

NOTICE OF PROPOSED RULEMAKING

Rule 590-13-1-.02: Delegation

Rule 590-13-2-.01: Records and Documents Filed with the Secretary of State

Rule 590-13-4-.01: Enforcement and Investigatory Procedures

TO ALL INTERESTED PERSONS AND PARTIES:

Notice is hereby given that pursuant to the authority set forth below, the Division of Securities and Business Registration of the Office of the Secretary of State (hereinafter "Office") proposes the above referenced and attached rule(s) (hereinafter "proposed rule(s)").

This notice, together with an exact copy of the proposed new rule(s) and a synopsis of the proposed rule(s), are being distributed to all persons who have requested, in writing, that they be placed on a distribution list. A copy of this notice, an exact copy of the proposed rule(s), and a synopsis of the proposed rule(s) may be reviewed during normal business hours of 8:00 A.M. to 5:00 P.M. EST, Monday through Friday, except official State of Georgia holidays, at the Office of the Secretary of State, 2 Martin Luther King Jr. Drive, S.E., West Tower, Suite 317, Atlanta, Georgia 30334. These documents will also be available for review on the Office's website. Copies may also be requested via email by contacting the Office at hoa@sos.ga.gov.

PUBLIC COMMENT: Interested parties affected by the rule(s) may submit written comments no later than close of business on **Monday, November 2, 2026** via the means below. The public will have the opportunity to comment upon and provide input into the proposed rule(s) verbally at a public hearing to be held on **Wednesday, November 4, 2026 at 10:00 A.M. EST.** The hearing will take place in the **Floyd Conference Room, 2 Martin Luther King Jr. Drive, S.E., West Tower, 20th Floor, Atlanta, GA 30334.**

Verbal comments will be limited to 2 minutes per speaker. **The sign-up sheet will be made available 15 minutes before the hearing.**

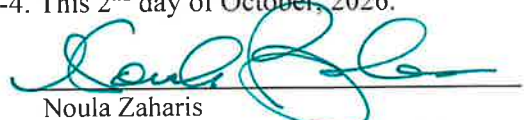
Written comments may be submitted:

Electronically by emailing: hoa@sos.ga.gov

Via hard copy by mailing comments to:

Division of Securities and Business Registration
2 Martin Luther King Jr. Drive SE
West Tower, Suite 341
Atlanta, Georgia 30334

This notice is given in compliance with O.C.G.A. §50-13-4. This 2nd day of October, 2026.


Noura Zaharis
Assistant Commissioner of Securities
Division Director

SYNOPSIS OF PROPOSED NEW RULE OF THE SECRETARY OF STATE
CHAPTER 590-13: OWNERS' ASSOCIATIONS
SUBJECT 590-13-1: GENERAL PROVISIONS
RULE 590-13-1-.02: DELEGATION

Purpose: The purpose of this proposed rule is to clarify the duties delegated to the Division Director by the Secretary of State to perform under the Georgia Property Owners' Bill of Rights Act (O.C.G.A. §§ 43-17A-1, et seq.).

Main Features: The proposed rule delegates authority to the Division Director.

Economic Impact: There will be minimal economic impact as a result of this rule.

Proposed Adoption Date: Friday, January 1, 2027.

TEXT OF PROPOSED NEW RULE

Rule 590-13-1-.02: Delegation

The Director is empowered to sign all documents, make all decisions and perform all actions under the Act. All actions of the Director are of the same force and effect as such actions would be if performed by the Secretary of State.

Legal Authority:

O.C.G.A. §§ 43-17A-3, 43-17A-9

Public Hearing:

The proposed rule will be open for public comment by the Secretary of State's Office at its meeting scheduled on:

10:00 A.M. EST, Wednesday, November 4, 2026

Floyd Conference Room
2 Martin Luther King Jr. Drive, S.E.
West Tower, 20th Floor
Atlanta, GA 30334

Deadline for Submission of Comments:

Written comments must be received by Monday, November 2, 2026.

SYNOPSIS OF PROPOSED NEW RULE OF THE SECRETARY OF STATE
CHAPTER 590-13: OWNERS' ASSOCIATIONS
SUBJECT 590-13-2: RECORDS
RULE 590-13-2-.01: RECORDS FILED WITH THE SECRETARY OF STATE

Purpose: The purpose of this proposed rule is to clarify the obligations of the Secretary of State's Office in maintaining records filed with their Office or otherwise created pursuant to the Georgia Property Owners' Bill of Rights Act (O.C.G.A. §§ 43-17A-1, et seq. the "Act").and making such records available for public examination.

