

## SHOULD YOU BE CALLING YOUR MANAGER A PROPERTY MANAGER OR COMMUNITY MANAGER?

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Over the years there has been a tremendous amount of confusion in the common interest community industry over what to call the person who manages your community. Should that person be called a Property Manager as she or he certainly does manager property on the complex most of the time? Or should they be called a Community Manager?

In Nevada, it is perfectly clear since you need a Property Management Permit to manage and rent apartments that NRS 645 is pretty clear on what a Property Manager is and the license they need. They need to work under a real estate broker and are answerable to NRS 645 and NAC 645. I am showing below the applicable statutes that apply to Permit Holders and will follow with those provisions for Community Managers. ***Please note that according to SB 325 that passed in the 2005 Legislation, all Permit Holders MUST have a Community Management Certificate if they wish to manage in a Common Interest Community after 10-1-07.***

**NRS 645.0195 “Property manager” defined.** “Property manager” means a person engaged in property management who, as an employee or independent contractor, is associated with a licensed real estate broker, whether or not for compensation. (Added to NRS by 1997, 954)  
[Emphasis Added]

Community Manager’s must have a Certificate obtained through the Nevada Real Estate Division and are regulated under a totally separate Nevada Commission. They are under the Common Interest Community Commission who regulates their activities and duties.

**NRS 116.023 “Community manager” defined.** “Community manager” means a person who provides for or otherwise engages in the management of a common-interest community.  
(Added to NRS by [2003, 2208](#))

**NRS 116A.110 “Management of a common-interest community” defined.** “Management of a common-interest community” means the physical, administrative or financial maintenance and management of a common-interest community, or the supervision of those activities, for a fee, commission or other valuable consideration.  
(Added to NRS by [2005, 2574](#))

***To get a full copy of NRS 116A, Please go to this link:***

<http://www.leg.state.nv.us/NRS/NRS-116A.html#NRS116ASec070>

Below are the definitions of the three types of Community Managers who may be involved with your community through a contract and the definitions of each under the Nevada Administrative Code.

1. NAC 116.185 **Supervising community managers: Qualifications and responsibilities.** ([NRS 116.615](#), [116.700](#), [116.705](#)) [Effective January 1, 2006.]

1. A community manager is qualified to act as a supervising community manager if:

(a) He submits to the Division an affidavit that he has completed the educational requirements set forth in [NAC 116.120](#);

(b) He has been actively engaged in the full-time management of a common-interest community in this State, another state or the District of Columbia for at least 4 years immediately preceding his becoming a supervising community manager, with at least 2 of the 4 years of experience obtained in this State; and

(c) He is in good standing with the Division or any state or the District of Columbia where he is licensed or certified.

2. A supervising community manager is responsible for:

(a) Supervising a provisional community manager; and

(b) Determining the competency of a provisional community manager to perform delegated tasks of managing a common-interest community.

3. A supervising community manager shall not supervise more than three provisional community managers at one time. (Added to NAC by Comm'n for Common-Interest Communities by R129-04, 4-14-2005, eff. 1-1-2006)

2. **NAC 116.035 "Community manager" defined.** ([NRS 116.615](#)) "Community manager" means a person who provides for or otherwise engages in the management of a common-interest community. (Added to NAC by Real Estate Comm'n by R136-99, eff. 4-3-2000; A by Comm'n for Common-Interest Communities by R129-04, 4-14-2005)

3. **NAC 116.065 "Provisional community manager" defined.** ([NRS 116.615](#)) "Provisional community manager" means a community manager who has fulfilled the educational requirements for certification as set forth in [NAC 116.120](#) but has not yet fulfilled the experience requirements for certification as set forth in [NAC 116.175](#). A provisional community manager may perform the tasks of a community manager under the direct supervision of a supervising community manager. (Added to NAC by Comm'n for Common-Interest Communities by R129-04, eff. 4-14-2005) [*Emphasis Added*]

In the case of a Provisional Manager, they must work under the Supervising Community Manager for 2 years, complete 3,210 hours of specific duties and take 18 hours of continuing education before they can become a full Community Manager.

Once a Community Manager has received their license, they must manage in Nevada for 2 years before they can become a Supervising Community Manager and must have managed a total of 4 years a community association somewhere.

PLEASE do not call your Community Manager a Property Manager as they could get in trouble with the courts and/or Commissions. Several years ago a Community Manager got in trouble with the North Las Vegas Court for calling himself a Property Manager. The court treated him as a Property Manager and it was not until the Association's attorney appeared to defend him that the judge finally understood the difference and the mistake that the Community Manager had made. I have attached a copy of an article written by that attorney for your reading as well.