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NEVADA COMMISSION FOR
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS



August 18, 2026

Nevada Real Estate Division

Commission for Common-Interest Communities and Condominium Hotels

Attn: Shareece Bates, Administration Section Manager

3300 W. Sahara Avenue, Suite 350

Las Vegas, Nevada 89102

**Re: Public Comment — LCB File No. R091-25 / September 8, 2026 Workshop and
September 9, 2026 Adoption Hearing**

Dear Commissioners and Nevada Real Estate Division Representatives:

I respectfully submit these comments regarding LCB File No. R091-25 for inclusion in the public record for the September 8, 2026 workshop and the September 9, 2026 hearing.

I am a Nevada homeowner and currently serve as a volunteer member of a common-interest community executive board. I also previously served for many years in HOA leadership. I therefore approach these proposed regulations from both perspectives: protecting individual homeowners from arbitrary or disproportionate enforcement while recognizing that volunteer executive boards and professional community managers must have practical tools to protect communities, enforce legitimate governing documents, preserve common assets, and address genuine safety concerns.

I have also reviewed the concerns recently presented by the Nevada HOA Reform Coalition. I believe several of those concerns warrant serious consideration. At the same time, I believe the best regulatory framework is one that protects homeowners **without making responsible community governance unnecessarily difficult**.

The objective should not be to strengthen one side at the expense of the other. It should be to establish rules that are clear, predictable, transparent, proportionate, and equally understandable to homeowners, board members, managers, and regulators.

Section 2 — Health, Safety and Welfare Violations

I support establishing a meaningful health, safety, and welfare exception. There are circumstances in which an executive board must be able to respond quickly and decisively when conduct creates a genuine danger to residents or property.

My concern is that an extraordinary enforcement mechanism should require an equally clear threshold.

The current proposal includes such concepts as a "failure to exercise reasonable care" and conduct "substantially similar" to other listed conduct. Those phrases, standing alone, could potentially encompass a very broad range of ordinary HOA disputes.

I respectfully recommend that the regulation make unmistakably clear that an enhanced health, safety, or welfare violation requires **objective facts demonstrating a direct, immediate, and**

substantial danger, rather than simply a technical violation, speculative possibility of harm, aesthetic concern, inconvenience, disagreement, or ordinary nuisance.

Before imposing an enhanced fine, I would further recommend requiring the executive board to make written findings identifying:

1. The specific conduct creating the alleged threat;
2. The person or property actually placed at risk;
3. Why the danger is immediate and substantial;
4. The evidence relied upon by the board;
5. Why the proposed penalty is proportionate to the severity, duration and circumstances of the violation; and
6. When appropriate, whether the homeowner was provided a reasonable opportunity to cure the condition before extraordinary penalties were imposed.

The ability to consult an appropriate professional can be valuable, particularly where engineering, fire, electrical, structural, environmental or other specialized knowledge is involved. Professional consultation, however, should support an objective determination—not replace the board's obligation to make and document that determination.

This approach protects homeowners from ordinary disputes being elevated into extraordinary violations while preserving the authority boards genuinely need when an immediate and substantial danger exists.

Section 4 — NRED Investigations, Remedial Measures and Confidentiality

I support NRED's ability to resolve appropriate matters through corrective or remedial action without forcing every issue into a formal disciplinary proceeding. Informal resolution can save homeowners, associations, and the State significant time and expense.

However, I share the concern that confidentiality should not result in important interpretations of Nevada HOA law effectively disappearing from public view.

There is an important distinction between protecting **confidential investigative material** and concealing **the regulatory interpretation used by a State agency to determine whether conduct complied with Nevada law**.

I respectfully suggest a middle ground.

Personal information, witness information, privileged communications, and investigative evidence can remain confidential. But when NRED concludes that particular conduct requires corrective action, NRED should maintain an anonymized public record identifying, at minimum:

- the statutory or regulatory provision involved;
- the general nature of the conduct;
- the compliance issue identified;
- the type of corrective action requested; and

- the ultimate disposition of the matter.

Names, addresses, and personally identifying information could be removed.

Such a system would provide valuable guidance to homeowners, boards and community managers, promote consistent statewide compliance, reduce repetitive complaints, and allow future boards to learn from prior regulatory determinations.

Transparency and confidentiality do not have to be mutually exclusive.

