

CIC TASK FORCE
April 14, 2026 Meeting –

Item 4.A.1

1. Board Action Without a “Meeting”. NRS 116.31083.

Summary of Recommendations –

- NRS 116 expects boards to make decisions in properly noticed open meetings, with an emergency-meeting option. Additional meetings create unbudgeted costs, so any statutory changes must consider practical and financial impacts.
- Transparency is key. If bylaws allow action outside a meeting, redefining “meeting” won’t solve concerns. Instead, require after-action disclosure/ratification at the next regular meeting.
 - Typical urgent situations requiring action outside a meeting:
 - Last-minute insurance renewals with short turnaround times
 - Sudden vendor termination or urgent service/amenity needs
- Instead of a definition, clarify which categories of actions boards may take without a meeting (similar to corporate written consent practices).
- Time-sensitive decisions should be allowed outside regular meetings with unanimous consent and later ratification. Workshops held before regular meetings help boards prepare, improve transparency, shorten formal meetings, and reduce homeowner frustration.
- Consider establishing a dollar or budget-percentage threshold for non-emergency items that must be approved only in a noticed board meeting.

For Additional Discussion –

- (1) Should NRS 116 be updated with clearer, progressive language to address these issues directly, rather than relying on NRS 82 and governing documents (bylaws, CC&Rs) as the interpretive framework for board actions?
- (2) If revisions to NRS 116 are pursued, should they create specific exemptions or instead qualify what matters must occur in a noticed board meeting?

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Item 4.A.2

- 2. Capital Improvement - NRS 116.3115 (9) (NRS 116B.590) Assessments for common expenses; funding of adequate reserves; collection of interest on past due assessments; calculation of assessments for particular types of common expenses; notice of meetings regarding assessments for capital improvements.**

(9) The association shall provide written notice to each unit's owner of a meeting at which an assessment for capital improvement is to be considered or action is to be taken on such an assessment at least 21 calendar days before the date of the meeting.

Suggested Amended Language –

EXPLANATION – *Matter in blue italics is the generally agreed upon new language from the prior meeting; matter in green bold underline is new language proposed at the last meeting.*

NRS 116.3115 Assessments for common expenses; funding of adequate reserves; collection of interest on past due assessments; calculation of assessments for particular types of common expenses; notice of meetings regarding assessments for capital improvements.

...

9. The association shall provide written notice to each unit's owner of a meeting at which an assessment for a capital improvement is to be considered or action is to be taken on such an assessment at least 21 calendar days before the date of the meeting.

(a) "Capital Improvement" defined. A capital improvement refers to the addition of a new or substantially different component to the common elements, distinct from existing reserve-funded major components.

(b) Non-Capital Improvements. Repairs, replacements, of existing common area components intended to preserve, restore, or maintain their original function are not capital improvements. These may incorporate new technologies or materials that improve efficiency, durability, or sustainability, provided they do not materially alter the size, scope, or intended use of the common element or add a new facility. Such expenditures are considered routine maintenance and funding is distinct from designated reserve-funded projects.

(c) Cost Threshold Backstop. A project is considered a capital improvement if it involves a major component of the common elements and exceeds a [defined] percentage above the approved operating expense or assessment budget for the fiscal year.

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Item 4.A.3

3. Complaints placed on agenda - NRS 116.31087 (NRS 116B.510) - Right of units' owners to have certain complaints placed on agenda of meeting of executive board

1. If an executive board receives a written complaint from a unit's owner alleging that the executive board has violated any provision of this chapter or any provision of the governing documents of the association, the executive board shall, upon the written request of the unit's owner, place the subject of the complaint on the agenda of the next regularly scheduled meeting of the executive board.

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.

Suggested Amended Language –

EXPLANATION – *Matter in blue italics is the generally agreed upon new language from the prior meeting; matter in green bold underline is new language proposed at the last meeting.*

NRS 116.31087 Right of units' owners to have certain complaints placed on agenda of meeting of executive board.

