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Behind the Scenes

A lot of volunteers and staff work tirelessly to protect private property rights and REALTOR® interests, leading up to the legislative session but even more intensely during the session - few really know how much work it really takes! The tip of the iceberg that most of you see is this publication, the Nevada REALTOR® Advocate, that keeps you in the loop each week.

As this is the last Advocate covering the 2017 legislative session, we feel it is important to acknowledge the hard work of those behind the scenes:

- The Legislative Management Team, led expertly by Chairman Keith Kelley and Vice Chairman Kevin Sigstad, read all the bills that had a real estate component and gave guidance to the Lobbying Team on how to proceed on each issue. Thank you Vandana Bhalla, Heidi Kasama, Keith Lynam, Greg Martin, Chris Plastiras, Buck Schaeffel, Brad Spires and David Tina, Sr.
- NVAR staff: Karen Walker, who kept us on task and made sure leadership was always in the loop, as well as our invaluable Legal Counsel Tiffany Banks.
- The Lobbying Team, on the ground in Carson City for long hours for 120 days, nights and weekends, away from their families to dedicate their talents to the REALTORS®: Jenny Reese, Heather Lunsford and Beth Morrissey.
- The one behind the weekly Advocate, watching hearings and reading bills in order to translate them in English normal people understand: Isabelle Beaumont-Frenette.

Thank you everyone for helping protect homeowners and REALTORS® in our great state.

June 29, 2017 EDITION

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2017 Major Investors

Investment completed as of June 22, 2017. Pledges listed for those who have invested at least \$300 as of the above date.

Platinum R (\$10,000+)

Jack Woodcock

Golden R (\$5,000+)

Nancy Anderson
Rick Brenkus
Diane Brown
Ken Gragson
Heidi Kasama

Rocky Finseth
Chief Lobbyist
CEO
Carrara Nevada

Teresa McKee
CEO
Nevada Association of
REALTORS®

End of Session Report

The 2017 session will go down as one of the least productive, anti-business sessions, EVER in the history of the state. This is a clear sign that the state has taken a turn away from its hallmark of fiscal conservatism into a more progressive, left leaning state that looks and feels more like Washington D.C., than Carson City. Gone are the days of bipartisan collaboration for the good of the state. The lack of collegiality would make former lawmakers cringe if they saw how Senate leadership and others acted this session. It was a stunning reversal from past sessions.

The session started with a lot of optimism for many. A Governor, who is term limited, took his bow on January 17 with his last State of the State address. His speech was filled with the many accomplishments – from Tesla to the Raiders. But, in his rebuttal to the Governor's State of the State address, the Majority Leader from Southern Nevada set the tone. In retrospect, it was a harbinger of what was to unfold when he discussed his disagreements with the Governor's priorities, and emphasized the Democrats' Blueprint for Nevada.

Moreover, this session seemed to be more about those in key leadership spots considering their next political stepping stone rather than good public policy. All session, everyone knew that Majority Leader Ford was eyeing a run for Attorney General or the U.S. Senate, Minority Leader Michael Roberson was looking to run for Lieutenant Governor, and still others were contemplating races for the Clark County Commission or Secretary of State. Thus, it was about what would look good on the election mailers and television commercials, what would motivate their bases to turn out and vote for them, and not about what was best for the citizens of this great state.

As the curtain closes on the 2017 session, there appears to be very little to point to from an accomplishment point of view – the Democrats will point to their Blueprint for Nevada, and the Republicans will point to school choice. But by most accounts, the Legislature accomplished very little – and if you have to pick winners and losers, the progressive/liberal end of the spectrum won a moral victory by placing a number of issues on the Governor's desk, only to find very few got signed into law, while conservatives once again bickered amongst themselves over who deserved a bigger chair at the kids' dinner table.

Finally, when the budget dust settled, many of the Governor's priorities remained intact. The final budget approved by the Legislature ended up reflecting the Governor's recommended budget with few cuts or additions by the legislative body. In the end, the budget price tag settled at just slightly over \$8.1B.

