

# Owners suspect HOA is broke and can't make repairs

**Q: The property is decades behind in repairs. The reserve specialists carry over repairs every five years because nothing gets done.**

**There are so many issues, I expect the pipes to break as they did in Henderson, and every homeowner gets stuck with an \$8,000 bill just for negligence.**

**The board is responsible for the fascia. The fascia was to be done in 2017, but only half the homes were done and it turned into a mess as the contractors board was brought in; and the contractor was fined and cited for using undocumented employees, the job was not supervised, the workmanship was inferior, the wrong material was used, etc. The fascia they did replace is a mess. Half the community still has rotten fascia.**

**Flash forward to 2024: One house was not one of the houses that the fascia was "repaired." The homeowner entered into a Federal Housing Administration contract with a buyer. The appraiser said the fascia needed to be replaced. The homeowners association would not respond to her request in writing and "time is of the essence" as she is in contract.**

**They verbally say they will repair it as they have for a dozen other neighbors who asked to have theirs replaced or repaired and there are witnesses to the conversation. But a board member who does not like the homeowner said no, we are not going to pay her back. We believe the real issue was the HOA is broke.**

**The HOA is responsible for the fascia. The fascia is decades late in repairs according to the 2014, 2019 and 2024 reserve study. The fascia is rotten and in some cases is falling off the buildings, Many of us have had to make our own repairs because the HOA is negligent and ignorant of their responsibilities.**

**If the homeowner did not make the repair based on them saying they would reimburse her, the deal would have been dead and as far as I am concerned, the homeowner could have gotten an attorney and sued the HOA.**

**How do we get the HOA to understand that if FHA or Veterans Affairs, and even many conventional loans say that a tree must be cut or fascia repaired, and it is the responsibility of the HOA, that they have to fix it immediately?**

**They assessed us \$600 in 2024 to repair the fascia and used the money elsewhere. This place is a hot mess.**

**A:** The association has a legal obligation to properly fund their reserve account and to maintain the common areas. You would need to review the covenants, conditions and restrictions to determine if the fascia is the responsibility of the association and to determine if it is included in the reserve study.

If the board is falling behind as to the funding of the reserves or falling behind in maintaining the common areas, you can file a complaint with Nevada Real Estate Division.

Another option is to change your board members through elections or recall, which is not the easiest task. You would need to find homeowners who are willing to serve.

It appears that your board must review its financial and maintenance obligations and develop a plan that could mean an increase in assessments or a special assessment in order to remedy the situation.

**Q:** I recently ran for election to my homeowners board of directors. To promote my qualifications I asked our management company to send me a list of all owners. I was sent a list of all addresses so I could contact residents by mail but a lot of residents are renting from their owners. I then asked for a list of owners who did not reside at the addresses provided and was told no. That means I could not promote my candidacy to all owners. Was the management company correct in denying my request? If yes; how do I get the current law amended to include absentee owners?

**A:** Nevada Revised Statutes 116.31034 pertains to the election procedures. In subsection 17 (b) (1), it states that a candidate for a board position can obtain a list of the mailing address of each unit, which must not include the names of the unit owners or the name of any tenant of a unit's owner. Note that the law does not state that the association is to mail to the candidate each owners' mailing address, only the address of each unit. Technically, the board followed the state law.

You do have an option under subsection 17 (a). You can submit a candidate informational statement that is single typed page, which does not not

contain any defamatory, libelous or profane information to be included with the mailing of the secret ballot.

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