

(As with any rule found on this site, you are advised to have legal counsel for the Association review and approve as your documents may have more specific provisions to include and/or address.)

_____ **COMMUNITY ASSOCIATION**

RESOLUTION REGARDING FAIR AND REASONABLE TREATMENT BETWEEN OWNERS, AGENTS AND CONTRACTORS WITHIN OUR COMMUNITY

WHEREAS, the _____ Community Association (the “Association”) is a Nevada non-profit corporation duly organized and existing under the laws of the State of Nevada and whereas the governing documents of the Association, including its CC&Rs, and NRS 116 provide the Association, acting through its Board of Directors, the right and the authority to enforce the Association’s CC&Rs and Rules and Regulations against each owner and to require them to abide by such CC&Rs and Rules and Regulations through the use of such remedies as are deemed appropriate by the Board and available at law or in equity, including, but not limited to, the hiring of counsel, the imposition of fines or monetary penalties, the pursuit of legal action, the requirement for corrective action and/or the suspension of an owner’s rights to vote or utilize the common area;

WHEREAS, there is a need to establish an understanding of what is considered a nuisance that arises, is brought to the attention of the Board of Directors and requires intervention of the Association when neighbor to neighbor issues arise. As Fiduciaries, the board has a responsibility to investigate and where appropriate take action to stop any activity that a reasonable person knew or should have known of any harassment, had a duty to take prompt action to correct and end the harassment, and failed to do so or took action that he or she knew or should have known would be unsuccessful in ending the harassment.

NOW, THEREFORE, BE IT RESOLVED, that the following resolutions will go into effect 30 days after the official mailing (or posting date for those who have opted for electronic communication) date to all owners.

1. As bullying is considered a violation of Nevada Revised Statute 116.31184 and in some cases a violation of Federal Fair Housing laws, bullying is further defined below in multiple situations.
2. The Association shall follow the latest Enforcement and Fine Policy previously adopted and provided to all owners on _____ or to new owners in escrow as part of the resale package to enforce any violation of the following:
 - 2.1 A violation of any Federal Laws will be addressed such as disputes involving protected classes of persons under the Fair Housing Laws.
 - 2.2 Any situation where the owner claims that harassment has risen to the point of creating a hostile environment.
 - 2.3 Any situation where any contracting vendor, including the community manager, who claims that an owner, director or other person associated with the association is causing intrusive, volatile and threatening harassment at one’s work place.
 - 2.4 Any situation where individuals are claiming the free speech is being used inappropriately to harass or bully. A person who feels that they are subjected to unwelcome spoken, written or physical conduct and the conduct was because of a protected characteristic and the conduct was considering the totality of

circumstances, sufficiently severe or pervasive that it unreasonably interferes with the person's right to use and enjoy their home.

2.5 Any situation where the person feels that they have been subjected to an unwelcome request or demand because of race, color, religion, sex, national origin, disability or familial status and submission to the request or demand is either explicitly or implicitly, make a condition related to his or her housing.

3. The Board will consider the following in reaching their decision:

3.1 The nature of the conduct and whether conduct was likely to or did cause anxiety, fear or hardship;

3.2 The context in which the conduct occurred;

3.3 The severity, scope, frequency and duration;

3.4 The relationships of the persons involved;

3.5 The perpetrator's use of a special privilege (e.g. using a passkey – Member roster, etc.)

3.6 If there is a threat involved.

4. As Federal Fair Housing expects the association to take action against any violation of their laws, the Association will follow the following steps:

4.1 Perpetrator is a resident: Verbal and written warnings; fines or other sanctions; reporting conduct to the police; and establishing an anti-harassment policy and complaint procedures, which this policy does.

4.2 Perpetrator is an employee: The association will direct the employee to training, give warnings or reprimands; termination or other sanction; and reports to the police.

4.3 Follow up with the victim: After corrective action is taken a follow up will be made to the reporting party to ensure that it was effective.

4.4 If the Association knows or should have known that the suggested corrective action was ineffective, they understand that they have the duty to take additional corrective actions.

5. The following are areas defined as causing problems in this area:

5.1. **Quiet Enjoyment**

5.1a. Nothing shall be done or maintained on any part of the Lot which emits foul or obnoxious odors outside the Lot or creates noise or other conditions which tend to disturb the peace, quiet, safety, comfort or serenity of the occupants and invitees of other Lots.

5.2b. No noxious, illegal, or offensive activity shall be carried on upon any portion of the Properties, which in the Board's reasonable determination tends to cause embarrassment, discomfort, annoyance, or nuisance to Persons using the Common Area or to the occupants and invitees of other lots.

5.2 **Nuisance:**

5.2a. No noxious or offensive trade or activity shall be carried on upon any Residence, or any part of the Covered Property nor shall anything be done thereon which may be, or may become an annoyance or nuisance to the neighborhood, or which shall in any way interfere with the quiet enjoyment, or

which shall in any way increase the rate of insurance. The normal noise of children playing is not considered a nuisance unless proven to be seriously excessive and unreasonably noisy

5.2b. No Owner shall engage in any activity which materially disturbs or destroys the vegetation, wildlife, or air quality within the Properties or which results in unreasonable levels of sound or light pollution.

6. **No Violations of Law:**

6.1 No Use Restriction or Rule shall interfere with the activities carried on within the confines of Dwelling Units, except that the Association may prohibit activities not normally associated with property restricted to residential use, and it may restrict or prohibit any activities that create monetary costs for the Association or other Owners, that create a danger to the health or safety of occupants or other Lots, that generate excessive noise or traffic that create unsightly conditions visible outside the dwelling, that create an unreasonable source of annoyance, or that otherwise violate local, state or federal laws or the association's rules or regulations.

7. **Problematic Conduct** – The following are considered to be actions that can cause complaints in this area:

7.1 Sexual invitations; jokes; sexual comments; requests for dates;

7.2 Comments about the resident's appearance, physical contact, etc.;

7.3 Religious proselytizing by members of the board or management;

7.4 Derogatory remarks about a protected class, insulting terms to define a protected class, offensive jokes, etc. It is not only includes remarks made directly to residents, to comments to anyone.

8. **Filing a Complaint:** Any owner who wishes to file a complaint about the above mentioned activities shall do so in writing and send it to the Board of Directors c/o the XYZ Community Management Company at 555 E. Washington Street, Las Vegas, NV 89120.

This resolution is adopted and made part of the minutes of the _____ July 1, 2017, Board of Directors meeting and goes into effect 30 days from the date of mailing of this Resolution to the Owners within the Association.

President Signature

Secretary Signature