

## Via Electronic Mail

April 12, 2026

Nevada Common-Interest Community Task Force  
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Re: **Agenda Item 4.A.1**, CIC Task Force, April 14, 2026 Meeting- Public comment

Agenda Item 4.A.1 is deeply troubling. Frankly, the recommendations, as framed by what I must assume was the Nevada Real Estate Division, read less like a good-faith effort to implement legislative intent or propose real reform than like an effort to avoid it. There is little genuine confusion about the narrow circumstances in which board business may occur outside the ordinary meeting structure. Lawmakers have rightly made clear that board governance is to occur through a noticed meeting process, and any departure from that structure is narrow and exceptional.

The unresolved issue is that “meeting” remains undefined, allowing some to shift the substance of board governance into workshops, email voting, and other efforts to avoid owner examination. This agenda item does not confront that problem. It is framed to avoid that issue and to enlist the Task Force in an effort to move Nevada HOAs away from their recognized quasi-governmental nature and toward a far more corporate, less transparent, and less accountable model — precisely the direction Nevada lawmakers have been steering away from since 2003.

The recommendation’s statement, “Instead of a definition, clarify which categories of actions boards may take without a meeting,” is extraordinarily blatant. It openly substitutes a different question for the controlling one. Had lawmakers intended HOAs to be run exclusively like corporations, they would not have enacted NRS 116.31083 and given owners rights to notice, an agenda, and an opportunity to be heard. They would simply have relied on NRS 82, as is now being shamelessly suggested. That is not neutral analysis or a regulator acting in good faith to clarify a statute. It is loophole preservation. It is also difficult to square with NRED’s own Advisory Opinion 11-01, which warned that “a vote via email or possibly another method may not satisfy the fiduciary duty of a board member,” making such methods “greatly disfavored.” Having already recognized those fiduciary concerns, the Division should be closing the loophole by defining “meeting” — something it has long had authority to do as a regulator — not attempting to work around the issue by legitimizing categories of governance outside the meeting structure.

The recommendation also invokes “unbudgeted costs” — a classic industry move. It is unsupported, one-sided, and transparently designed to make statutory accountability sound fiscally irresponsible. It further ignores the obvious: defining “meeting” is a regulatory task that

requires no legislative amendment at all. I submitted a formal NRS 233B petition nearly nine months ago requesting precisely that action. It remains without action. The cost of open meetings is not a defect in Chapter 116. It is part of the Legislature's design. What the recommendation never counts are the costs imposed on owners by secrecy, mistrust, and regulatory slow-rolling.

The statute is built on the meeting of executive board members, not merely on their final acts. Lawmakers understood the importance of owners seeing how board governance occurs, not simply being told afterward what was decided. Yet the so-called recommendation ignores director deliberation altogether while offering little more than a smokescreen that "transparency is key."

Email voting is not transparency. The statute already contains a narrow emergency exception, and "clarifying categories" outside meetings is not transparency either. It is a way to avoid defining "meeting" because defining it would end the game.

Secret workshops are not transparency. Nor are they a harmless preparation device when they become the place where a quorum hashes out policy, finances, budget priorities, contracts, or enforcement positions before the formal meeting begins. In that setting, the public meeting becomes theater: owners see the vote, but the real deliberation has already occurred elsewhere. Workshops may indeed help boards prepare and shorten formal meetings. They should not, however, be used in secret. When directors gather together in workshops, or under whatever substitute label is imagined, to discuss matters of the association, owners must be allowed to observe. Trying to sell that practice as improving transparency and reducing owner frustration is an insult to the intelligence of homeowners and anyone reading the recommendation in good faith. It is clear advocacy disguised as analysis.

Off-meeting governance outside owner view is understandably attractive to some because it spares directors the inconvenience of confronting the people they govern. But directors, even if unpaid volunteers, are not entitled to a version of office stripped of accountability. They seek election to represent others, and that necessarily means facing controversy, scrutiny, and the obligation to explain decisions in public. The law should not be bent to protect directors from the ordinary friction of democratic governance. Unlike corporate shareholders, HOA owners cannot simply sell their shares and exit the relationship.

Governance is not merely the final act of decision. It includes how decisions are developed, discussed, narrowed, and reached, and by whom. Owners are entitled to know how the sausage was made, not merely be told afterward what was decided. What makes this agenda item's framing especially troubling is the appearance that NRED is not trying to clarify the statute, but to avoid clarifying it.

Defining "meeting" would close the loophole. This recommendation appears designed to preserve it. If the Task Force is serious about this issue, it should begin by defining "meeting," because without a definition the statute remains vulnerable to the very workarounds that have undermined owner-facing transparency.

### **Proposed definition**

“Meeting” means any assembly, gathering, or series of communications among a quorum of the executive board, whether in person, electronically, or by any other means, during which association business, including operations, finances, enforcement matters, or policy issues, is deliberated, discussed, or otherwise considered.

Such gatherings are subject to the notice, agenda, and owner-participation requirements of NRS 116.31083, regardless of whether formal action is taken.

This definition is carefully tailored to:

- focus on substance rather than label or format;
- cover serial, electronic, and email-based deliberations, not just real-time gatherings;
- make clear that governance includes discussion and deliberation, not merely final votes;
- preserve owner access without unduly burdening boards; and
- close a longstanding transparency loophole that has undermined confidence in association governance.

Sincerely,

/s/ signed

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