- 1. Not later than 10 business days after the date the executive board receives a written complaint from a unit's owner alleging that the executive board has violated any provision of this chapter or any provision of the governing documents of the association, 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.*
- 2. Nothing in this section compels the board to engage in public dialogue regarding matters that are reserved for executive session NRS 116.31085, but the board must provide a non-privileged written response to the unit owner within 10 calendar days after the meeting at which the subject appeared on the agenda, unless extended for good cause, stating: (1) the board's findings or determination; (2) citations to relevant provisions of this chapter or the governing documents; and (3) if the complaint remains unresolved after the board's response, and which shall include standard language informing the owner of the right to seek next steps from the Ombudsman's Office. Furthermore, the association and its directors shall not harass, intimidate, or retaliate against an owner for filing a complaint or requesting agenda placement, consistent with NRS 116.31183.*

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Item 4.A.4

4. Reasonable Time to Prohibit Use of Common Element - NRS 116.31031(1)(a)(b) (NRS 116B.430)

EXPLANATION – Matter in blue italics is the generally agreed upon new language from the prior meeting; matter in red strikethrough is language generally agreed upon to be removed; matter in green bold underline is new language proposed at the last meeting; matter in yellow highlighting is something that attention was drawn to at the last meeting; and plain black is the existing text.

Suggested Amended Language –

NRS 116.31031 Power of executive board to impose fines and other sanctions for violations of governing documents; regulations; limitations; procedural requirements; continuing violations; collection of past due fines; statement of balance owed.

1. Except as otherwise provided in this section, if a unit's owner or a tenant or an invitee of a unit's owner or a tenant **violates any provision of the governing documents** of an association, the executive board may, if the governing documents so ~~provide~~ *authorize* **a commensurate sanction:**
 - (a) Prohibit, for a reasonable time *not to exceed 30/60/90 days or for as long as the violations remain uncured or the fine remains due/delinquent*, the unit's owner or the tenant or the invitee of the unit's owner or the tenant from:
 - (1) Voting on matters related to the common-interest community, **limited to one voting cycle at a time.**
 - (2) Using the common elements. The provisions of this subparagraph do not prohibit the unit's owner or the tenant or the invitee of the unit's owner or the tenant from using any vehicular or pedestrian ingress or egress to go to or from the unit, including any area used for parking.

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Item 4.A.5

NRS 38.300-.360

NRS 38.300 Definitions. As used in [NRS 38.300](#) to [38.360](#), inclusive, unless the context otherwise requires:

1. “Assessments” means:

(a) Any charge which an association may impose against an owner of residential property pursuant to a declaration of covenants, conditions and restrictions, including any late charges, interest and costs of collecting the charges; and

(b) Any penalties, fines, fees and other charges which may be imposed by an association pursuant to paragraphs (j) to (o), inclusive, of subsection 1 of [NRS 116.3102](#) or subsections 10, 11 and 12 of [NRS 116B.420](#).

2. “Association” has the meaning ascribed to it in [NRS 116.011](#) or [116B.030](#).

3. “Civil action” includes an action for money damages or equitable relief. The term does not include an action in equity for injunctive relief in which there is an immediate threat of irreparable harm, or an action relating to the title to residential property.

4. “Division” means the Real Estate Division of the Department of Business and Industry.

~~5. “Program” means a program established by the Division under which a person, including, without limitation, a referee or hearing officer, can render decisions on disputes relating to:~~

~~—(a) The interpretation, application or enforcement of any covenants, conditions or restrictions applicable to residential property or any bylaws, rules or regulations adopted by an association; or~~

~~—(b) The procedures used for increasing, decreasing or imposing additional assessments upon residential property.~~

65 . “Residential property” includes, but is not limited to, real estate within a planned community subject to the provisions of [chapter 116](#) of NRS or real estate within a condominium hotel subject to the provisions of [chapter 116B](#) of NRS. The term does not

include commercial property if no portion thereof contains property which is used for residential purposes.

NRS 38.310 Limitations on commencement of certain civil actions.