Patty Kelley (pledge)
Keith Lynam
George Peek
Devin Reiss
Linda Rheinberger
Mark Stark
Dave Tina, Jr. (pledge)

Crystal R (\$2,500+)

Vandana Bhalla
Tom Blanchard
Rosa Herwick
Charles Kitchen
Greg Martin
Chris Plastiras
Buck Schaeffel
Kevin Sigstad (pledge)
Chantel Tilley (pledge)
Melissa Zimbelman

Sterling R (\$1,000+)

Mark Ashworth (pledge)
Forrest Barbee
Lee Barrett (pledge)
Scott Beaudry (pledge)
Chris Bishop (pledge)
Becky Blankenburg
Steve Bohler
Paul Bottari
Joe Brezny
Edee Campbell
Janet Carpenter
Sherrie Cartinella
Betty Chan
Cathi Colvin (pledge)
Christina Cova-Simmons
(pledge)
Shawn Cunningham (pledge)
Cheryl Delahanty
Amber DeLillo
Todd Disbrow
Wendy DiVecchio
Kellie Flodman
Ernie Freggiaro
John Graham
Bob Hamrick
Jessica James (pledge)
Azim Jessa
Blane Johnson
Soozi Jones-Walker
Keith Kelley (pledge)
Joan Kuptz
Tim Kuptz
Kris Layman
Stephen Lincoln (pledge)
Deborah Logan (pledge)
Karen Marsa (pledge)

Lastly, the Governor has vetoed 41 bills. Governor Sandoval did not hit the record set by Governor Gibbons in 2009 of 48 vetoes, but he came close.

Some of the higher profile issues that became instrumental in ultimately closing down the 2017 Legislature, all part of what we call the end game, included mandatory sick leave, efforts to substantially increase the minimum wage, work to control insulin costs set by drug manufacturers, and attempts to roll back prevailing wages rates made during last session.

NVAR's Legislative Agenda

[SB255](#), introduced by Senator Mo Denis, allows for the rescission of contract via electronic means after the HOA resale package review. It also allow HOAs to deliver changes to governing documents in the same manner as other HOA notices (previously, the only delivery method was hand delivery or U.S. Mail). It becomes effective July 1, 2017.

Landlord-Tenant

[AB107](#)- Sealing of Eviction Records

- NVAR worked with bill sponsor to ensure it did not overreach.
- Automatic sealing of summary eviction records if:
 - court dismisses the case, or
 - landlord fails to file an affidavit of complaint within 30 days after a tenant files an affidavit to contest the matter.
- Ability to petition the court to seal an eviction court file if:
 - upon a written stipulation between the landlord and the tenant, or
 - upon motion by the tenant, if the court finds that the eviction should be set aside or that sealing is in the interest of justice.
- Effective October 1, 2017.

[AB133](#) - Request for Emergency Assistance Not a Nuisance

- Clarifies that request for emergency assistance by a tenant is not a nuisance - for example when filing a complaint for noise violation on another tenant.
- Prohibits:
 - a local government from taking adverse action against an owner based on a tenant's requests for such services, and
 - a landlord from taking adverse action against a tenant based on tenant's request of same.
- Amendment clarifies that it only applies for evictions based solely on a call for emergency assistance and that local governments aren't prevented from abating nuisances discovered during such a call.
- Effective July 1, 2017.

Penny Mayer
Doug McIntyre
Margie McIntyre (pledge)
Teresa McKee
JC Melvin
Theresa Meyer
Bobbi Miracle
Mark Miscevic
Cassandra Mor
Carol Murphy
Kendra Murray (pledge)
Debbie Primack
Bill Process (pledge)
Pam Reese
Tedd Rosenstein
Kellie Rubin
Marv Rubin
Neil Schwartz
Sandee Smith (pledge)
Lillian Spencer
Brad Spires
Marcella Syme (pledge)
Katherine Tatro
Dave Tina Sr.
Sandy Wakefield
Cherie Williams (pledge)
James Winer
Judie Woods
Julie Youngblood
Zar Zanganah
Kamyar Zargari

Association Corporate Investors

NVAR - Platinum R
GLVAR - Platinum R

RSAR - Crystal R
SNAR - Crystal R
SNCCIM - Crystal R

ECAR - Sterling R
IVBOR - Sterling R

Contact NVAR

For more information, please contact:

- NVAR President [Greg Martin](#)
- NVAR Legislative [Keith Kelley](#)
- NVAR CEO [Teresa McKee](#)

