

# Community must work together to address security issues

**Q:** For years our homeowners association board has talked out of both sides of its mouth.

On one hand, the board trumpets our privacy rights and promises legal action against those who violate them. Throughout the HOA are signs stating “Private Property. No Trespassing. No Solicitors. Violators Will Be Prosecuted Criminally.”

On the other hand the board does not monitor trespassers, contact them, give trespass warnings nor prosecute them.

When the bewildered homeowners demand the board practice what it preaches, no response has been forthcoming. The board claims it owes no duty to the homeowners and the homeowners are free to call (the Las Vegas Metropolitan Police Department) if they please.

Predictably, we are overrun with trespassers of every stripe. Religious, political and commercial solicitors are a daily presence. Far more dangerous are the homeless criminals who openly case the streets for unoccupied homes, then proceed to break in and steal, vandalize or squat. The board is fully aware of all these activities and ignores the homeowners when asked to keep the promises as set forth in the posted policies. Naturally, we are referring to trespassers on both common areas of the HOA as well as our privately owned lots. No less than three Nevada attorneys have informed the board it does owe a duty to the homeowners. However, the current board attorney has never responded to our plea to address this chaotic state of hypocrisy. We believe the board has acted with negligence and is in breach of contract. What do we do?

**A:** To be quite frank, if your community is not gated and at this point where you have no security of any kind on-site, how can you expect the association board to police these activities? It would take the homeowners to approve the funding of gates where possible and the funding of a 24/7 roving security person.

The trespassing sign is required for the police and or the association board to

have someone escorted off the property or even arrested by the police.

Under Nevada Revised Statutes 116, and most likely under your covenants, conditions and restrictions, associations do not have security as an obligation to the residents of their associations. Under NRS 116.4117 (3), it states that members of the board are not personally liable to the victims of crimes occurring on the property. Now, potentially, the association could be sued.

What can be done besides gates and security patrol would include improvement of lighting, trimming of trees and bushes to help eliminate hiding places, establishing a Neighborhood Watch would greatly help if you can organize homeowners and sustain the program, establishing a “see something. do something” policy to encourage homeowners to contact the police, especially if there is unusual traffic at a particular home. Your board could investigate the cost of the installation of cameras throughout the community whereby the residents in the community can observe what is happening on-site through some internet application. The camera security program would increase your assessments.

Passing a regulation (first check with your legal counsel) requiring all homeowners who rent their homes to require their tenant application process to include criminal checks and to also require them to utilize the Metropolitan Police Department’s “IDL” (identify, detect and locate) program. This program would inform homeowners and property managers if there is an outstanding warrant for the arrest of a potential tenant, which is not included in the national criminal check programs.

Your board could invite one of Metro’s community/public relation personnel to come to a special board meeting to provide other suggestions.

Security is a mutual concern but security programs will not work without the commitment of your residents.

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