

STATE OF NEVADA

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Ombudsman

DEPARTMENT OF BUSINESS AND INDUSTRY
REAL ESTATE DIVISION
COMMON-INTEREST COMMUNITIES AND CONDOMINIUM HOTELS

June 29, 2026

Michael Kosor
12070 Whitehills St
Las Vegas, NV 89141
mike@nvhoareform.com

Re: Response to Petition for Rulemaking – Request to Clarify Timely Access to Records Related to Noticed Board-Meeting Agenda Items, Dated May 31, 2026.

Dear Mr. Kosor:

The Nevada Real Estate Division (“Division”) confirms receipt on June 1, 2026, of your May 31, 2026 petition for rulemaking under NRS 233B.100 and NRS 116.623 (the “Petition”). The Petition requests clarification on when an association must provide owner access to records that are materially related to an item on an executive board agenda.

Specifically, the Petition requests rulemaking to amend NRS 116.31175 to require associations to provide unit owners with any records tied to an agenda item under NRS 116.31083(2) within two business days of the request, prohibit action on the item unless there is a documented emergency, and bar reliance on administrative justifications for delay.

The Division issues this timely response pursuant to NRS 233B.100(1) and NRS 116.623(5).

I. NRS 233B.100 Petition Compels Statutory Changes and Accordingly, Denied.

NRS 116.31175 does not distinguish agenda-related records from those records described in subsection 1(a)–(c), which must be provided within 21 days of a written request. NRS 116.3118 does not establish a separate category for agenda-related records, and subsection 2(b) sets no strict deadline beyond reasonably made available. NRS 116.31083(2) provides that an association’s bylaws may require a notice period longer than the statutory minimum of at least 10 days for meetings. Further, the law does not provide that a unit owners’ pending records request acts as an automatic injunction on an executive board’s authority to otherwise act on items properly noticed and agenzied NRS 116.3108(4).

NRS 233B.100 allows petitions for the adoption, amendment, or repeal of agency regulations, but it does not authorize an agency to make statutory changes. The Petition requests statutory amendments to NRS 116.31175 and NRS 116.31083 and must therefore be denied.

II. NRS 116.623 Petition is Distinct from Requesting Rulemaking and Accordingly, Denied.

NRS 116.623 authorizes petitions for declaratory orders and advisory opinions regarding the interpretation or applicability of existing statutes and regulations — it is not a mechanism for requesting new rulemaking or changes to current regulations, which is governed separately by the Nevada Administrative Procedure Act (“APA”), NRS Chapter 233B.

III. Conclusion.

Upon consideration of all aspects raised, the Petition seeks a statutory change, which falls outside the Division’s authority under NRS 233B.100 and exceeds the agency’s regulatory authority under NRS 116.615 and NRS 233B.020.

Thank you for presenting your concerns to the Division.

Sincerely,



Sharath Chandra
Administrator