

Via Email

schandra@red.nv.gov, sbates@red.nv.gov

To: Sharath Chandra
Administrator
Nevada Real Estate Division (NRED)
3300 W. Sahara Avenue, Suite 350
Las Vegas, NV 89102

July 28, 2025

Re: Petition for Regulatory Adoption or Rulemaking Concerning Virtual-Only HOA Board Meetings

Submitted Pursuant to NRS 223B.100

Dear Administrator Chandra,

Pursuant to NRS 233B.100 and NRS 116.623, I respectfully petition the Nevada Real Estate Division (NRED), in coordination with the Commission for Common-Interest Communities and Condominium Hotels (CICCH Commission), initiate rulemaking and/or adopt regulatory clarifications addressing virtual-only board meetings conducted by homeowners' associations (HOAs) under NRS Chapter 116.

To the best of the undersigned's knowledge, no Nevada court has directly interpreted the use of virtual-only meeting by HOAs nor has the Commission engaged in a review as requested.

Background

During the COVID-19 emergency, Emergency Directive 006 (March 2020) temporarily suspended physical location requirements under NRS 241's Open Meeting Law, allowing public bodies to meet virtually if alternative public access and comment methods were provided. The waiver was -albeit not formally applied to HOAs. Although this directive expired on May 31, 2021, many HOA boards have continued to hold virtual-only meetings, often excluding in-person attendance, despite resuming in-person gatherings among directors themselves.

NRS 116.31083(4) requires notice of the "*time and place*" of board meetings. Prior to the pandemic, this was widely interpreted to require a *physical location*—mirroring similar requirements in NRS Chapter 241. Subsection 8 permits meetings by teleconference or videoconference, but only if expressly authorized by governing documents and if instructions are provided for owner participation. Nowhere does it authorize the board to eliminate a physical option entirely- virtual meetings where homeowners are denied the option of physical attendance when directors gather in person.

This ongoing practice has created a gray area that reduces transparency, restricts participation, and undermines accountability—core values NRS 116 was designed to protect.

Request for Regulatory Action

To resolve the current ambiguity and safeguard owner rights, I respectfully request that NRED:

1. **Issue a formal regulatory interpretation** stating that:
 - The term “place” in NRS 116.31083(4) requires a physical location accessible to owners when directors meet in person.
 - Virtual-only meetings are only permissible if explicitly authorized by governing documents and should not be used to deny owners the right to attend in person when directors themselves are physically present.
2. **Initiate rulemaking** under NRS 116.615 or NRS 233B.060 to adopt:
 - A hybrid meeting requirement whenever directors gather physically.
 - Minimum standards for virtual access, including audio-only or call-in participation to ensure digital equity.
 - A mandate that virtual-only formats be the exception, not the default—and only when expressly authorized by CC&Rs or bylaws.
3. **Provide interim regulatory guidance** to HOA boards and managers, reinforcing that the expiration of Emergency Directive 006 restored the pre-existing expectation of physical access under NRS 116, absent explicit legal authority to do otherwise.

Justification

Virtual-only HOA governance, while convenient for some, comes at a cost: suppressed homeowner engagement, diminished oversight, and a weakened sense of community. HOA boards—unlike purely private actors—exercise quasi-governmental powers over assessments, enforcement, and community infrastructure. The public policy rationale that applies to local governments under Nevada’s Open Meeting Law should guide NRED’s interpretation of NRS 116 meeting access provisions. In-person participation fosters:

- Trust and accountability between homeowners and directors
- Clarity through non-verbal cues and open exchanges
- Greater inclusivity for those who struggle with technology

Transparent governance starts with open doors—not locked screens.

Thank you for your consideration of this petition. I am available to discuss this matter further and provide additional documentation or suggested language as needed.

Respectfully,


Michael Kosor
12070 Whitehills St
Las Vegas, NV 89141