Table 1 — Chapter 116 Clarity Issues Recommended for Review

Each numbered item is submitted as a separate stakeholder recommendation for Division review. These examples identify interpretive or administrative questions previously raised through petitions, requests for Opinions, or other formal requests for clarification.

Issue	Governing Provision(s)	Clarity Issue Identified	Prior Formal Request / Administrative Record
1. Post-investigation confidentiality and disclosure	NRS 116.757	Was the statute's clear confidentiality mandate intended to extend after an investigation concludes to bar disclosure of redacted or non-identifying information and prevent CICCH Commission review of investigative files for its statutory oversight responsibilities?	Petition for rulemaking submitted July 28, 2025, addressing the scope and application of NRS 116.757, including post-investigation disclosure and Commission review.
2. What constitutes an executive-board "meeting"	NRS 116.31083	Chapter 116 does not define "meeting," creating uncertainty over workshops, informal quorum gatherings, serial communications, and deliberations occurring outside a noticed board meeting.	Petition for rulemaking submitted July 28, 2025, requesting a regulatory definition of "meeting."
3. Virtual-only executive-board meetings	NRS 116.31083	Does a virtual-only meeting satisfy the statutory "place" requirement when no physical location or in-person opportunity to participate is provided?	Petition for regulatory adoption/rulemaking submitted July 28, 2025, concerning virtual-only board meetings.
4. Director eligibility, disqualification, conflicts, and recusal	NRS 116.31034; NRS 116.31084	Undefined terms such as "stand to gain," "personal profit," and "compensation" can lead to inconsistent or selective application. Clarification is also needed as to who has authority to make eligibility or conflict determinations and what process must be followed.	Petition for rulemaking and regulatory clarification submitted July 28, 2025, addressing director eligibility, conflicts of interest, and recusal standards.
5. Termination of declarant control	NRS 116.31032; NRS 116.2105	Applicable turnover threshold; meaning of "units that may be created"; and whether a definite maximum unit count requires an express numerical cap.	Petition for rulemaking submitted July 28, 2025, addressing declarant-control termination requirements.
6. Competitive bidding requirements	NRS 116.31086; NAC 116.405(8)(d)	Ambiguous statutory text, inconsistency with NAC 116.405(8)(d), and common practices—including evergreen contracts and email voting—may undermine intended transparency and accountability.	Petition for rulemaking submitted July 28, 2025, addressing competitive bidding and bid-solicitation requirements.
7. Board action and approvals outside meetings	NRS 116.31083; NRS 116.31085	Use of NRS 82 or CC&R provisions to bypass the mandatory procedural safeguards of NRS 116.31083 and NRS 116.31085.	Petition for rulemaking submitted July 28, 2025, addressing contract and policy approvals by email outside noticed meetings.
8. Candidate communications with unit owners	NRS 116.31034(17)	Does "either" require a candidate to choose between owner contact information and inclusion of campaign materials with the ballot, or may both forms of communication be available? Limiting a candidate to only one method appears inconsistent with the broader policy objective of informed and competitive elections.	Petition for rulemaking submitted July 28, 2025, addressing candidate communication rights under NRS 116.31034(17).
9. Fiduciary-duty enforcement standards	NRS 116.3103; NAC 116.405	NAC 116.405 lists factors the Commission may consider in determining whether a director performed fiduciary duties, but does not clearly establish how the factors are weighed, sequenced, or distinguished from the ultimate statutory standard.	Petition for rulemaking submitted August 7, 2025, requesting clarification of enforcement standards under NAC 116.405.

Issue	Governing Provision(s)	Clarity Issue Identified	Prior Formal Request / Administrative Record
10. Board-meeting agenda specificity	NRS 116.31083	The requirement for a “clear and complete statement” of agenda topics lacks a generally applicable administrative standard describing how specifically a proposed action must be disclosed before the meeting.	Petition for rulemaking submitted August 7, 2025, requesting clarification of board-meeting agenda requirements.
11. Actual-damages requirement	NRS 116.4117	The relationship between “actual damages” and “other appropriate relief” has generated differing interpretations concerning whether a private action may proceed without compensable damages.	Petition for rulemaking submitted September 29, 2025, requesting clarification of the damages requirement under NRS 116.4117.
12. Timely access to records related to pending agenda items	NRS 116.31083; NRS 116.31175(4)(c)	Whether owners can obtain records supporting pending board decisions in time to participate meaningfully; whether board packages, management recommendations, and supporting analyses qualify for the narrow exemption in NRS 116.31175(4)(c); and whether NRED can clarify either issue through narrower regulation without legislative amendment.	May 31, 2026 rulemaking petition concerning timely access to agenda-related records; rejected June 29 on the stated ground that statutory amendments were required. August 11 reconsideration challenged that conclusion and identified subsection (4)(c). NRED has not provided a definitive explanation of why narrower regulatory clarification would exceed its authority.
13. Conditions imposed on records access	NRS 116.31175	Authority of an association to impose requirements or conditions on records access that are not expressly provided in NRS 116.	Request for NRED Opinion submitted by the affected owner on October 13, 2026.