

**Via Email**

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Administrator, Nevada Real Estate Division (NRED)  
Department of Business & Industry  
3300 W. Sahara Avenue, Suite 325  
Las Vegas, NV 89102

August 7, 2025

Dear Administrator Chandra;

**Re: Request for Rulemaking to Clarify Agenda Requirements Under NRS 116.3108(4)**

**I. INTRODUCTION**

Pursuant to NRS 233B.100 and NRS 116.623, I respectfully submit this petition for rulemaking to the Nevada Real Estate Division (NRED), in coordination with the Commission for Common-Interest Communities and Condominium Hotels (CICCH Commission), requesting the adoption of a regulation or interpretive guidance clarifying what constitutes a legally sufficient agenda under NRS 116.3108(4). This petition specifically seeks the CICCH Commission's approval of a regulatory standard clarifying what constitutes a 'clear and complete statement' under NRS 116.3108(4), requiring that each agenda item on which action may be taken must be described with sufficient specificity to identify both the subject matter and the nature of the contemplated board action.

The petition further requests two additional determinations- first, that a blanket disclaimer applied to a category of items on the agenda—e.g., "New Business" or "Unfinished Business"—such as "Action may include discussion, approval, and/or denial," does not satisfy the statutory requirement and secondly, on non-emergency agenda additions. It is this petitioner's position *each actionable item* must be clearly and distinctly described to ensure transparency and to provide meaningful notice to owners while the statutes presume that the *entire agenda*, including any actionable items, is fixed at the time of notice—not retrofitted on the fly.

**II. CLARIFICATION AND COMPARATIVE GUIDANCE**

A review of association agendas reveals recurring patterns that undermine the purpose of NRS 116.3108(4). Agenda items are often described in vague, categorical terms, accompanied by boilerplate disclaimers such as previously noted- "action may include discussion, approval, and/or denial." This practice frustrates homeowner understanding and participation by providing little or no meaningful information about what the board actually intends to consider or decide.

For example, the following agenda items recently appeared in a posted meeting notice (see attached agenda):

- "Collection and Penalty Policies"
- "2024 Contract Review"
- "Association Records"

Each item was placed under a general section stating that “Action may include discussion, approval, and/or denial.” However, this language fails to inform a unit’s owner of the actual subject matter or the nature of the action that may be taken. Consider:

- **“Collection and Penalty Policies”** could refer to anything from a routine update on delinquent accounts to a vote to increase late fees, adopt new lien thresholds, or modify fine procedures. Without further detail, owners cannot determine whether the item affects their rights or warrants public input.
- **“2024 Contract Review”** gives no indication whether the board will merely review vendor performance, renew existing contracts, solicit new bids, or approve a multi-year expenditure. Each of these possibilities carries different implications for association finances and governance.
- **“Association Records”** is entirely opaque: it may concern a records retention policy, a compliance report, litigation discovery, or a change to owner inspection procedures.

In each case, the generic label combined with the blanket disclaimer leaves owners to speculate about the topic and whether consequential board action is imminent. This fails to meet the statutory requirement for a “clear and complete statement” of topics scheduled for consideration and undermines the complementary requirement that actionable items be “clearly denoted.”

Moreover, boilerplate disclaimers that state “action may include discussion, approval, and/or denial”—even when repeated after each agenda item—do little to clarify the statute. Such language merely recites a range of theoretical possibilities without connecting them to any particular item. This generic phrasing neither specifies the type of board engagement intended (e.g., discussion, vote, education) nor informs owners whether action is seriously contemplated or merely possible. Its continued use leaves associations in minimal technical compliance while defeating the statute’s transparency purpose. Regulatory clarification is needed to close this gap.

To guide its clarification of this standard, Nevada may look to how other jurisdictions interpret similar statutory requirements. Under California’s Davis–Stirling Common Interest Development Act, Civil Code § 4920 requires that HOA board meeting agendas must provide enough detail that members “can easily understand what will be discussed at the meeting.” Administrative and legal commentary further explains:

“The descriptions cannot be so generic that members have no idea what business is being conducted by the board. For example, a generic agenda item called ‘Maintenance’ is not enough. The agenda should list each item of business.”

California’s standard rejects vague descriptors like “Policy Review” or “General Discussion” in favor of agenda language that identifies the specific subject matter and the action being contemplated. If the board intends to vote on a new vendor contract, amend collection rules, or revise a records policy, the agenda must say so plainly.

While Nevada’s NRS 116.3108(4) uses slightly different phrasing, the legislative purpose is the same: to ensure transparency, meaningful owner participation, and protection against undisclosed board actions. At present, the phrase “clear and complete statement” is undefined in Nevada law and remains vulnerable to minimal compliance through generic titles and disclaimers.

Incorporating a regulatory standard modeled on California's interpretation would give both boards and owners a clearer benchmark. The need for such clarity is further underscored by the fact that the Nevada Real Estate Division does not report publicly or systematically on the volume or nature of complaints it receives related to agenda sufficiency under NRS 116.3108. This lack of visibility impedes both public understanding and policymaker oversight, allowing vague or evasive agenda practices to persist unexamined.

