;~~ **116A.440;**

(c) The Division receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional certificates and permits issued to the applicant; or

(d) The applicant has engaged in conduct which is grounds for disciplinary action pursuant to NAC 116.360 and has been disciplined by the Division or Commission.

6. If the Division, after an application to renew a certificate in proper form has been filed, accompanied by the proper fees, refuses to renew the certificate, it shall give notice of this fact to the applicant within 15 days after the ruling, order or decision. The applicant may file a written request for a hearing before the Commission pursuant to the procedures set forth in NAC 116.150.

7. If the Division refuses to renew a certificate because it receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional certificates and permits issued to the applicant, the Division shall reinstate the certificate if the Division receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose certificate was suspended stating that the person has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 24. NAC 116.175 is hereby amended to read as follows:

116.175 1. A provisional community manager must:

(a) Be associated with a supervising community manager for a minimum of 2 years; and

(b) Except as otherwise provided in NAC 116.180, within 2 years after the issuance of the certificate granting provisional status, obtain 3,120 hours of active experience in the following areas:

(1) Financial management of an association;

(2) Property and facilities management;

(3) Specific duties relating to the management of a common-interest community as provided in this chapter and chapter 116 of NRS;

(4) Governance of an association;

(5) Insurance coverage; and

(6) Building a sense of community within an association.

2. ~~Upon~~ *Except as otherwise provided in subsection 3, upon* obtaining 2 years of active experience in this State, ~~the~~ *a* provisional community manager is entitled to act as a community manager without being associated with a supervising community manager if the provisional community manager submits to the Division:

(a) A statement, on a form prescribed by the Division, completed and signed by his supervising community manager that verifies:

(1) The extent of the active experience gained in each of the areas set forth in subsection 1; and

(2) That the provisional community manager has met the active experience requirements set forth in subsection 1;

(b) A certificate of completion for the 18 hours of continuing education required pursuant to NAC 116.160; and

(c) The fee required by NAC 116.505 for the renewal of a certificate.

3. A provisional community manager may submit to the Division evidence of any other education or experience that the Division may deem to be equivalent to the requirements of this section.

Sec. 25. NAC 116.185 is hereby amended to read as follows:

116.185 1. A community manager is qualified to act as a supervising community manager if:

(a) He submits to the Division, *, on a form prescribed by the Division,* an ~~affidavit that he has completed the educational requirements set forth in NAC 116.120;~~ *application to act as a supervising community manager;*

(b) He has been actively engaged in the full-time management of a common-interest community in this State, another state or the District of Columbia for at least 4 years immediately preceding his becoming a supervising community manager, with at least 2 of the 4 years of experience obtained in this State; ~~and~~

(c) He is in good standing with the Division or any state or the District of Columbia where he is licensed or certified ~~and~~; *and*

(d) He is competent to engage in the management of a common-interest community and the supervision of community managers in a manner which will safeguard the interests of the public.

2. A supervising community manager is responsible for:

(a) Supervising ~~a~~ *one or more* provisional community ~~manager; and~~ *managers or community managers who are associated with him;*

(b) Determining the competency of ~~[a]~~ *the* provisional community ~~[manager]~~ *managers or community managers who are associated with him* to perform delegated tasks of managing a common-interest community ~~];~~

~~3.—A supervising community manager shall not supervise more than three provisional community managers at one time.];~~

(c) *Teaching the provisional community managers and community managers who are associated with him the fundamentals of managing a common-interest community and the ethics of the profession;*

(d) *Supervising the activities and operation of managing a common-interest community;*

(e) *Establishing the policies, rules, procedures and systems that will allow the supervising community manager to review, oversee and manage any business conducted by the provisional community managers or community managers who are associated with him, including any other employees;*

(f) *Establishing reasonable procedures and safeguards for the filing, storage, handling and maintenance of documents that may have a material affect upon the rights or obligations of the parties to the management agreement and the association affected by the management agreement; and*

(g) *Establishing reasonable procedures and safeguards for the handling of any money received on behalf of a client.*

3. *In establishing the policies, rules, procedures and systems pursuant to subsection 2, a supervising community manager shall consider the number of community managers and other employees associated with the supervising community manager and the number and location of branch offices operated or managed by the supervising community manager.*

4. The supervising community manager shall appoint for each branch office a supervising community manager to supervise and oversee the activities and operations of the branch office.

