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NEVADA COMMISSION FOR
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS



Sec. 2.

1. A violation of a provision of the governing documents of an association poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community if the violation involves conduct that includes:

(a) A failure to exercise reasonable care;

(b) Intentional, willful or malicious interference with the use or enjoyment of a ~~dwelling unit~~ or a common element;

(c) Willful or grossly negligent destruction or damage of any real or personal property located in a ~~dwelling unit~~ or common element;

(d) A violation of a housing or health code, law or regulation concerning the health, safety, sanitation or fitness for habitation of a ~~dwelling~~-unit; or

(e) Harassment that is sufficiently severe or pervasive to interfere with personal physical safety, or use and enjoyment of a unit or common element;

(fe) The commission of any other act which is substantially similar to the conduct described in paragraphs (a) to (ed), inclusive,

---in a manner that directly, immediately or actually endangers a unit's owner, a resident of the common-interest community or an invitee of a unit's owner or a tenant.

2. A violation does not pose an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community if the sole basis for imposing the violation is conduct that:

(a) Uses foul, profane or abusive language in a manner that does not constitute ~~hostile environment harassment as described in 24 C.F.R. 100.600(a)(2); harassment as set forth in paragraph (e) of subsection 1 of this regulation;~~

(b) Voices opposition to or support for any matter that affects the common-interest Community in a manner that does not constitute harassment as set forth in paragraph (e) of subsection 1 of this regulation; or

(c) Constitutes a nuisance under the governing documents of the association but does not constitute a ~~public~~ nuisance that directly, immediately or actually endangers a unit's owner, a resident of the common-interest community or an invitee of a unit's owner or a tenant under the laws of this State or a violation of an ordinance, rule or regulation that designates such conduct as a public nuisance; or

(d) Is a violation of the governing documents of the association but is otherwise lawful

~~under the laws of this State.~~

3. When determining the amount of a fine to be imposed in accordance with the procedures set forth in NRS 116.31031, an executive board may consult with any appropriate professional for assistance in evaluating the nature, context, severity, scope, frequency or duration of the violation or any other factor relevant to the determination of the executive board.