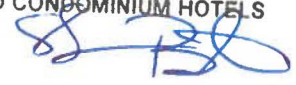


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NEVADA COMMISSION FOR
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS



Public Comment: CC Commission, September 9, 2026

Subject: Workshop agenda- POINT OF ORDER — R091-25

Presented by Mike Kosor, HOA Owner and Founder of Nevada HOA Reform Coalition

POINT OF ORDER — R091-25

Chair, I raise a procedural point of order before the Commission takes action on R091-25.

Yesterday, during the September 8 workshop, substantive changes to the proposed regulation were discussed and approved. The Administrator indicated that those changes would then be sent to Legislative Counsel. That raises what I believe is the threshold legal question today:

Can this Commission legally adopt a changed regulation before the changed text has been submitted to and reviewed by Legislative Counsel?

NRS 233B.063 provides that if proposed or revised regulatory text is changed before adoption, the agency shall submit the changed text to Legislative Counsel for examination and any appropriate revision. That language appears to establish a sequence:

First, the text is changed.

Second, the changed text is submitted to Legislative Counsel.

Third, Legislative Counsel completes the review required by Chapter 233B.

Only then does the agency adopt the changed regulation.

So I respectfully ask counsel to answer this question directly for the record:

Is the Commission today legally adopting R091-25, including the substantive changes approved yesterday, before those changes have been reviewed by Legislative Counsel?

If the answer is yes, please identify the statutory authority that permits adoption to occur before the changed text passes through the Legislative Counsel review required by NRS 233B.063.

If the answer is no, and today's action is only approval of proposed changes for submission to Legislative Counsel, then I ask a second question:

When will the Commission actually take the legal act of adopting the revised regulation, and what notice will be provided to the public before that adoption occurs?

The public notice for today expressly identifies this proceeding as a **hearing for adoption** of the proposed regulation that existed before yesterday's workshop. NRS 233B.061 requires that interested persons be afforded a reasonable opportunity to submit data, views, or arguments concerning the **proposed regulation**. If substantive language was changed yesterday and is to be adopted today, the public has had less than one day—and, based on my examination, has not

been provided a complete revised text—to evaluate and comment upon what the Commission is actually being asked to adopt.

That presents a basic procedural problem. If the Commission is adopting the revised regulation today, how has the public been afforded a reasonable opportunity to review and comment upon the regulation actually being adopted?

If, on the other hand, the Commission is not actually adopting the revised regulation today because Legislative Counsel review must still occur, then the Commission should make that clear on the record and explain what further adoption procedure—and what public notice—will follow before final adoption.

I recognize that NRS 233B.060 distinguishes between the first hearing on a proposed regulation and a second or subsequent hearing. I am therefore not suggesting that every change made during a later proceeding necessarily triggers the three-working-day posting requirement applicable to the first hearing. But that does not answer the more basic question presented here: ***what exact regulation is the Commission being asked to adopt today, and has the statutory process for that changed regulation actually been completed?***

Accordingly, before the Commission proceeds with any vote characterized as final adoption of R091-25, I respectfully request that the Chair or counsel answer these questions on the record and identify the precise text that is legally before the Commission for adoption.