

NEVADA TRAILS HOMEOWNERS ASSOCIATION

BOARD OF DIRECTORS RESOLUTION

RE: BULLYING AS A VIOLATION OF NUISANCE COVENANT

WHEREAS, Nevada Trails Homeowners Association (the "Association") is a Nevada nonprofit corporation governed by the laws of the State of Nevada, including Nevada Revised Statutes ("NRS") Chapter 116, which governs common-interest communities;

WHEREAS, NRS 116.3102(1) (a) provides that an association may "adopt and amend rules and regulations";

WHEREAS, Article 8, Section 8.1(b) of the Bylaws of Nevada Trails empowers the Board, acting on behalf of the Association, to adopt and publish rules and regulations governing the use of the Common Area and facilities and the personal conduct of members and their guests thereon; and to establish penalties for the infraction thereof;

WHEREAS, NRS 116.049(3) defines an association's governing documents to include its Rules;

WHEREAS, NRS 116.3102(1) (m) provides that an association "may impose reasonable fines for violations of the governing documents" of the Association;

WHEREAS, NRS 116.31031(1) provides that the Board may impose fines and sanctions against a "unit's owner or tenant or an invitee of a unit's owner or tenant" for violations of the Association's governing documents;

WHEREAS, Section 1 of Assembly Bill 395 known as the "Anti-Bullying Bill, amends NRS 116 by adding NRS 116.31184, which states the following:

A community manager, an agent or employee of the community manager, a member of the executive board, an officer, employee or agent of an association, a unit's owner or guest or tenant of a unit's owner shall not willfully and without legal authority threaten, harass or otherwise engage in an course of conduct against any other person who is the community manager of his or her common-interest community or an agent or employee of that community manager, a member of the executive board of his or her association, an officer, employee or agent of his or her association, another unit's owner in his or her common-interest community or a guest or tenant of a unit's owner in his or her common-interest community which:

- a) Causes harm or serious emotional distress, or the reasonable apprehension thereof, to that person; or
- b) Creates a hostile environment for that person.

WHEREAS, the Board desires to adopt a Rule clarifying the Association's interpretation its definition of the Anti-Bullying provision set forth in NRS 116.31184.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors hereby adopts the following Rule:

An officer or director of the Association, Owner, Resident, tenant, or guest of an Owner, Resident or tenant shall not willfully and without legal authority threaten, harass or otherwise engage in a course of conduct against any other person who is the community manager or an agent or employee of that community manager, an officer, director, employee or agent of the Association, another Owner, Resident, tenant or a guest of an Owner, Resident or tenant which: (a) causes harm or serious emotional distress, or the reasonable apprehension thereof, to that person; or (b) creates a hostile environment for that person.

Such conduct shall be deemed to be "noxious or offensive activity" that creates an "unreasonable annoyance or nuisance," and as such is a violation.

After notice and a hearing, as required by the Association's governing documents and NRS 116, anyone violating the above-referenced Rule may be sanctioned as follows:

- (a) imposition of fines, consistent with the Association's Fine Policy and Procedure;
- (b) suspension of voting privileges; and
- (c) suspension of the right to use the Association's Common Elements.

DATED this 30 day of May, 2019

**NEVADA TRAILS HOMEOWNERS
ASSOCIATION**

By: [Signature]
President

By: [Signature]
V. President

By: [Signature]
Secretary

By: [Signature]
Treasurer

By: _____
Director