Main Features: The proposed rule permits the Office of Secretary of State to maintain records in the original form, electronically, or via other methods acceptable to the Secretary. All records are subject to inspection unless otherwise confidential pursuant to the Georgia Open Records Act (O.C.G.A. §§ 50-18-70, et seq.) or these proposed rules. Investigatory files are confidential unless the Secretary deems it in the public interest to make the investigatory files publicly available. Reports of Referees, Notices, Findings and Conclusions of Hearing Officers, and Final Orders of the Secretary issued pursuant to the Act are subject to public examination.

Economic Impact: There will be minimal economic impact under this rule.

Proposed Adoption Date: Friday, January 1, 2027.

TEXT OF PROPOSED NEW RULE

Rule 590-13-2-.01: Records Filed with the Secretary of State

- (1) All applications, records or documents, correspondence, annual reports, and other documents filed with the Division pursuant to the Act may be maintained in its original form, by electronic means, or other methods acceptable to the Secretary of State pursuant to applicable retention schedules.
- (2) Except as provided in the Georgia Open Records Act (O.C.G.A. § 50-18-70 et seq), the Act, and these Rules, all investigations and investigative proceedings shall be confidential, unless the Secretary of State or its designee determines that all or part of an investigation or investigative proceeding be made public.
- (4) Reports of Referees, Notices, Findings and Conclusions of Hearing Officers, and Final Orders issued by the Secretary of State or its' designee shall constitute public information under the Act and these Rules.

Legal Authority:

O.C.G.A. §§ 43-17A-1,43-17A-2, 43-17A-3, 43-17A-4, 43-17A-5, 43-17A-6, 43-17A-9, 50-18-70, et seq.

Public Hearing:

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SYNOPSIS OF PROPOSED NEW RULE OF THE SECRETARY OF STATE
CHAPTER 590-13: OWNERS' ASSOCIATIONS
SUBJECT 590-13-4: ADMINISTRATION
RULE 590-13-4-.01: ENFORCEMENT AND INVESTIGATORY PROCEDURES

Purpose: The purpose of this proposed rule is to state the processes and powers of the Secretary of State or their designee to investigate potential violations of the Georgia Property Owners' Bill of Rights Act (O.C.G.A. §§ 43-17A-1, et seq., the "Act") and rules promulgated pursuant to the Act.

Main Features: The proposed rule states the Secretary of State or designee may investigate any Owners' Association to determine if it has or is about to violate the Act and rules promulgated pursuant to the Act. All investigatory documents shall not be subject to public examination unless the Secretary deems it in the public interest. Any alleged or potential violations of the Act may be referred by the Secretary of State's Office to another entity for further investigation or enforcement. The Secretary of State's Office may appoint qualified auditors, examiners, or regulatory monitors to assess documents in furtherance of an investigation.

Economic Impact: There will be minimal economic impact as a result of this rule.

Proposed Adoption Date: Friday, January 1, 2027.

TEXT OF PROPOSED NEW RULE

Rule 590-13-4-.01. Enforcement and Investigatory Procedures

- (1) The Secretary of State or designee may investigate the actions of any Owners' Association or Agent acting on behalf of an Owners' Association to determine whether any person has violated or is about to violate the Act or any rule, regulation, or order created under the Act or to aid in the violation of the Act.
- (2) All examinations and audits of the financial records or documents pursuant to the Act conducted by the Secretary of State or their designee shall not be subject to public inspection, unless the Secretary of State or designee determines it to be in the public interest to release examinations and audits, or unless otherwise required by law.
- (3) The Secretary of State or designee may refer any alleged violations of the Act or other laws to any federal or state regulator, prosecutor, or other appropriate law enforcement agency.
- (4) The Director may appoint a qualified auditor, examiner, or regulatory monitor to assess any records or documents held by an Owners' Association or their Agent or otherwise obtained by the Office of the Secretary of State.

Legal Authority:

O.C.G.A. §§ 43-17A-2, 43-17A-3, 43-17A-4, 43-17A-5, 43-17A-6, 43-17A-7, 43-17A-8, 43-

17A-9

Public Hearing:

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