Section 5 — Petitions for Rulemaking

I believe this provision requires additional clarification.

NRS 233B.100 provides Nevada residents with a meaningful right to petition an agency for the adoption, amendment, or repeal of regulations. That right should include a predictable process and enforceable timelines.

The proposed language requiring the Administrator to "consider" a petition within 30 days, followed by Commission consideration at the next meeting at which consideration is "feasible," leaves significant uncertainty.

I respectfully recommend that Section 5 expressly track the statutory requirement that, within 30 days, a petition either be denied in writing with stated reasons or regulation-making proceedings be initiated.

If a petition is not denied within that period, I recommend that it automatically be transmitted to and docketed for the Commission's next regularly scheduled meeting.

If full consideration cannot reasonably occur at that meeting, the Commission should establish a specific subsequent date for consideration on the public record. Any delay should be accompanied by a written explanation.

The ultimate decision whether a properly initiated petition warrants further rulemaking should rest with the Commission, while still permitting the Administrator to perform reasonable administrative screening and make recommendations.

Without definite deadlines and Commission oversight, the statutory right to petition risks becoming dependent upon an undefined determination of when consideration is "feasible."

Homeowner and Community Manager Complaints

I also encourage the Commission to avoid creating procedural barriers that unintentionally require ordinary homeowners to function as attorneys before their complaints can be evaluated.

A complainant should certainly be required to identify the conduct at issue, provide supporting information, identify the person involved, and make a reasonable effort to resolve the issue when appropriate.

However, a legitimate complaint should not fail merely because a homeowner cannot identify the precise NRS or NAC citation applicable to the facts.

If the facts presented are sufficiently specific for NRED to determine the potential statutory or regulatory issue, the complaint process should permit substantive review.

At the same time, community managers and board members deserve sufficient notice of the allegations against them to meaningfully respond. A fair process should protect both interests.

Provisions I Support

I also believe it is important that public comments acknowledge provisions that appear constructive.

I generally support:

- Increasing available mediation assistance and making dispute resolution more accessible;
- Strengthening education requirements for community managers;
- Expanding legitimate access to live instruction through electronic platforms;
- Establishing clearer procedures and inventories for transferring association records when management changes;
- Requiring association records to be transferred in accessible and usable formats;
- Improving documentation surrounding reserve studies and their formal adoption; and
- Measures designed to ensure association records remain the property and accessible business records of the association.

These provisions can improve professionalism, continuity, and accountability within Nevada common-interest communities.

September 8 Workshop and September 9 Adoption Hearing

Because the public workshop is scheduled for September 8 and the adoption hearing is scheduled for the following morning, September 9, I respectfully request that the Commission ensure the September 8 workshop is a meaningful component of the rulemaking process.

Material public comments received at the workshop should be considered before final action, particularly if they identify unintended consequences or propose reasonable modifications that would improve the regulation.

If additional revisions are warranted, an extra step in the rulemaking process is preferable to adopting language that creates years of avoidable disputes between homeowners, associations, managers, and regulators.

If the Commission proceeds with adoption without incorporating material recommendations presented by homeowners and other interested parties, **I respectfully request, pursuant to NRS 233B.064, a concise statement of the principal reasons for and against adoption and the Commission's reasons for overruling material considerations presented against the regulation.**

I also respectfully request that this correspondence be provided to each Commissioner and incorporated into the administrative record relating to LCB File No. R091-25.

Conclusion

Nevada's HOA laws must serve millions of individual interactions among homeowners, volunteer board members, professional managers, attorneys, and regulators. Regulations affecting those relationships should therefore minimize ambiguity wherever possible.

Boards need sufficient authority to protect their communities.

Homeowners need meaningful due process and protection from arbitrary or disproportionate enforcement.

Community managers need clear professional standards.

NRED needs practical tools to investigate and obtain compliance.

And everyone affected by these laws benefits when governmental interpretations and rulemaking processes are transparent and predictable.

Those objectives are not competing interests. A well-written regulatory framework can accomplish all of them.

I appreciate the Commission and NRED providing the public an opportunity to participate and respectfully ask that the concerns and recommendations above be considered before final adoption of R091-25.

Respectfully submitted,

Darren Cobb

Nevada Homeowner

Volunteer HOA Board Member

Submitted in my individual capacity; the views expressed herein are my own and are not submitted on behalf of any homeowners association or exec.