

NRED Commission
3300 W. Sahara Ave. #350
Las Vegas, NV 89102

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BY: *Kerry Valadez*

Dear Commissioner,

Subject: Americans with Disability Act

This letter deals with both specific questions regarding NRED's role, if any, regarding the implementation of the Americans with Disability Act as it relates to HOA's. In 2018 the Vistana HOA Board was requested to do something regarding various individuals and companies blocking the access to cut a ways on the Vistana property. Vistana is a rather large 732 Condo HOA. Various vendors, such as carpet cleaners would park in front of the sidewalk for in excess of an hour, unattended, and block access to the sidewalks. A number of the residents are disabled and could not navigate the curbs to their condos.

During an open public meeting the BOD decided that we would paint the immediate cut a way access blue, prohibiting parking so the disabled could gain access to the sidewalk. The BOD believed we were allowed to restrict parking in this manner in compliance with the Americans with Disability Act.

Immediately an owner filed an official complaint with the Las Vegas Fire Department. (This individual subsequently ran for the Vistana Board.) A Las Vegas Fire Department captain came to the Vistana HOA property to both examine the treatment given to the cut a ways' and speak with Vistana personnel. After his examination he advised that not only were we within our rights to paint these areas blue but "He wished that every HOA in Nevada would do the same." The results of this inspection was relayed to the owners at the next Vistana BOD meeting.

I admit that my wife had Polio when she was 6 years old and has worn a hip to foot leg brace for the past 70 years. The woman in the condo next to ours also had a severe stroke and is more disabled than my wife. During November, 2021, 100% of every ramp and or cut a way were painted yellow and all of the blue paint allowing the HOA to restrict parking has been erased. This item was never listed on any public agenda for the Board meeting.

Since the Las Vegas Fire Department advised we were within our rights to paint these areas blue to comply with the Americans with Disability Act I suggest that the NRED Commission might take a proactive stance to suggest that all HOA's are encouraged to follow this example. If needed the Commission might forward this information to the Nevada Legislature for their consideration.

I would also like to know if the NRED Commission allows any HOA to determine that they don't have to comply with the ADA regulations. Currently at the Vistana HOA, any vendor, resident or guest may block those individuals who are disabled from getting into their own condo. If you aren't allowed to enforce these regulations please advise which agency is. Thank you for any consideration.

Lynn Williams
Vistana homeowner
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