1. No civil action based upon a claim relating to:

(a) The interpretation, application or enforcement of any covenants, conditions or restrictions applicable to residential property or any bylaws, rules or regulations adopted by an association; or

(b) The procedures used for increasing, decreasing or imposing additional assessments upon residential property,

↪ may be commenced in any court in this State unless the action has been submitted to mediation or if ~~the parties agree, has been referred to a program~~ **arbitration** pursuant to the provisions of [NRS 38.300](#) to [38.360](#), inclusive, and, if the civil action concerns real estate within a planned community subject to the provisions of [chapter 116](#) of NRS or real estate within a condominium hotel subject to the provisions of [chapter 116B](#) of NRS, all administrative procedures specified in any covenants, conditions or restrictions applicable to the property or in any bylaws, rules and regulations of an association have been exhausted.

2. A court shall dismiss any civil action which is commenced in violation of the provisions of subsection 1.

NRS 38.320 Submission of claim for mediation or arbitration; contents of claim; fees; service of claim; written answer.

1. Any civil action described in [NRS 38.310](#) must be submitted to mediation or ~~referred to a program~~ **or arbitration** by filing a written claim with the Division. The claim must include:

(a) The complete names, addresses and telephone numbers of all parties to the claim;

(b) A specific statement of the nature of the claim;

(c) A statement of whether the person wishes to have the claim ~~referred~~ **submitted** to a ~~program;~~ **mediation or arbitration** and, if the person wishes to have the claim submitted to **arbitration, whether the person agrees to binding arbitration;** and

(d) Such other information as the Division may require.

2. The written claim must be accompanied by a filing fee of \$50.

3. Upon the filing of the written claim, the claimant shall serve a copy of the claim in the manner prescribed in [Rule 4](#) of the Nevada Rules of Civil Procedure for the service of a

summons and complaint. The claim so served must be accompanied by a statement explaining the procedures for mediation and ~~for a program~~ **arbitration** set forth in [NRS 38.300](#) to [38.360](#), inclusive.

4. Upon being served pursuant to subsection 3, the person upon whom a copy of the written claim was served shall, within 30 days after the date of service, file a written answer with the Division, which must include a statement of whether the person wishes to have the claim ~~referred to a program~~ **submitted to mediation or arbitration**. The answer must be accompanied by a filing fee of \$50.

NRS 38.325 Processing of dispute resolution: Authority of Division to establish; procedure for ~~claim referred to program~~ **mediation and arbitration.**

~~If the Division establishes a program:~~

1. Upon receipt of a written claim and answer filed pursuant to [NRS 38.320](#) in which all the parties indicate that they wish to have the claim ~~referred to such a program~~ **submitted to mediation or arbitration, as applicable**, the Division may ~~refer—so submit parties to the program—the~~ **claim**.

2. The person to whom the ~~parties are referred pursuant to the program~~ **claim is submitted** shall review the claim and answer filed pursuant to [NRS 38.320](#) and, unless the parties agree to waive a hearing, conduct a hearing on the claim. After reviewing the claim and the answer and, if required, conducting a hearing on the claim, the person shall issue a written decision and award and provide a copy of the written decision and award to the parties. The person may not award to either party costs or attorney's fees.

3. Any party may, within 60 days after receiving the written decision and award pursuant to subsection 2, commence a civil action in the proper court concerning the claim. Any complaint filed in such an action must contain a sworn statement indicating that the issues addressed in the complaint have been ~~referred to a program~~ **submitted to mediation or arbitration, as applicable**, pursuant to the provisions of [NRS 38.300](#) to [38.360](#), inclusive. If such an action is not commenced within 60 days after receiving the written decision and award pursuant to subsection 2, any party may, within 1 year after receiving the written decision and award, apply to the proper court for a confirmation of the written decision and award pursuant to [NRS 38.239](#).

NRS 38.330 Procedure for mediation or arbitration of claim; payment of costs and fees upon failure to obtain a more favorable award or judgment in court.

1. ~~Unless a program has been established and the~~ **If all parties** have elected to have the ~~claim referred to a program~~ **named in a written claim filed pursuant to NRS 38.320, agree** to have the claim **submitted for mediation**, the parties shall ~~the parties shall~~ select a mediator

from the list of mediators maintained by the Division pursuant to [NRS 38.340](#). Any mediator selected must be available within the geographic area.

