

NOTICE OF INTENT TO ACT UPON A REGULATION

NOTICE OF HEARING FOR THE ADOPTION, AMENDMENT OR REPEAL OF REGULATIONS OF THE COMMISSION FOR COMMON-INTEREST COMMUNITIES AND CONDOMINIUM HOTELS

LCB FILE No. R091-25

The Commission for Common-Interest Communities and Condominium Hotels will conduct a public hearing at **9:00 a.m. on Wednesday, September 9, 2026**. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulations that pertain to Chapters 116 and 116A of the Nevada Administrative Code.

Members of the public can listen to the hearing and participate during the agenda items designated for public comment by telephone.

VIRTUALLY:

[TEAMS MEETING LINK](#)

[MICROSOFT.COM/EN-US/MICROSOFT-TEAMS/LOG-IN](https://microsoft.com/en-us/microsoft-teams/log-in)

MEETING NUMBER: 264 090 767 309 201 MEETING PASSWORD: pp6NU9N9

BY PHONE:

CALL-IN NUMBER: (775) 321-6111 MEETING ID: 731 424 601#

The following information is provided pursuant to the requirements of NRS 233B.060:

Information Regarding Adoption

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.

1. **Purpose and need of the proposed regulations**

The Legislature tasked the Commission with defining Health Safety and Welfare as a violation of the governing documents of an association. Providing guidelines and criteria for when to designate a violation as health, safety welfare, should empower executive board members as they consider the severity of any violation. To further empower board members with their discretion as fiduciaries, language is proposed to establish criteria to authorize the board to consult with the appropriate professionals for assistance. There is also a need to provide further guidance to individuals seeking to file a complaint using the Intervention Affidavit process through the

Ombudsman's Office. The proposed language establishes the process for persons who are aggrieved by an alleged violation to follow when filing the complaint. This process will assist the complainant and the Division with a more organized process. There is also proposed language to require a person filing a complaint alleging violations against a community manager, to specify the statute, regulation or rule alleged to be violated; this requirement should eliminate complaints filed against the community manager in error. During the investigative process, there is language being added to authorize the Division to take remedial measures to address alleged violations of statute, regulation or governing documents. The intent of remedial measures is to ensure compliance by the association or board members involved, when the violation is not egregious or requires adjudication by the Commission. The addition of specific procedures for the submission of a petition for rulemaking is necessary to ensure the Division's compliance with NRS 233B. The process is concise and provides steps in the process once a petition is submitted for review by the Administrator. By statute, associations are required to maintain adequately funded reserve balances sufficient to maintain its common elements. Revising the definition provides the guidelines for executive boards to ensure they have the funds necessary. There is language requiring the executive board to document the adoption of the full reserve study; this ensures timely adoption and communication to the homeowners. The transition of records upon termination or assignment of a management contract requires organization and procedure. The proposed regulation increases the subsidy amount for mediation proceedings facilitated through the Alternative Dispute Resolution process. The proposed regulation requires documentation of all records to be transferred and inventoried by the both the outgoing and incoming management company. This is to ensure that all known records of an association, regardless of format, are accounted for and transferred. There are also proposed changes to increase education requirements for Temporary Community Managers. This requirement will ensure that permit holders have the fundamental level of education to apply for a community manager certificate. The proposed language also creates a definition of the terms 'classroom' and 'live instruction' to ensure that various education methods are made available for students throughout the State.

2. Terms of the proposed regulations

- Definition of Health Safety Welfare violations and process for imposition of such violations
- Revises the process for Division investigation of complaints of alleged violations
- Sets education requirements for Temporary Community Manager certificate holders to apply for a Community Manager certificate
- Establishes process for submitting petition for rulemaking for consideration by the Administrator
- Increases amount of subsidy available by Division for mediation proceedings facilitated through the Alternative Dispute Resolution program
- Revises requirements for submission of complaints of alleged violations against Community Managers
- Definition of the terms 'classroom' and 'live instruction'
- Establishes criteria for the transfer of association records after termination or assignment of management contract
- Removes the term 'baseline funding'

- Regulation regarding the review and adoption of a reserve study
3. Estimated Economic Effect

(a) Adverse effects:

Executive Board members are fiduciaries who may solicit assistance from professionals to assist with the regulation and enforcement of the governing documents of their association. The cost of employment of those professionals, especially in reference to Health, Safety and Welfare violations, could increase. There is also cost associated with the pre-licensing education required for certification as a Community Manager. The applicant would need to enroll in a course program of an approved sponsor; there would be costs associated with the course registration. The definition of Classroom is being expanded to include digital platforms and interactive media. The definition of Live instruction is also being expanded to include digital platforms and hybrid teaching modes. There should be no adverse effect on small businesses as there is no additional cost to the business or a requirement to change their current practices. There were no comments made suggesting an adverse financial effect on small businesses. There may be some costs to the business to upgrade technology systems in order to position themselves to provide the service.

