



Righting Wrongs for Nevada's Homeowners and Businesses

Client: Nevada Home Builders Association

"Achieving legislative reform and restoring the original intent of Nevada's construction defect laws with a multifaceted government affairs strategy. "

For nearly four years, Brownstein's Nevada Government Relations team has represented the Nevada Home Builders Association (NVHBA) as lead lobbying counsel seeking state legislative reform for Nevada's construction defect laws—commonly referred to as “Chapter 40” in Nevada. Chapter 40 was first enacted in 1995 with the intention of providing Nevada homeowners with a pre-litigation mechanism to resolve disputes regarding home construction. Because of decisions to further broaden the definition of a construction defect in 2003, the ultimate effect of the law was to incentivize litigation and delay resolutions, harming both Nevada homeowners and Nevada homebuilders.

With a proven track record of helping clients navigate the maze of politics and policy in Nevada and across the West, Brownstein was ideally positioned to help the association take the lead on legislative reform. Brownstein's Nevada office, including Alisa Nave-Worth and Kandis McClure, lobbied on behalf of NVHBA, successfully developing a multifaceted government affairs strategy to ensure the safe passage of Chapter 40 reforms. The team formulated legislation that would ensure a fair process for Nevada's homeowners while creating a business-friendly environment for homebuilding in Nevada. This strategy included intensive work with the Nevada Legislature and Governor's Office, as well as strategic coalition building with opinion leaders across Nevada.

All aspects of the government affairs strategy were steered by Brownstein, including the drafting and negotiation of legislation, hearing strategy and execution, and all other political work associated with the legislation. The reform bill, introduced as Assembly Bill 125, was signed into law by Nevada Gov. Brian Sandoval on Feb. 24, 2015, less than one month into the 2015 legislative session.

“The Brownstein lobbying team provided crucial insight and leadership in implementing our strategy to reform Chapter 40,” said Clayton Traylor, policy director at coalition partner Leading Builders of America. (NVHBA is a statewide coalition composed of the Builders

Association of Northern Nevada, Leading Builders of America and the Southern Nevada Home Builders Association.) “They were the difference maker.”

The law ushered in meaningful changes to construction defect law, restoring balance to construction defect litigation in Nevada. Most importantly, homeowners with legitimate problems continue to have an avenue to an early resolution of those issues, and the original intent of the law at last was realized.

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