

# **AB 356 "Useless Grass" Waiver Request Tips for Success**

## **Be prepared to submit as professional document as possible:**

Include hard hitting arguments based on "Non-Functional Turf Removal Committee" (NTRAC) guidelines. You know your neighborhood, decision makers likely do not. Provide relevant documents and illustrations including photographs. Be sure to calculate the amount of space being requested to preserve and compare to guidelines depending upon property types, Ex Single Family Dwellings, Townhomes, etc.

## **Get as many "eyes" on the submission as possible:**

Obtain as many homeowner signatures on a petition to accompany the request as possible. This is particularly important if you do not have HOA Board of Director and Management Company support.

Obtain names, titles and contact information for:

- All Southern Nevada Water Authority Board Members
- SNWA Executive Staff, including General and Deputy Counsel
- City Council/Clark County Commissioner
- Legislative representatives: Assembly and Senate
- Master HOA Board of Directors and Manager and Sub Association Board of Directors and Community Manager

Send waiver applications, certified – signature requested, return receipt, mail, to Mr. Entsminger, SNWA General Manager and his general and assistant general counsel team and then send the mailer package as a PDF attachment to each of their personal e-mail accounts. Use standard mail to send packets to all other intended recipients, as well as a PDF copy of the mailing to each of their email addresses. This might seem like overkill, but you want SNWA to know that you are dead serious and expect a response.

## **General Advice for HOA members:**

Watch and verify how your board members and managers are handling their affairs. Be sure the request is complete, accurate and based on NTRAC exemptions. If applying for a reconsideration or an appeal, submit for a Nevada Public Records Act Request (NRS 239) to obtain all sent and received and internal decision-making records from SNWA that were related to the HOA's first waiver submittal. Some residents have been horrified to find that both their board and property manager failed the membership by filing an incomplete request and then allowed SNWA questions to go unanswered and some mischaracterizations to go uncorrected.

**If a waiver request has already been denied and the 30 days given to appeal a decision has passed, an HOA should be able to submit a "reconsideration request" instead of an "appeal". "Reconsideration" is based on new information not previously**

available when the first request was filed and denied. Our Nevada judicial system has a set of rules recognizing and addressing such a situation and can be used to get back in the door.

If residents of a HOA have a grassy common area they want to preserve, it is suggested that they schedule events and take photos of the attendees recreating on it. It is suggested to set up a park bench or two to show that it is designed for recreation, relaxation and event purposes. The waiver request supplement should include such photos, event schedules and mention of the distance in miles away from any nearby public parks or grassy areas. Depending on your area, consider applying for a **National Wildlife Habitat Certification**. Many well-established areas are critical to migratory birds and beneficial insects and would perish without preserving these areas. Also, consider obtaining an appraisal of the trees within your community. One successful master planned community had \$20,000,000 in trees it was determined to preserve. SNWA will pick the best argument in favor of the waiver request that most closely aligns with NTRAC's guidelines.

Be prepared to encounter resistance from within your neighborhood, including among HOA Board members and Managers. This is not unusual and has been experienced by some residents withing HOA controlled neighborhoods. Determine the best way to change hearts and minds, or if necessary, change Board Members and/or Management Companies.

Link to obtain Waiver Application: <https://www.snwa.com/apps/watersmart-landscape-commercial-waiver/>