Contact Government Affairs Directors

AB161 - Notarization of Rental Agreements

- Intent is to further address problems with squatters when they present a lease to authorities.
- Amendment removed the notarization requirement, but requires a disclosure on rental agreements that the lack of notarization creates a rebuttable presumption that the tenant does not have a right of occupancy and that lack of notarization does not render the agreement invalid.
- Also adds a provision that a person is presumed to know entry is without permission unless that person provides a rental agreement that is notarized and includes the current address and phone number of owner or representative.
- Amendment protects tenants with a lease signed by a permitted property manager, disclosure requirement not required on such leases.
- Effective July 1, 2017.

AB247 - Early Lease Termination

- Follow-up to 2013 bill allowing a domestic violence victim to terminate a lease early, with a police report, protection order or written affidavit by a qualified third party.
- AB247 does two things:
 - Expands the ability to victims of harassment, sexual assault and stalking, with a police report or protection order, and
 - Narrows the definition of "qualified third party."
- Effective October 1, 2017.

SB378 - Medical Marijuana Use

- Would have addressed numerous issues regarding controlled substances.
- Section 18 of the bill would have prohibited a landlord from evicting or subjecting to any penalty for using medical marijuana if the tenant holds a valid registry identification card or letter of approval issued pursuant to statute.
- Did not pass out of the first house committee by the deadline.

SB417 - Escrow Savings Accounts for Housing Project Tenants

- Would have required local housing authorities and the Nevada Rural Housing Authority to establish a program to create escrow accounts for tenants in housing projects.
- Tenants would have had the ability to deposit money that would not have been considered income for the purpose of determining their eligibility to remain a tenant in the housing project.
- Tenants would have been authorized to access the money only to purchase a residence or establish a business.
- Did not make it through by sine die.

- [Jenny Reese](#), NVAR
- [Isabelle Beaumont-Frenette](#), NVAR
- [Joe Locatelli](#), GLVAR
- [Heather Lunsford](#), SNAR and IVBOR
- [Jim Nadeau](#), RSAR and ECAR

Homeowners' Associations

There was definitely not as much appetite from legislators to address HOA issues this session. Only six bills of interest in this area surfaced this year.

- [SB114](#) - would have transferred the CIC Ombudsman from Real Estate Division to Attorney General's office. (failed)
- [SB161](#) - would have defined "unreasonable denial" for drought tolerant landscaping installation. (failed)
- [SB195](#) - governance and notification issues for HOAs and timeshares. No impact on real estate transactions. (effective October 1, 2017)
- [SB239](#) - allows HOA to enter unit for sewer/water leak under certain circumstances if damage to common areas or other units. (effective October 1, 2017)
- [SB258](#) - would allow HOA to issue courtesy notice without fine; notice content would include explanation of violation and proposed cure, photograph if physical violation, reasonable opportunity to cure. (sections 2 and 3 effective July 1, section 1 effective October 1, 2017)

Real Estate Division and Commission

Real Estate Division Budget

- Presented to Joint Senate Finance/Assembly Ways and Means Subcommittee on General Government on March 23 by Real Estate Administrator Sharath Chandra.
- Includes permanent funding for 5.4 full-time employees that were previously funded through Mortgage Settlement Funds, as presented in the Governor's Budget.

AB353 - Procedure to Review Criminal History of Potential Applicants for Professional Licenses

- Existing law has various licensing requirements and regulations for persons who engage in certain occupations, including real estate licensees.
- Currently, an applicant has to obtain the required education and pass the test before he or she can be vetted by the regulatory body to see whether the body will grant a license.
- This would have allowed a potential applicant to petition the regulatory body before meeting all the other requirements of the license.
- Did not pass out of the first house committee by the deadline.

AB373 - Changes to Boards' and Commissions' Regional Representation

- Real Estate Commission composition is currently: 3 from

- Clark, 1 from Washoe, 1 from rural.
- Would have changed composition of various boards and commissions, but not the Real Estate Commission (amended out), to proportional regional representation of the population from 3 regions:
 - Clark County
 - Washoe, Storey and Lyon counties, and Carson City, and
 - Remainder of the State.
 - Did not pass out of the first house committee by the deadline.

