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NEVADA COMMISSION FOR
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS



Via Email: sbates@red.nv.gov
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August 17, 2026

Commission for Common-Interest Communities
c/o Nevada Real Estate Division
Nevada State Business Center
3300 W. Sahara Avenue, Suite 350
Las Vegas, NV 89102

Re: Opposition to Section 5 of Proposed Regulation R091-25

Dear Commissioners:

I respectfully oppose Section 5 of proposed regulation R091-25 unless it is revised to provide clear deadlines and meaningful Commission oversight of the Administrator's handling of petitions for rulemaking.

I do not object to the Commission delegating initial review or screening of rulemaking petitions to the NRED Administrator. Some administrative screening is reasonable and can promote efficiency.

But delegated screening authority must not become unchecked gatekeeping authority that allows a petition to be kept from the Commission indefinitely.

That concern begins with the statute itself.

NRS 233B.100 already requires that, upon submission of a rulemaking petition, the agency must **within 30 days either deny the petition in writing, stating its reasons, or initiate regulation-making proceedings.**

Accordingly, Section 5 should not merely require the Administrator to "consider" a petition within 30 days. The regulation should reflect the statutory requirement: within 30 days, the petition must either be denied in writing with reasons or regulation-making proceedings must be initiated.

If the Administrator does not deny the petition within that statutory period, the regulation should then establish a definite process for bringing the petition before the Commission.

The current proposal instead provides for Commission consideration at the next scheduled meeting at which consideration is "feasible." That language creates an unnecessary and potentially significant gap. "Feasible" is undefined and provides no outside deadline for Commission consideration.

A petition could therefore survive the Administrator's initial review yet still remain outside Commission consideration for an indefinite period.

This is not merely a hypothetical concern.

NVHOA Reform has had a rulemaking petition awaiting Commission consideration for more than a year. I have challenged NRED's handling of that petition and its position that its actions comply with NRS 233B.100.

That experience demonstrates why clear procedural safeguards are necessary.

The Commission may reasonably delegate initial screening authority to the Administrator. But that delegation should be accompanied by:

- the 30-day decision required by NRS 233B.100;
- a written denial stating the reasons if the petition is rejected;
- automatic placement before the Commission if the petition is not denied; and
- a definite deadline for that Commission consideration.

I suggest that a petition not denied within the statutory 30-day period be placed on the agenda for the Commission's next scheduled meeting, or, if that meeting cannot reasonably accommodate it because of notice requirements or other genuine procedural limitations, the immediately following meeting.

What should not be permitted is an open-ended standard under which NRED determines indefinitely when Commission consideration becomes "feasible." Once a petition has not been denied within the statutory period, it should be the Commission—not the Administrator—that determines the priority and timing of its consideration.

The statutory right to petition for rulemaking is meaningful only if the agency must actually act on the petition.

NRS 233B.100 already supplies the fundamental choice: **deny the petition within 30 days, with reasons, or initiate rulemaking proceedings.** A regulation adopted by this Commission should implement that requirement, not introduce additional uncertainty after the statutory deadline has passed.

The Commission should therefore revise Section 5 to preserve reasonable administrative screening while ensuring that the Administrator cannot become the permanent gatekeeper between a statutory rulemaking petition and the Commission.

Respectfully submitted,

Michael Kosor
Nevada HOA Reform Coalition