Sec. 26. NAC 116.300 is hereby amended to read as follows:

116.300 A community manager shall:

1. Comply with the lawful provisions of the governing documents of each client;
2. Maintain an inventory of all records of each client;
3. Keep informed of new developments in the management of a common-interest community through continuing education, including, without limitation, new developments in law, insurance coverage and accounting principles;
4. Advise a client to obtain advice from an expert relating to matters that are beyond the expertise of the community manager;
5. Under the direction of a client, uniformly enforce the provisions of the governing documents of the association;
6. At all times ensure that the financial transactions of a client are current, accurate and properly documented and that there are established policies and procedures surrounding the financial transactions that are designed to provide reasonable assurances in the reliability of the financial reporting, including, without limitation, proper maintenance of accounting records, documentation of the authorization for receipts and disbursements, verification of the integrity of the data used in business decisions, facilitation of fraud detection and prevention, and compliance with the applicable laws and regulations governing financial records;
7. Prepare or cause to be prepared interim and annual financial statements that will allow the Division, ~~[a client,]~~ *the executive board*, the units' owners and the accountant or auditor to

determine whether the financial position of ~~[a client]~~ *an association* is fairly presented in accordance with ~~[generally accepted accounting principles as set forth in the Common Interest Realty Associations—AICPA Audit and Accounting Guide, as adopted by NAC 116.410;]~~ *the provisions of sections 7 to 11, inclusive, of this regulation;*

8. Make the financial records of an association available for inspection by the Division in accordance with the applicable laws of this State;

9. Cooperate with the Division in resolving complaints filed with the Division;

10. Upon written request, make the financial records of an association available to the units' owners during regular business hours for inspection at a reasonably convenient location which must be within 60 miles from the physical location of the common-interest community and ~~[shall]~~ provide copies of such records in accordance with the applicable laws of this State;

11. Deposit all money of an association that is in the possession or control of the community manager in a federally insured financial institution authorized to do business in this State;

12. Recommend in writing to each client that the association register with the Division, maintain its registration and file all papers with the Division and the Secretary of State as required by law;

13. Comply with the directions of a client, unless the directions conflict with the governing documents of the association, this chapter or other applicable laws of this State;

14. Recommend in writing to each client that the association be in compliance with all applicable federal, state and local laws and the governing documents of the association;

15. Obtain, when practicable, at least three bids for any capital improvement project for the association; and

16. Fairly enforce the collection policies of a client and comply with all applicable federal, state and local laws relating to the collection of debt.

↳ As used in this section, “regular business hours” means Monday through Friday, 9 a.m. to 5 p.m., excluding state and federal holidays.

Sec. 27. NAC 116.331 is hereby amended to read as follows:

116.331 1. A community manager shall give written notice to the Division of any change of name, address or association within 10 business days after the change occurs and pay the appropriate fee required by NAC 116.505.

2. *A provisional community manager shall give written notice to the Division of any change of his supervising community manager within 10 business days after the change occurs and pay the appropriate fee required by NAC 116.505.*

3. Failure to give notice as required by this section constitutes cause for the involuntary inactivation of the certificate.

Sec. 28. NAC 116.400 is hereby amended to read as follows:

116.400 In performing the duties set forth in NRS 116.3103, a member of an executive board shall:

1. Comply with all applicable federal, state and local laws and the governing documents of the association;

2. Uniformly enforce the provisions of the governing documents of the association;

3. Ensure that meetings of the executive board are held with such frequency as to properly and efficiently address the affairs of the association;

4. Keep informed of new developments in the management of a common-interest community through educational courses;

5. Ensure that the executive board obtains, when practicable, at least three bids from reputable service providers who possess the proper licensing for any service used by the association;

6. Ensure that the executive board consults with the appropriate professionals as necessary before making major decisions affecting the association;

7. Deposit all money of an association in a federally insured financial institution authorized to do business in this State; and

8. If the association does not employ a community manager:

(a) Maintain an inventory of all records of the association;

(b) At all times ensure that the financial transactions of the association are current, accurate and properly documented and that there are established policies and procedures surrounding the financial transactions that are designed to provide reasonable assurances in the reliability of the financial reporting, including, without limitation, proper maintenance of accounting records, documentation of the authorization for receipts and disbursements, verification of the integrity of the data used in business decisions, facilitation of fraud detection and prevention, and compliance with the applicable laws and regulations governing financial records;

(c) Prepare or cause to be prepared interim and annual financial statements that will allow the Division, ~~[a client,]~~ *the executive board*, the units' owners and the accountant or auditor to determine whether the financial position of the association is fairly presented in accordance with ~~[generally accepted accounting principles as set forth in the Common Interest Realty Associations—AICPA Audit and Accounting Guide, as adopted by NAC 116.410;]~~ *the provisions of sections 7 to 11, inclusive, of this regulation;*

