Community manager wrong on both accounts

Q: You've been very helpful in the past, so I hope you have a moment to answer a couple of questions.

First, we have an new homeowners association management company, but we are getting some unusual responses to our inquiries.We have asked for an agenda to be sent to the board and homeowners 10 days before our meetings. However, our manager says that Nevada Revised Statutes only requires the agenda be sent out 10 days in advance for the annual meeting, but it is not required for other meetings.

Second, we are concerned that an LLC homeowner with thousands of dollars in violation fees (they turned the garage into an apartment, which violates our covenants, conditions and restrictions, and they refused to restore the garage over several years) will sell their property without paying what they owe. We asked if we could put a lien on the property, but the new manager says they aren't allowed to put a lien on fines, only past due assessments.

Can you confirm these claims are accurate? Everything I find in the NRS manual indicates that they are inaccurate.

As always, I appreciate any insight and guidance you can provide. Thank you.

A: Let's address your questions in order. First, Under NRS 116.31083 (2), except in an emergency or unless the bylaws require a longer period, the association shall not less than 10 days before the date of the meeting of the board, cause notice of the meeting to be sent to the homeowners. Under subsection 5, the notice of a meeting must state the time and place of the meeting and include a copy of the agenda or the date on which and locations where copies of the agenda can be conveniently obtained by the owners. There is a similar law pertaining to meetings and agenda for the annual meeting. Your manager is not correct.

As to the second concern, NRS 116.3116 pertains to liens. In subsection NRS 116.3116 (1), unless the declaration otherwise provides, any penalties, fees, charges, fines and interest charged pursuant to NRS 116.3102 (paragraphs j to o) are enforceable as assessments under this statute. As a footnote, NRS 116.3102 (m), the association may impose reasonable fines for violations of the governing documents only if the association complies with the requirements set in NRS 116.31031, the section pertaining to fines and notifications. Your manager, again, is not correct.

Q: I'm a fairly new HOA board member for my community here in Las Vegas and came across a column you wrote for the Las Vegas Review-Journal regarding whether a board member who sells his or her property can continue to serve on the HOA board.

Recently, one of our board members filed a quit claim on her unit, transferring ownership to a trust in her daughter's name, with her daughter as the sole trustee. I don't see the board member's name anywhere in the trust or quit claim document. If she is no longer the owner of the property, per the quit claim transfer even though she still lives in the unit, can the board member continue to serve and represent the HOA?

I'm hoping you could share some insight on this matter because it's all fairly new to me. Also, if there are other HOA resources that are helpful for new board members such as myself, I would appreciate any direction in that regard.

Thank you so much for any guidance.

A: NRS 116.31034 (1) states that board members are to be unit owners. As to officers of an association, unless your governing documents state otherwise, officers are not required to be unit owners.

Under subsection 14, an officer, employee, agent or director of a corporate owner of a unit, a trustee or designated beneficiary of a trust that owns a unit, a partnership that owns a unit, a member or manager of a limited-liability company that owns a unit and a fiduciary of an estate that owns unit serve as an officer or board member. The person shall file proof in the records of the association that they meet one of the requirements.

You may need to conduct another review of the trust.

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