(a) If the parties fail to agree upon a mediator, the Division shall appoint a mediator from the list of mediators maintained by the Division. Any mediator appointed must be available within the geographic area.

(b) Unless otherwise provided by an agreement of the parties, mediation must be completed within ~~60~~ 90 days after the filing of the written claim. Not later than 5 days before mediation is scheduled to be conducted, each party must submit to the mediator a written statement which sets forth the issues in dispute. Mediation must not exceed 3 hours, unless the parties agree to an extension of such time.

(c) Any agreement obtained through mediation conducted pursuant to this section must, within 20 days after the conclusion of mediation, be reduced to writing by the mediator and a copy thereof provided to each party. The agreement may be enforced as any other written agreement.

(d) Except as otherwise provided in this section, the parties are responsible for ~~the cost~~ of mediation conducted pursuant to this section, which must not exceed \$500 ~~500~~ 600 for 3 hours of mediation. If the parties agree to extend mediation beyond 3 hours pursuant to this subsection, the fee for the additional hours must not exceed \$200 per hour.

(e) If the parties participate in mediation and an agreement is not obtained, any party may commence a civil action in the proper court concerning the claim that was submitted to mediation. Any complaint filed in such an action must contain a sworn statement indicating that the issues addressed in the complaint have been mediated pursuant to the provisions of [NRS 38.300](#) to [38.360](#), inclusive, but an agreement was not obtained.

2. ~~Before commencing a civil action in the proper court, the~~ **If all** parties named in the claim **do not** ~~may~~ agree to arbitration if the parties have participated in mediation in which an agreement was not obtained or if a written decision and award have been issued pursuant to [NRS 38.325](#). ~~Unless the parties agree in writing to binding arbitration, the arbitration is nonbinding. The cost of arbitration conducted pursuant to this section must not exceed \$300 per hour~~ **mediation**, If the parties agree to arbitration, they shall select an arbitrator from the list of arbitrators maintained by the Division pursuant to [NRS 38.340](#). Any arbitrator selected must be available within the geographic area. If the parties fail to agree upon an arbitrator, the Division shall appoint an arbitrator from the list maintained by the Division. Any arbitrator appointed must be available within the geographic area. Upon appointing an arbitrator, the Division shall provide the name of the arbitrator to each party. An arbitrator shall, not later than 5 days after the arbitrator's selection or appointment pursuant to this subsection, provide to the parties an informational statement relating to the arbitration of a claim pursuant to this section. The written informational statement:

(a) Must be written in plain English;

(b) Must explain the procedures and applicable law relating to the arbitration of a claim conducted pursuant to this section, including, without limitation, the procedures, timelines and applicable law relating to confirmation of an award pursuant to [NRS 38.239](#), vacation of an award pursuant to [NRS 38.241](#), judgment on an award pursuant to [NRS 38.243](#), and any applicable statute or court rule governing the award of attorney's fees or costs to any party; and

(c) Must be accompanied by a separate form acknowledging that the party has received and read the informational statement, which must be returned to the arbitrator by the party not later than 10 days after receipt of the informational statement.

3. The Division may provide for the payment of the fees for a mediator or an arbitrator selected or appointed pursuant to this section from the Account for Common-Interest Communities and Condominium Hotels created by [NRS 116.630](#), to the extent that:

(a) The Commission for Common-Interest Communities and Condominium Hotels approves the payment; and

(b) There is money available in the Account for this purpose.

4. Except as otherwise provided in this section and except where inconsistent with the provisions of [NRS 38.300](#) to [38.360](#), inclusive, the arbitration of a claim pursuant to this section must be conducted in accordance with the provisions of [NRS 38.231](#), [38.232](#), [38.233](#), [38.236](#) to [38.239](#), inclusive, [38.242](#) and [38.243](#). At any time during the arbitration of a claim relating to the interpretation, application or enforcement of any covenants, conditions or restrictions applicable to residential property or any bylaws, rules or regulations adopted by an association, the arbitrator may issue an order prohibiting the action upon which the claim is based. An award must be made within 30 days after the conclusion of arbitration, unless a shorter period is agreed upon by the parties to the arbitration.