(b) Beneficial effects:

Executive board members exercising discretion to employ professionals should encourage equal enforcement of governing documents and also provide consistency and transparency for homeowners. Requiring temporary community managers to complete the 60-hour pre-licensing course as a part of the application for community manager, will ensure the necessary education is attained to coincide with their work experience. The changes to classroom and live instruction definitions will significantly benefit education sponsors as this allows them to take their existing courses and offer them in different live and classroom formats. However, an increase in student participation and class accessibility due to a virtual platform may also provide additional revenue.

(c) Immediate effect:

Homeowners within associations should have more confidence in their Temporary Community Managers completing the required education in order to obtain certification as a Community Manager, should have a better foundation with the experience and education attained in preparation for managing a community. Associations will benefit immediately from a better prepared licensee. Based on the changes to classroom and live instruction definitions, the Division anticipates an increase in courses submitted for approval.

(d) Long term effects:

These proposed changes will potentially increase the different options for business to provide education to licensees. This should increase the number of businesses in the education space and also attract new business into the industry. An increase in different teaching formats may increase visibility and student participation from licensees throughout the state. A hybrid classroom may contribute to greater shared learning of practices between licensees in rural and urban areas of the state.

4. Estimated Cost to the Agency.
There will be no additional cost to the agency for enforcement of LCB File No. R091-25.
5. Duplication with other Agencies:
LCB File No. R091-25 does not include any provisions which duplicate or are more stringent than federal, state or local standards.
6. Federal Law:
LCB File No. R091-25 does not include any provisions which duplicate or are more stringent than federal, state or local standards.
7. Federal Regulation:
LCB File No. R091-25 does not include any provisions which duplicate or are more stringent than federal, state or local standards.
8. New Fee Established:
LCB File No. R091-25 does not establish any new fees.

Comments and Written Submissions

Persons wishing to comment on the proposed action of the Commission may appear at the scheduled public hearings or may address their comments, data, views or arguments, in written form to:

Nevada Real Estate Division
Attn: Shareece Bates, Administration Section Manager
3300 W. Sahara Avenue, Suite 350
Las Vegas, NV. 89102
PublicComments@red.nv.gov

Written submissions must be received by the Division no later than Tuesday, February 20, 2024. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Commission may proceed immediately to act upon any written submissions.

Copies of Proposed Regulation

A copy of this notice and the proposed regulation will be on file at the State Library, 100 Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies of the notice and the proposed regulation are available on the Division website at www.red.nv.gov and at the Division office:

Real Estate Division
3300 W. Sahara Avenue, Suite 350
Las Vegas, NV 89102

The text of each regulation will include the entire text of any section of the Nevada Administrative Code, which is proposed for amendment or repeal. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653 and on the Internet at:

<http://www.leg.state.nv.us/Register/2025Register/R091-25RP2.pdf>

Copies will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations:

Nevada Real Estate Division
1818 E. College Parkway, Suite 110
Carson City, Nevada 89706

Carson City Library
900 N. Roop Street
Carson City, Nevada 89701

Churchill County Library
553 S. Maine Street
Fallon, Nevada 89406

Elko County Library
720 Court Street
Elko, Nevada 89801

Lincoln County Library
63 Main Street
PO Box 330
Pioche, Nevada 89043

Lyon County Library
20 Nevin Way
Yerington, Nevada 89447

Tonopah Public Library
167 S. Central Street
Tonopah, Nevada 89049

Washoe County Library-Reno
301 S. Center Street
Reno, Nevada 89501

Battle Mountain Library
625 S. Broad Street
Battle Mountain, Nevada 89820

State of Nevada Legislative Counsel
Bureau website
<https://www.leg.state.nv.us/>

State of Nevada Public Notice website
<https://notice.nv.gov/>

Nevada State Business Center
3300 W. Sahara Avenue
Las Vegas, Nevada 89102
www.red.nv.gov

Las Vegas-Clark County Library
833 N. Las Vegas Boulevard
Las Vegas, Nevada 89101

Douglas County Public Library
1625 Library Lane
Minden, Nevada 89423

Goldfield Public Library
PO Box 430
Goldfield, Nevada 89013

Humboldt County Library
85 E. Fifth Street
Winnemucca, Nevada 89445

Storey County Library
PO Box 999
175 E. Carson Street
Virginia City, Nevada 89440

Mineral County Library
PO Box 1390
Hawthorne, Nevada 89415

Pershing County Library
400 Main Street
Lovelock, Nevada 89419

White Pine County Library
950 Campton Street
Ely, Nevada 89301