AB285 - Postlicensing Education Timeline

- Would have changed the length of time a new licensee has to complete the required postlicensing education from 1 year to 6 months.
- Driven by a REALTOR® member, but not part of the Association's legislative agenda.
- Real Estate Division put a \$200,000 fiscal note
- Did not make it through by sine die.

Property Taxes

AB43 - Property Tax Cap Calculations

- Would have created a floor when calculating the cap.
- Residential cap cannot be higher than commercial cap.
- Commercial cap calculation is convoluted, and could result in a cap of 0% even when property values are increasing.
- AB43 would have amended commercial formula so that the minimum cap would have been 3% and maximum 8%.
- Did not pass out of the first house committee by the deadline.

SB425 - Property Tax Cap Calculations

- Would have removed the "secondary" formula and left the caps at 3% for owner-occupied residential and 8% for all others.
- Did not make it through by sine die.

ACR7 - Property Taxes Study

- Would have directed the Legislative Commission to create a committee to study property taxes.
- Would have been composed of 6 legislators.
- Would have submitted a report on the result and recommended legislation prior to the 2019 session.
- Did not make it through by sine die.

SJR14 - Depreciation and Caps Reset at Property Transfer

- Proposes a constitutional amendment - has to pass in the 2017 session, in 2019 (without change), and by vote

of the people in 2020.

- Would trigger a reset of the depreciation at point of sale.
- Would reset the base value used for the tax caps at point of sale.
- Would leave a lot of flexibility to Legislature on details.
- Delivered to Secretary of State.

SB352 - Tax Abatement for Properties Rebuild After a Natural Disaster

- Property taxes are calculated on value of the land plus depreciated replacement cost of improvements - unless more than 10% of improvements are replaced.
- Loss of depreciation can cause a severe increase in property taxes when a home is rebuilt after a natural disaster (as declared by Governor).
- Allows single-family owners to apply to the county assessor for an exemption of a portion of the assessed value if the residence:
 - is occupied by primary owner
 - is replacement for single-family residence
 - is on the same parcel
 - has a footprint no more than 110% of original
 - has not been sold or transferred since the disaster, and
 - a building permit is issued within 3 years.
- Effective July 1, 2017. Expires July 1, 2047.

Other Real Estate Related Issues

AB8 - Collection of Delinquent Municipal Utility Charges

- Requested by the League of Cities and Municipalities.
- Expands the authority of a city who provides utility services to add delinquent utility charges to the tax rolls. Cities currently have that ability for sewerage only.
- Amendment narrowed "utility services" to "sewerage, storm draining or water services" - which is the same authority already granted to counties.
- Effective October 1, 2017.

AB169 - Flat Recording Fee

- Driven by Nevada Land Title Association working with the county recorders.
- Intent is to make closings easier by having a predictable recording fee (due to new CFPB/TRID regulations).
- Changes recording fee from \$10 for the first page plus \$1 per page to a set fee of \$25, regardless of how many pages are recorded.
- Increases technology fee from \$3 to \$5 per recording.
- Excludes mining claim recordings.
- Effective October 1, 2017.

AB244 - Insurance Companies' Ability to Gift

- Division of Insurance has a Bulletin restricting the giving

to \$20 and requiring item to be branded. This increases the amount to \$100.

- As introduced, included title insurers. However, the Division has a separate Bulletin addressing inducements for title insurers.
- Title insurers were amended out of this bill.
- Effective July 1, 2017.

AB277 - Preventing Zoning Changes Near Conservation Areas

- Would have restricted local governments' ability to change zoning regulations for areas within 5 miles of any national conservation or recreation area, including increasing residential density or establishing new nonresidential zoning districts.
- Amendment gutted the bill, would have required local governments to go through a set process (including environmental impact statement) before changing zoning within ½ mile of a conservation area (Red Rock, Sloan, Black Rock Desert-High Rock Canyon Emigrant Trails).
- Another amendment would have exempted government, public utility and video service provider from the "developer" definition.
- Vetoed by the Governor. No further action taken.

AB294 - Short-Term Rentals

- Bill intended to address the collection of transient lodging rental tax.
- Would have allowed local governments to require Airbnb and similar entities to collect and remit transient lodging rental tax.
- Did not make it through by sine die.