5. If all the parties ~~have agreed~~ **do not agree** to **binding** arbitration, ~~but have not agreed whether the arbitration will be binding or nonbinding~~, the arbitration will be nonbinding. If arbitration is nonbinding any party to the nonbinding arbitration may, within 30 days after a final decision and award which are dispositive of any and all issues of the claim which were submitted to nonbinding arbitration have been served upon the parties, commence a civil action in the proper court concerning the claim which was submitted for arbitration. Any complaint filed in such an action must contain a sworn statement indicating that the issues addressed in the complaint have been arbitrated pursuant to the provisions of [NRS 38.300](#) to [38.360](#), inclusive. If such an action is not commenced within that period, any party to the arbitration may, within 1 year after the service of the award, apply to the proper court for a confirmation of the award pursuant to [NRS 38.239](#).

6. If all the parties agree in writing to binding arbitration, the arbitration must be conducted in accordance with the provisions of this chapter. An award procured pursuant to

such binding arbitration may be vacated and a rehearing granted upon application of a party pursuant to the provisions of [NRS 38.241](#).

7. If, after the conclusion of binding arbitration, a party:

- (a) Applies to have an award vacated and a rehearing granted pursuant to [NRS 38.241](#); or
- (b) Commences a civil action based upon any claim which was the subject of arbitration,

↳ the party shall, if the party fails to obtain a more favorable award or judgment than that which was obtained in the initial binding arbitration, pay all costs and reasonable attorney's fees incurred by the opposing party after the application for a rehearing was made or after the complaint in the civil action was filed.

8. Upon request by a party, the Division shall provide a statement to the party indicating the amount of the fees for a mediator or an arbitrator selected or appointed pursuant to this section.

9. As used in this section, "geographic area" means an area within 150 miles from any residential property or association which is the subject of a written claim submitted pursuant to [NRS 38.320](#). For purposes of this section, meetings conducted by videoconference, telephone, or other electronic means are considered "available" within the geographic area and are not subject to the 150-mile limitation.

NRS 38.340 Duties of Division: Maintenance of list of mediators and arbitrators; establishment of explanatory document. For the purposes of [NRS 38.300](#) to [38.360](#), inclusive, the Division shall establish and maintain:

1. A list of mediators and arbitrators who are available for mediation and arbitration of claims. The list must include mediators and arbitrators who, as determined by the Division, have received training and experience in mediation or arbitration and in the resolution of disputes concerning associations, including, without limitation, the interpretation, application and enforcement of covenants, conditions and restrictions pertaining to residential property and the articles of incorporation, bylaws, rules and regulations of an association. In establishing and maintaining the list, the Division may use lists of qualified persons maintained by any organization which provides mediation or arbitration services. Before including a mediator or arbitrator on a list established and maintained pursuant to this section, the Division may require the mediator or arbitrator to present proof satisfactory to the Division that the mediator or arbitrator has received the training and experience required for mediators or arbitrators pursuant to this section.

2. A document which contains a written explanation of the procedures for mediating and arbitrating claims ~~and for a program~~ pursuant to [NRS 38.300](#) to [38.360](#), inclusive.

NRS 38.350 Statute of limitations tolled. Any statute of limitations applicable to a claim described in [NRS 38.310](#) is tolled from the time the claim is submitted to mediation or

arbitration ~~or referred to a program~~ pursuant to [NRS 38.300](#) to [38.360](#), inclusive, until the conclusion of mediation or arbitration of the claim and the period for vacating the award has expired, or until the issuance of a written decision and award pursuant to the program.

NRS 38.360 Administration of provisions by Division; regulations; fees.

1. The Division shall administer the provisions of [NRS 38.300](#) to [38.360](#), inclusive, and may adopt such regulations as are necessary to carry out those provisions.

2. All fees collected by the Division pursuant to the provisions of [NRS 38.300](#) to [38.360](#), inclusive, must be accounted for separately and may only be used by the Division to administer the provisions of [NRS 38.300](#) to [38.360](#), inclusive.