

Can HOAs use drones to enforce design regulations?

Q: An issue of a neighbor: She was surprised by our homeowners association revealing that her backyard was not in compliance. The previous owner had reported corrective action.

She asked me about any recourse. She is from Florida and was unaware of our Office of the Ombudsman. I briefed her and advised that she should slow walk the issue as she had not been harmed, financially, yet.

Now, the (HOA is apparently using) a drone to enforce design guidelines — and fining protocols?

This neighbor said she was provided a picture of her backyard that was obviously taken by a drone. She is unsure about how high it must have been flying. Another neighbor recalls it happening in early February. Our HOA uses the management folks for enforcement.

Heretofore, inspectors were observed in trucks. They state they were prohibited from getting out of the cab.

I've done some searching about use of drones by a business. First: The operator must have a license. There are height restrictions. Key numbers: no higher than 400 feet and cautions about being lower than 250 feet. Folks like another neighbor are concerned about “voyeuristic” operators. (Bedrooms are mostly in the back of our models.) I'm glad I wasn't sunbathing that day. My backyard has a drop-off of 20 some feet (nice view) and party walls on both sides. I do expect privacy.

The internet mentions that HOAs should have a drone policy. Another site mentions the possible need for a warrant to obtain evidence in a place like a backyard using a drone.

A: There are no Nevada Revised Statutes 116 laws pertaining to the use of drones within an association community. If your association uses drones as a means of enforcement of the association's regulations, homeowners should

have received some written notice that regulations would be monitored by drone along with their enforcement procedure.

Q: I am being denied my mail voting ballot for our homeowners association's board of directors and tax issue regarding surplus funds. Mail ballots were issued the week of March 21. On April 3, I filed an inquiry about not receiving a ballot with the activities office. The assistant association manager informed me on April 8 that I opted for electronic voting on my age survey form. I never opted to vote electronically. I contacted the Election Committee for help on April 9. The chairman of the Election Committee stated I may have accidentally checked the request for electronic voting and would have to wait until after elections to be removed from the list. Since they issued me an electronic number, that would record I voted twice. I am not the only homeowner placed on the electronic list without consent. Was there a check-off box or disclosure form that stated electronic voting is for all future communications on the age survey form? Something is amiss. Please help!

Let me know what other agencies can look into this complaint. Also shouldn't the tax issue be with a separate mailing from the board of directors' voting. Thank you for your attention, and I hope you can help.

A: I would contact the Ombudsman office at Nevada Real Estate Division. It may be more work for the association but one would think they could delete your name now off the electronic list and send you a ballot in the mail.

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