### III. REASONS FOR CLARIFICATION

1. **Statutory Clarity Requires Item-Specific Notice:** NRS 116.3108(4) requires that the agenda include a list describing the items on which action may be taken and that those items be clearly denoted. This language anticipates that each actionable item will be specifically described and clearly identified as subject to action, and this petition seeks the Commission's formal adoption of a regulation requiring such clarity in all common-interest community agendas, rather than relying on a general disclaimer applied across a category. A blanket phrase such as "action may include discussion, approval, and/or denial" fails to tie potential board action to any particular topic and does not satisfy the statutory requirement for clarity.
2. **Inadequate Notice Frustrates Owner Participation:** Homeowners rely on agenda detail to decide whether to attend a meeting or submit comments. Vague items such as "2025 Contract Review" or "Association Records" do not give enough context to understand whether material decisions will be made.
3. **NRED Educational Materials Acknowledge but Do Not Resolve the Ambiguity:** NRED's board member and CAM training materials caution against vague or non-specific agenda language and emphasize that items must be sufficiently detailed to inform owners about the topics to be discussed. However, these materials do not provide binding guidance or a clear standard interpreting the statutory phrase "clear and complete statement." Notably, they fall short of requiring that each individual item identify the specific action anticipated, such as approval, adoption, or execution. As a result, many associations rely on legally ambiguous practices—such as appending general disclaimers to broad categories like "New Business"—without clearly denoting action on the actual item. This regulatory silence perpetuates inconsistent compliance and obstructs meaningful owner participation.
4. **Consistency with Nevada Open Meeting Law (OML) Principles:** Though not directly applicable to HOAs, Nevada's OML under NRS Chapter 241 has long required that public body agendas avoid generic terms and disclose the specific nature of any contemplated action. The Attorney General's Open Meeting Law Manual states:  
  
"An agenda must identify each item of business to be discussed and if action will be taken. Catch-all descriptions like 'Board Business' are impermissibly vague."
5. **Avoidance of Post Hoc Justification:** Blanket disclaimers can be used to retroactively justify board actions on items that were not reasonably noticed to owners, thereby evading transparency requirements.
6. **Last-Minute Additions Undermine the Statutory Notice Period:** Some associations further weaken transparency by allowing non-emergency agenda items to be added "up to the start of the meeting," as explicitly stated in publicly posted notices (see attached). This practice effectively nullifies the 10-day notice period required under NRS

116.3108(1), contradicts the statutory obligation in NRS 116.3108(4) to provide a "clear and complete statement" of topics to be considered, and the intent of the subsection 6 emergency exception. Owners rely on the agenda to determine whether to attend, participate, or submit written comments. Allowing material items to be added at the last minute prevents meaningful engagement and invites procedural abuse. If such additions are not truly emergencies under NRS 116.3108(13), they should be prohibited or strictly limited.

#### IV. PROPOSED RULE

To resolve the ambiguity and support compliance, the Division should adopt a regulation or interpretive statement similar to the following:

**"In order to comply with NRS 116.3108(4), a meeting agenda must identify each individual item on which action may be taken along with clearly denoting what action could be taken on that item. The use of general or collective language such as 'action may include discussion, approval, and/or denial' applied to a group of agenda items does not satisfy the statutory requirement."**

#### V. CONCLUSION

This petition seeks to reinforce the legislative intent of NRS 116.3108(4) by closing a loophole in agenda construction that associations commonly use obscuring their intentions and evading meaningful owner input. Clarifying this requirement through regulation or interpretive guidance will improve meeting transparency, promote compliance, and enhance homeowner trust in association governance.

I respectfully request that the Division initiate rulemaking on this issue, or issue a formal declaratory interpretation in coordination with the CICCH Commission.

Respectfully submitted,



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Atch: BOD Meeting Notice and Agenda example

THE ~~CHRISTOPHER COMMUNITIES AT SOUTHERN HIGHLANDS GOLF CLUB HOMEOWNERS~~ ASSOCIATION  
BOARD OF DIRECTORS MEETING  
NOTICE AND AGENDA: August 19, 2025

**LOCATION:** The meeting will be held via Zoom. Homeowner members wishing to participate in the regular session of the meeting must sign-in via website or a dial-in number. Both options will use the codes listed below. If you have comments or questions that you would like presented to the Board during one of the regular sessions' Open Forums, you must join via the website and use the raised hand feature during the Open Forum OR submit your comments via email to ~~Christopher@olympiacompanies.com~~.

