

From: [Paul De La Cruz](#)
To: [Community Insights E-Subscribers](#)
Cc: [Shareece N. Bates](#)
Subject: Re: CICCH/HOA Task Force Meeting - April 14, 2026 public comment
Date: Friday, April 10, 2026 9:46:25 PM

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CICCH / HOA Task Force — April 14, 2026, Submitted by: Paul DeLaCruz, Homeowner, Artesia at Hafen Ranch, Pahrump, Nevada

Subject: Agenda Item A — Discussion and Possible Action on Amendments to NRS 116 and NRS 38

Introduction

Thank you for the opportunity to submit written public comment for the record. My comments relate directly to Agenda Item A, which concerns potential amendments, additions, and deletions to **NRS 116** and **NRS 38**.

I submit this comment as a homeowner in a community where these statutes have been repeatedly tested through documented governance failures, multiple NRED complaints, and confirmed statutory violations. The issues experienced in Artesia are not theoretical — they demonstrate where the statutes lack clarity, where enforcement mechanisms are insufficient, and where homeowners are left without meaningful remedies.

1. NRS 116.31083 — Board Action Without a Meeting

Artesia has experienced repeated inappropriate instances of board decisions occurring outside properly noticed open meetings. These include actions involving contracts, expenditures, appointments and enforcement decisions. Homeowners are often informed after the fact, or not at all, leaving no opportunity for observation or input.

Requested Statutory Clarifications

- Define “board action without a meeting” narrowly and explicitly.
- Require written findings when a board claims an action is exempt from open-meeting requirements.
- Require ratification of any such action at the next open meeting, with full disclosure of the decision, rationale, and vote.

These changes would reduce ambiguity and prevent misuse of informal decision-making.

2. NRS 116.3115(9) — Reserve Fund Use and Transparency

Artesia’s reserve reporting has included missing filings, including NRED filings, unclear expenditures, mathematically impossible and inconsistent documentation. Homeowners have had to file NRED complaints simply to obtain reserve records that should be routinely available.

Requested Statutory Clarifications

- Require itemized public notice of reserve expenditures tied directly to the reserve study.
- Require NRED to automatically flag missing or late reserve filings and notify homeowners.
- Require associations to maintain a publicly accessible reserve-fund ledger updated quarterly.

These changes would strengthen financial transparency and reduce the burden on NRED’s complaint system.

3. NRS 116.31087 — Harassment, Threats, and Interference

This statute is currently used inconsistently across communities. In Artesia, it has been invoked both by homeowners alleging retaliation and by board members attempting to silence criticism.

Requested Statutory Clarifications

- Distinguish between **protected criticism** and **prohibited conduct**.
- Define retaliation by a board or manager as a prohibited act under this section.
- Require associations to adopt a written anti-retaliation policy consistent with NRS 116.

This would prevent misuse of the statute and protect both homeowners and volunteer board members.

4. NRS 116.31031 — Enforcement and Due Process

Artesia’s enforcement practices have included selective enforcement, inconsistent notice, and hearings that do not meet the due-process standards intended by the statute.

Requested Statutory Clarifications

- Require associations to adopt and publicly post a uniform written enforcement policy.

- Require hearing notices to include the specific evidence to be used.
- Require boards to document the factual basis for any penalty imposed.

These changes would ensure fairness and consistency in enforcement actions.

5. NRS 38 — ADR, Mediation, and Arbitration

Homeowners in Artesia have been directed into ADR processes that do not resolve statutory violations and often delay regulatory oversight.

Requested Statutory Clarifications

- Clarify that ADR is not a substitute for NRED enforcement when statutory violations are alleged.
- Require managers and boards to disclose when an issue is **not eligible** for ADR.
- Require ADR providers to report patterns of repeated statutory violations to NRED.

This would prevent misuse of ADR as a shield against accountability.

Conclusion

Artesia is not an isolated case — it is a practical demonstration of where NRS 116 and NRS 38 lack clarity, structure, and enforceability. Strengthening these statutes will reduce complaints, improve governance, and restore trust in Nevada’s common-interest communities.

Thank you for your work on these reforms and for including this comment in the official record.

Respectfully, Paul DeLaCruz

From: Community Insights E-Subscribers <COMMUNITYINSIGHTS@LISTSERV.STATE.NV.US> on behalf of Shareece N. Bates <00000369c10b8286-dmarc-request@LISTSERV.STATE.NV.US>

Sent: Friday, April 10, 2026 10:21 AM

To: COMMUNITYINSIGHTS@LISTSERV.STATE.NV.US
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Subject: CICCH/HOA Task Force Meeting - April 14, 2026

Good morning,

On Wednesday, the Division posted notice of the upcoming CICCH/HOA Task Force

meeting scheduled for Tuesday, April 14, 2026.

The agenda and supporting meeting documents can be found on the Division's website here: https://red.nv.gov/Content/Meetings/Task_Force/2026/April/

Have a great day
Shareece

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