

## Via Electronic Mail

April 12, 2026

Nevada Common-Interest Community Task Force  
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### **Re: Agenda Item 4.A.3, complaints placed on agenda, CIC Task Force, April 14, 2026 Meeting — Public Comment**

The suggested amendment language in Item 4.A.3 should not be adopted as drafted. The proposal does not clarify NRS 116.31087. It narrows an owner right the statute was enacted to protect.

I also question the agenda's suggestion that any proposed amendment language was previously "generally agreed upon" by the Task Force. My recollection of the prior discussion, supported by the draft minutes in attached materials, does not support that characterization. I do not recall a formal vote or a clearly established consensus placed on the record regarding this language. If there was no vote and no clearly established consensus, the agenda should not imply otherwise.

The core purpose of NRS 116.31087 is straightforward. When a unit owner submits a written complaint alleging that the executive board violated Chapter 116 or the governing documents, the statute gives the owner the right, upon written request, to have the subject of that complaint placed on the agenda of the next regularly scheduled board meeting. The intent was to inform all owners by forcing alleged board violations into the board's formal governance process and onto the record. The problem is that the statute does not expressly require the board to state its position on the alleged violation once the matter reaches the agenda. The Legislature did not create that right so boards could absorb the complaint, acknowledge its receipt, and then avoid meaningful owner-facing accountability.

#### **Alternative suggested simple amendment (*blue bold italics*)**

*2. Not later than 10 business days after the date that the association receives such a complaint, the executive board or an authorized representative of the association shall acknowledge the receipt of the complaint and notify the unit's owner that, if the unit's owner submits a written request that the subject of the complaint be placed on the agenda of the next regularly scheduled meeting of the executive board, the subject of the complaint will be placed on the agenda of the next regularly scheduled meeting of the executive board, **at which meeting the board's position regarding all alleged violations of this chapter and relevant provisions of the governing documents alleged violated in the complaint must be stated.***

The principle is simple: acknowledgment plus agenda placement is not enough; the board must address its position. A board obviously can protect privilege. It simply cannot invoke privilege as a pretext for refusing to state its position to the owners to whom it owes a fiduciary duty. This approach also avoids unnecessary new language about retaliation or Ombudsman process. It makes legislative intent clear: silence is not compliance.

That is why proposed subsection (2) is the most troubling part of the amendment. It states: "Nothing in this section compels the board to engage in public dialogue regarding matters that are reserved for executive session

NRS 116.31085...” That language creates a new escape hatch. It invites boards to characterize complaints as executive-session subject matter and then avoid meaningful owner engagement altogether. A complaint can be placed on the agenda in form, yet the board can still refuse to substantively address it before owners. That is not clarification. It is a narrowing of the collective owners’ statutory right.

The danger is obvious. An owner invokes NRS 116.31087 because informal efforts have already failed. By that stage, the owner is not looking for acknowledgment of receipt. The owner is invoking an owner accountability mechanism. The proposed language instead moves the statute back toward controlled private handling by allowing the board to avoid substantive owner response whenever it can connect the complaint, however loosely, to executive-session subject matter. In practice, it is swallowing the rule. A board may simply say the matter involves legal advice and then decline to engage owners at all.

That is not what the statute was for. A board may properly protect privileged advice and confidential details. But that is very different from saying no meaningful response before owners is required. The board should still be required to acknowledge the complaint before owners, identify the general subject matter, and provide a substantive non-privileged explanation of its position and the basis for its action or inaction. Otherwise, agenda placement becomes procedural theater: the complaint appears on the agenda, but neither the owner nor the membership learns anything of substance.

I also attach and incorporate by reference my December 16, 2025 comment letter on NRS 116.31087. That letter appears to have been ignored without meaningful Task Force discussion. That matters because the issue now being advanced is not new. The Task Force has previously considered NRS 116.31087, and the August 2020 minutes are instructive. During that discussion, the industry council representative asserted that allegations of statutory or governing-document violations are “compliance issues” that belong in executive session, on the theory that discussion with owners could expose boards to liability. That position is difficult to reconcile with the Legislature’s 2009 amendment, which deleted the qualifying phrase “if action is required by the executive board,” thereby removing board discretion over whether alleged violations would be addressed and requiring public, on-the-record accountability instead. Legislators deliberately chose accountability over silence by those exercising governing authority.

The August 2020 minutes also reflect industry counsel suggesting that “other reasonable opportunities” exist for boards to address alleged violations outside the agenda-placement process. In practice, when a board elects silence, none remain. The owner is left only with regulatory escalation or litigation — outcomes the Legislature sought to avoid by mandating agenda-level accountability. If adopted, the current proposal would move the statute in exactly that direction by converting an owner accountability mechanism enacted by the Legislature into a secret process controlled by the board.

At that same 2020 meeting, however, the Division articulated a materially different understanding of the statute’s purpose, stating that its vision was to give the respondent association a reasonable opportunity to review and address alleged violations before an owner came to the Ombudsman’s Office and filed a formal complaint. The Division’s current proposal departs from that earlier position. It now appears aligned with the industry position expressed in 2020 rather than with the statute’s owner-accountability purpose.

The proposed language also shifts the statute in the wrong direction by treating a later written response as the practical substitute for owner accountability. A written response may be useful, and in some cases necessary, but it should supplement owner accountability, not replace it. The Legislature chose agenda placement because it wanted alleged violations brought into the board’s formal process before owners. If the board can avoid real engagement and then send a controlled written statement afterward to a singular owner, the statute is reduced to form without substance.

The anti-retaliation language is appropriate and should be supported. Owners should not be harassed, intimidated, or retaliated against for filing complaints or requesting agenda placement. But adding anti-

retaliation language does not cure the deeper flaw in proposed subsection (2). The central problem remains that the amendment gives boards a clearer path to avoid meaningful owner-facing accountability.

Proposed subsection (2) is overbuilt and internally confused. The requirement that the response include “standard language” about seeking next steps from the Ombudsman’s Office is undefined and belongs, if anywhere, in the complaint process under NRS 116.760, not in a statute whose purpose is to require owner-facing board accountability through agenda placement. It is a placeholder for future bureaucracy. Likewise, the added anti-harassment and anti-retaliation language is unnecessary. NRS 116.31183 and NRS 116.31184 already address those subjects directly. Repeating them here does not clarify the owner’s right. It distracts from it and reinforces the larger problem with this proposal: instead of strengthening owner-facing accountability under NRS 116.31087, it layers on vague boilerplate, complaint-channel signaling, and redundant prohibitions while giving boards a broader path to avoid meaningful owner engagement.

Boards should not be confused about their duty to acknowledge complaints, despite the framing used in the agenda material. The issue is that boards can comply procedurally to the current and proposed language while refusing substantive engagement. The answer is not to codify another route to silence. The answer is to require that once a qualifying complaint is placed on the agenda, the board must substantively address the allegation either through owner-facing discussion or through a written response available to all owners.

The Task Force should therefore reject proposed subsection (2) as drafted. The statute should strengthen the owner’s right to a meaningful owner-facing accountability process, not provide a new mechanism for boards to evade it.

Sincerely,

/s/ signed

Mike Kosor  
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**Attachment:** December 16, 2025 Comment Letter Regarding NRS 116.31087