To join via the website: [www.zoom.us](http://www.zoom.us)

~~Call in: 253-215-8732 • Meeting ID: 875 6830 7477 • Passcode: 951270~~

\*\*\* For closed caption accessibility on Zoom, please login to your personal Zoom account and access *Account Settings*. Then click the *Meeting* tab, and under *In Meeting (Advanced)*, click the *Automated Captions* toggle to enable. \*\*\*

EXECUTIVE SESSION 3:30 PM (Closed Session)

- I. CALL TO ORDER/ QUORUM
- II. APPROVAL OF MINUTES – June 19, 2025
- III. HEARINGS/BOARD APPEALS/VARIANCES - *action may be taken on new or continuing violations*
- IV. DELINQUENCIES – *action on write-off amounts done in open session*
- V. LEGAL - *action may be taken if necessary*
- VI. ADJOURNMENT

OPEN SESSION 5:00 PM

- I. CALL TO ORDER/ QUORUM
- II. OPEN FORUM – *Comments MUST be limited to items on this agenda. NRS 116.31083*
- III. APPROVAL OF MINUTES – April 3, 2025 & June 19, 2025
- IV. APPROVAL OF MINUTES: EXECUTIVE, COMPLIANCE, and BOARD APPEAL HEARINGS
- V. ACKNOWLEDGEMENT OF FINANCIALS/TREASURER'S REPORT – May & June 2025
- VI. LEGAL UPDATE
- VII. MANAGER'S UPDATE
- VIII. ~~CHRISTOPHER COLLECTION~~
  - A. VENDOR PROPOSALS/REPORTS – *action may include Discussion, Approval, and/or Denial*
    - a. ~~Classic Landscapes~~
    - i. ~~Oakbrook Hills~~ Landscape Discussion
  - B. NEW BUSINESS – *action may include Discussion, Approval, and/or Denial*
    - a. Bad Debt Write-off
    - b. Ratification of Expenses Since Last Board Meeting
      - i. ~~Stoval~~ Land Surveying
    - c. ~~MS~~ Proposal to Replace Damages Street Light at ~~Oakland Hills & Point Royal Court~~
    - d. ~~J&J Enterprise~~ Proposal to Repair Damage Curb and Asphalt on ~~Port Labelle~~
    - e. Collection and Penalty Policies
    - f. 2024 Contract Review
  - C. UNFINISHED BUSINESS – *action may include Discussion, Approval, and/or Denial*
    - a. Association Records
    - b. Proposal for Umbrella Insurance Policy
    - c. ~~Classic Landscape~~ Proposal for Bark Refresh on ~~Oakland Hills Side~~ Planters
    - d. ~~Classic Landscape~~ Proposal for Bark Replacement in Center Islands on ~~Oakland Hills~~
    - e. ~~Classic Landscape~~ Proposal for Center Island Plant Replacement on ~~Oakland Hills~~
  - D. EMERGENCY ITEMS

\*\*AGENDA CONTINUED ON REVERSE SIDE\*\*

- Final copies of the agenda may be obtained at the meeting. Items may be added to the agenda up to the start of the meeting.
- During open forum Member comments are subject to such time limitations as may be imposed by the Board.
- In the second open form, no action may be taken except in the case of emergency.
- Subject to certain limitations, each member has the right to copy of the audio recording of the open session and the minutes of the same.

E. SEALED BIDS

- a. Street Light Repainting
- b. Utility Box Repainting
- c. Mailbox Repainting
- d. Street Sweeping
- e. Document Scanning

IX. CHRISTOPHER VILLAS

A. VENDOR PROPOSALS/REPORTS – *action may include Discussion, Approval, and/or Denial*

- a. Classic Landscapes
  - i. Proposal to Repair Damage Landscape at Veybrook Park
  - ii. General Landscape Discussion

B. RATIFICATION OF REPAIRS

C. NEW BUSINESS – *action may include Discussion, Approval, and/or Denial*

D. UNFINISHED BUSINESS - *action may include Discussion, Approval, and/or Denial*

E. SEALED BIDS

X. ENCLAVES

A. VENDOR PROPOSALS/REPORTS – *action may include Discussion, Approval, and/or Denial*

- a. Classic Landscapes
- b. Western Door & Gate – Quarterly Maintenance Report (*if received*)
  - i. Proposal to Replace RFID Reader

B. NEW BUSINESS – *action may include Discussion, Approval, and/or Denial*

- a. 2025 Contract Review

C. RATIFICATION OF REPAIRS

- a. PZ Pools Proposal to Replace Automatic Water Filler w/ Electronic Sensor

D. UNFINISHED BUSINESS – *action may include Discussion, Approval, and/or Denial*

- a. Classic Landscape Proposal for Plants and Bark Installation at Pond Planters
- b. Replenish Shrubs and Bark at Circular Planter
- c. Cost Comparison for Vehicle Gate Repainting

E. SEALED BIDS

- a. Street Light Repainting
- b. Utility Box Repainting
- c. Mailbox Painting
- d. Street Sweeping

F. EMERGENCY ITEMS

XI. NEXT MEETING – October 2025 (*To be determined*)

XII. OPEN FORUM\*

XIII. ADJOURNMENT

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