Important Information

- A non-refundable $50.00 filing fee payable to the Division either by check, money order or cash is due from the respondent at this time. Do not send cash in the mail. To receive mediation subsidy, a completed Form 668 must be included.
- Both parties are required to select a referee or mediator. The comprehensive list of mediator/referees may be found on our website. If both parties cannot agree on which mediator or referee to choose, one will be appointed by the Division. Once a mediator or referee is appointed, he/she will govern the process going forward.
- Within 30 days after receiving a decision from the referee or a copy of a statement from the mediator regarding the status of the mediation, the Division will send a letter to the parties stating that the case is closed.

ADR and the Division

NOTE: Division staff can only assist parties in understanding the process and forms used in ADR. The Division cannot provide legal advice or determine whether or not governing documents have been violated.

The Division does not employ or otherwise control the performance of the work by the mediators or referees and is not responsible for, and does not endorse, any conduct by any mediator, referee, or party. All fees and charges billed by the mediators are due and payable directly to the billing party. Any amount of subsidy for mediation is paid directly to the mediator.

The Division has no authority to collect any sums payable to a mediator. Division staff only facilitates the ADR process. The Division has no stake in the outcome of any dispute.

State of Nevada

OFFICE OF THE OMBUDSMAN
Nevada Real Estate Division

Department of Business and Industry

Real Estate Division

Ombudsman for Owners in Common-Interest Communities and Condominium Hotels

Telephone: 702-486-4480

Northern Nevada

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Alternative Dispute Resolution (ADR)



Understanding the ADR Process

The ADR process is required under Nevada Revised Statutes (NRS) 38.300 to 38.360, before parties may file a civil action regarding an HOA matter in court. If a civil action is filed between a homeowner and an association before the ADR process has been completed, the court may dismiss the case without taking any action.

NRS 38.310 provides that the following matters must go through the ADR process: the interpretation, application or enforcement of any covenants, conditions or restrictions (CC&R 's) or any other governing documents applicable to residential property; or the procedure used for increasing, decreasing or imposing additional assessments upon residential property

Claims for injunctive relief where there is an immediate threat of irreparable harm and actions relating to the title of residential property are not required to participate in the ADR process, and may proceed directly to court.

ADR Programs

Mediation- If the disputing parties do not agree to participate in the referee program, they must go through mediation. Mediators are approved by the Division to mediate disputes and promote reconciliation, agreement and compromise.

The mediator will contact the parties to schedule a date for the mediation, which may be held at the mediator's office, virtually, or other suitable location. The disputing parties must submit a statement to the mediator, no later than five (5) days before the mediation, describing the issues and a proposed compromise to the dispute.

Any documents provided to the mediator are confidential and need not be provided to the Division. The mediation must be concluded within 60 days of the date the claim is filed with the Division, unless the parties agree otherwise.

If mediation is successful, the parties sign a written agreement detailing the resolution, which becomes enforceable between the parties. This settlement may be enforced in court. If the mediation is unsuccessful and the parties do not agree to a resolution of the claim, either party may file a claim in the appropriate court stating that they have complied with the requirements of NRS 38.300.

Mediation Subsidy

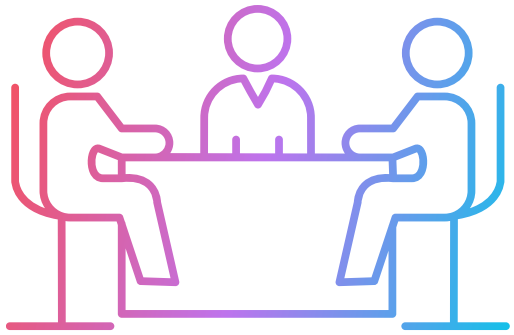
- Mediators may charge up to $167.00 per hour, up to $500.00 per claim.
- The mediation may be subsidized by the Division up to $250.00 per party, not to exceed $500 per mediation, if the parties submit an eligible subsidy application for mediation (Form 668) at the time of filing with the Division.
- Unit owners may receive a subsidy once during each fiscal year of the State (July 1- June 30) for each unit owned. An association may receive a subsidy only if the association is in good standing with the Secretary of State and the Office of the Ombudsman.

Referee– The referee program is a free program, administered by the Real Estate Division to the extent funds are available. Claims involving multiple parties cannot participate in the referee program. Both parties must agree to participate in a referee proceeding or the claim will default to mediation.

Referees are licensed attorneys approved by the Division to hear disputes. The referee assigned to a claim will schedule a hearing for the parties to present their evidence. All documents must be sent directly to the referee and simultaneously mailed to the opposing party. Do not send documents to the Division.

If parties agree to waive the hearing and elect instead to simply submit written statements describing the issue and their positions to the referee, the referee will review: the claim; the response; and supporting documentation, including the association's governing documents, and issue a written decision based on the evidence at hand.

The referee will provide a decision to the parties and the Division within 30 days of the hearing, or, if no hearing was held, from the date all documents were received.



After receiving the referee's decision, the parties have 60 days to file a claim with the appropriate court. If neither party files a claim, the referee's decision can be confirmed in court by either party within one (1) year. Confirmation makes the decision an order of the court and is binding on both parties. Failure to confirm makes the decision nonbinding. If a monetary award is granted, it may not exceed $7,500 and may not include attorneys' fees and costs.

Filing the ADR Forms

- The claimant must fill out Form 520 completely. Once completed file the original form and a copy of the form with the Division. In the form, the claimant must provide a brief statement of the facts giving rise to the dispute and the relevant provisions of the governing documents at issue. The claim form allows for the selection of either mediation or the referee program. Remember, if the claimant selects the referee process but the respondent does not agree, the claim will proceed to mediation.
- A non-refundable $50.00 fee payable to the Division either by check, money order or cash is due at the time of filing. Do not send cash in the mail. If the claimant wishes to apply for subsidy of the mediation, a completed Form 668 must be included with this package.



- After the claim has been filed, the claimant will receive a packet from the Division, by mail, that must be served on the respondent as soon as possible.
- The claimant may not serve the respondent (see Serving the Claim). The package to serve will have a copy of claim Form 520, a copy of overview Form 523, a blank respondent Form 521, an additional respondent Form 520B, a subsidy application for mediation Form 668, and an Affidavit of Service Form which must be notarized.
- Respondents must review all documents served upon them, and within 30 days, mail to the claimant a completed copy of Form 521, including a brief statement of defense to the allegations. At the same time, the respondent must file the original Form 521 and one (1) copy with the Division.