(d) Make the financial records of the association available for inspection by the Division in accordance with the applicable laws of this State;

(e) Cooperate with the Division in resolving complaints filed with the Division;

(f) Upon written request, make the financial records of the association available to the units' owners during regular business hours for inspection at a reasonably convenient location which must be within 60 miles from the physical location of the common-interest community and ~~shall~~ provide copies of such records in accordance with the applicable laws of this State; and

(g) Fairly enforce the collection policies of the association and comply with all applicable federal, state and local laws relating to the collection of debt.

Sec. 29. 1. If an association has not previously caused the financial statements of the association to be audited on an annual basis, the association must cause the financial statements of the association to be audited pursuant to NRS 116.31144 for the first fiscal year that begins on or after July 1, 2006.

2. If an association which is required to cause the financial statements of the association to be audited at least once every 4 years pursuant to NRS 116.31144 has caused the financial statements of the association to be audited for the fiscal year immediately preceding the first fiscal year that begins on or after July 1, 2006, the association is not required to cause the financial statements of the association to be audited for another 4 years.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R205-05**

The Commission for Common-Interest Communities adopted regulations assigned LCB File No. R205-05 which pertain to chapter 116 of the Nevada Administrative Code on August 22, 2006.

Notice date: 7/19/2006
Hearing date: 8/22/2006

Date of adoption by agency: 8/22/2006
Filing date: 9/18/2006

INFORMATIONAL STATEMENT

- 1. 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.**

Notice of the proposed regulations were posted on the Real Estate Division website and in various other public locations where both the public and other interested persons would have access to that information. The Division conducted a public workshop on January 17, 2006 in Las Vegas which was video conferenced to Carson City. On February 1, 2006, the Division conducted a public workshop in Carson City which was video conferenced to Las Vegas. Public comment was also solicited at the public hearing in Carson City, on August 22, 2006. The public hearing was video conferenced to Las Vegas.

- 2. The number of persons who:**

	<u>CC</u>	<u>LV</u>
Attended workshop 1/17/06:	7	41
Submitted written comments	1	6
Attended workshop 2/01/06:	12	13
Submitted written comments:	0	5
Attended public hearing 8/22/06	12	3
Submitted written comments:		

- 3. 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.**

The public was invited to comment at the public workshops and hearing or in writing. Additionally, since August 2005 through August 22, 2006, the Commission has had a standing agenda item to discuss and review Chapter 116 of NAC in order to make recommendations for proposed changes, additions, and deletions. At each public meeting, the Commission considered possible changes to the Nevada Administrative Code for Chapter 116, solicited public comment, and formulated their proposals for changes.

Interested persons may obtain a copy of comment summaries by contacting Joanne Gierer, Legal Administrative Officer, at 702-486-4033 ext. 222.

Minutes of the Commission's meetings are available on the Division website and by contacting Joanne Gierer, Legal Administrative Officer, at 702-486-4033, ext. 222.

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

There were amendments made to the regulation based upon the public comments made at each workshop, commission meetings and discussion at the adoption hearing.

5. The estimated economic effect of the adopted regulation on the business 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:

Businesses regulated in chapter 116 of NAC consist of homeowner associations and community managers. These regulations may have an economic impact on each of these businesses in that they seek to require more accountability to the Division, members of the associations and the people responsible for managing an association. Associations may have an economic effect regarding the new requirements for their accounting practices.

(b) Both immediate and long-term effects.

Immediate effect on regulated businesses will be the adjustments that they will be making pursuant to the changes that these regulations impose upon their accounting practices. The long-term effect should be more accountability and fiscally sound decisions made within associations.

Public:

(a) Both adverse and beneficial effects: and

There are no known adverse economic effects for the public from these proposed regulations. It is possible that an association could increase monthly association fees in order to cover the additional costs that these changes impose upon them. The beneficial effects are that the associations should be more accountable to its member, the managers should be better educated and the accounting practices should become uniform throughout all associations in the state.

(2) Both immediate and long-term effects:

There are no known immediate economic effects for the public from these proposed regulations. The long-term effects should be similar to the beneficial effects mentioned in the foregoing item.

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

The Agency anticipates costs involving additional staff time for the preparation of complaint investigations, as well as travel, witness fee, salaries and other costs associated with Commission hearings.

7. 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.

None.

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

None.

9. 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.

There are no new fees or increases in existing fees.