AB321 - Short-Term Rentals

- Intends to address the collection of transient lodging rental tax.
- Authorizes local governments to adopt an ordinance requiring:
 - Airbnb and similar entities to submit quarterly reports containing information about rentals facilitated by the entity, including the revenue generated from such rentals, and
 - Certain owners or lessees to submit quarterly reports as well.
- The ordinance could also authorize an agency to issue a subpoena to obtain such information.
- Effective July 1, 2017.

AB375 - Flood Control Projects Needs Committee

- Driven by Truckee Meadows Flood Control Authority.
- Would allow a flood management authority to create a needs committee similar to the schools committee

established in 2015.

- Committee must recommend the imposition of a fee, rate or charge that the authority is authorized to impose, and the authority shall impose recommendations.
- Committee may include a proposal for the imposition of one or more of the taxes, fees, levies or assessments on gross receipts from transient lodging, supplemental governmental service tax, real property transfer tax and property tax, for consideration by the voters in 2018.
- A member of the Nevada Association of REALTORS® would be a member of the committee.
- Effective June 12, 2017.

AB380 - Implied Public Easement

- Seeks to prevent property owners from losing part of their property rights to prescriptive easements when they allow the public use for pedestrian access - think areas like the Linq or the Park on the Strip, or outdoor malls.
- Allows a property owner to record a notice that opens the land to pedestrian use by the public.
- Provides that if an owner opens the land to pedestrian use by the public, any use by a person or the public cannot ripen into a prescriptive easement if certain notice is posted.
- Effective October 1, 2017.

AB413 - Electronic Notarization

- Electronic notaries can perform authorized notarial acts remotely using audio-video communication.
- Recording of electronic notarial act required, must be kept for no less than 7 years.
- Secretary of State will craft regulations.
- Effective July 1, 2018.

AB462 - Construction Defects

- In 2015, the Legislature passed AB125, considered a construction defect reform at the time.
- This would have rolled back a lot of the changes implemented 2 years ago.
- Would have reinstated the automatic legal fee granted for the prevailing party.
- Would have changed the statute of repose from 6 years to 8 years (was 10 years prior to the 2015 session).
- Did not pass out of the first house committee by the deadline.

SB33 - Foreclosure on Military Personnel's Properties

- Prevents a mortgage servicer from conducting a foreclosure if the borrower is active duty or deployed. It closely mirrors federal law.
- NVAR asked that HOA foreclosures be added to the proposal; this was included in the amendment
- Effective May 29, 2017.

SB90 - Student Loans

- Program to obtain loans to refinance qualified education loans and provide information about lending institutions to students and prospective students.
- NVAR testified that "The share of those with student loan debt rises to 41% among first-time homebuyers. Even among successful homebuyers, this amount of debt is cited as a difficult in their home buying process."
- Senate Majority Leader reached out to NVAR for support
- Did not make it through by sine die.

SB267 - Foreclosure of Abandoned Residential Property

- A process to expedite foreclosures was enacted in 2013, with a sunset of June 30, 2017.
- SB267 would have removed the sunset date.
- Amendment moves the sunset to June 30, 2021, instead of eliminating it.
- Effective May 25, 2017.

SB490 - Foreclosure Mediation Program

- Program was scheduled to sunset on June 30, 2017.
- Bill makes program permanent and moves its administration from the Supreme Court to Home Means Nevada, Inc.
- It increases the mediation services fees from \$400 to \$500.
- It increases the \$45 fee including in the NOD filing to \$95.
- Effective June 12, 2017.

2017 SESSION BY THE NUMBERS

The 79th Session of the Nevada Legislature began on February 6, 2017, and adjourned sine die on June 6, 2017.

BILLS

# of BDRs	1235
# of Senate Bills	588
# of Assembly Bills	556
Bills Tracked by NVAR	69

DEADLINES

3/20	Bill Introductions by Legislators (204)
3/27	Bill Introductions by Committees (180)
4/14	First House Committee Passage (256)
4/25	First House Passage (16)
5/1	Economic Forum

5/19	Second House Committee Passage (35)
5/26	Second House Passage (13)
6/5	Sine Die (84)



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Prepared by Carrara Nevada for the Nevada Association of REALTORS®

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Nevada REALTOR Advocate

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