

## **Public Comments- December 19, 2025 meeting of CIC Task Force**

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**Chair, members of the Task Force — thank you for the opportunity to comment.**

Today the Ombudsman's Office will present its role as assisting homeowners, board members, and community managers in understanding their rights and responsibilities under Nevada law and governing documents, through education and training.

I want to begin by accepting that description at face value — and then asking a simple but necessary question:

**What does “assistance” mean when a homeowner asks how the Division interprets the statutes it administers?**

Under NRS 116.625, the Ombudsman is required to assist owners in understanding their rights and responsibilities under Chapter 116. That statute does not limit assistance to general information, pamphlets, or hypotheticals. And it does not suspend the duty to assist simply because a question has legal implications.

In a statutory system like Nevada's HOA framework, *every* meaningful question has legal consequence. If the Ombudsman declines to engage whenever an issue involves statutory interpretation or compliance, then substantive assistance effectively disappears.

Last year, I submitted a set of written questions to the Ombudsman concerning declarant control, board elections, and the authority of appointed directors — all issues governed directly by NRS 116. I was not asking the Ombudsman to represent me, adjudicate a dispute, or give legal advice. I was asking how the Division interprets and applies the statutes it enforces.

The Office declined to meet or respond, explaining that questions with legal implications exceed the scope of its mission.

That position has broader consequences than any individual case. It creates a system in which:

- owners cannot obtain meaningful guidance at the educational stage;
- larger associations represented by experienced counsel face little scrutiny outside litigation; and
- disputes are forced prematurely into adversarial channels, increasing cost and conflict.

This is not a question of enforcement. It is a question of **regulatory transparency**. Explaining how an agency interprets the statutes it administers is not legal advice — it is a core function of public administration.

If the Ombudsman's role is now limited to high-level information and referrals to private counsel, then the Task Force should confront that reality directly and consider whether the statutory design is being implemented as the Legislature intended.

I respectfully ask the Task Force to consider:

- whether the Ombudsman should be expected to explain the Division's interpretations of NRS 116 in response to owner inquiries;
- whether written responses to clear statutory questions should be required; and
- whether the mere possibility of litigation properly excuses the Ombudsman from its educational role.

The Ombudsman was created to prevent escalation — not to retreat when escalation becomes possible. When owners cannot get answers at the front end, disputes do not disappear. They harden, they metastasize, and they end up in court.

That outcome serves no one — not homeowners, not associations, and not the State of Nevada.

**Thank you.**