

NOTICE OF PROPOSED RULEMAKING

Rule 590-13-2-.02: Records and Documents of Owners' Associations

Rule 590-13-2-.03: Request for Records or Documents maintained by Owners' Associations

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 1:30 P.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.**

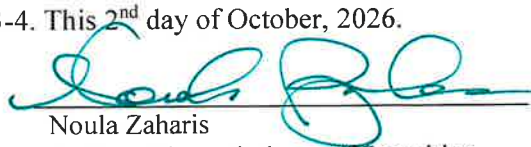
Written comments may be submitted:

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.


Noula Zaharis
Assistant Commissioner of Securities
Division Director

SYNOPSIS OF PROPOSED NEW RULE OF THE SECRETARY OF STATE
CHAPTER 590-13: OWNERS' ASSOCIATIONS
SUBJECT 590-13-2: RECORDS
RULE 590-13-2-.02: RECORDS AND DOCUMENTS OF OWNERS'
ASSOCIATIONS

Purpose: The purpose of this proposed rule is to outline the obligations of Owners' Associations for maintaining and providing access to the Owners' Association's records under Georgia Property Owners' Bill of Rights Act (O.C.G.A §§ 43-17a-1, et seq., the Act).

Main Features: The proposed rule clarifies Owners' rights to access Owners' Association's records with certain limited exceptions and limited redaction, if necessary.

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 590-13-2-.02. Records and Documents of Owners' Associations

- (1) All Owners' Associations shall maintain records and documents required pursuant to their governing documents, the Act, and these Rules.
- (2) All records or documents of an Owners' Association required to be created and maintained by the Owners' Association's governing documents, the Act, or these Rules shall be open for inspection by Owners, except those which by order of a court of competent jurisdiction, by law or by these regulations are exempted from disclosure.
- (3) Records or documents that are fully exempt are:
 - a. Proposals or other documents related to an active procurement of the Owners' Association:
 - i. Once the procurement is complete, documents related to procurement shall be subject to inspection.
 - b. Records or documents that are not final; and
 - c. Secret-ballot selections.
- (4) If a portion of a record or document is exempt, Owners' Associations shall produce reasonably segregable, nonexempt portions. Owners' Associations may redact exempt information including, but not limited to:
 - a. Account numbers;

- b. Personal contact information or other PII; and
- c. Communications that are privileged under applicable law.

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-7, 43-17A-8, 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:

1:30 P.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-.03: REQUEST FOR RECORDS OR DOCUMENTS
MAINTAINED BY OWNERS' ASSOCIATIONS

Purpose: The purpose of this proposed rule is to set parameters around the process of record requests made by Owners to Owners' Associations under Georgia Property Owners' Bill of Rights Act (O.C.G.A §§ 43-17a-1, et seq., the "Act").

Main Features: The proposed rule sets timelines for responses by Owners' Associations to Owners' request for records pursuant to the Act. All such requests must be submitted in writing. The proposed rule limits who may request records and provides consumer protection by limiting the release of personally identifiable information. Charges for producing records are limited to those which are actual, reasonable, and documented, with notice being provided if costs will be greater than \$25.00 prior to incurring charges to compile and provide the records.

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 590-13-2-.03. Request for Records or Documents maintained by Owners' Associations

- (1) Requests for records or documents maintained pursuant to this Act may be submitted for any reason or purpose, unless such request is otherwise prohibited by an order of a court of competent jurisdiction. However:
 - a. An Owner may not request records or documents relating to specific assessments or collection actions relating to persons who do not reside in the Owner's residence.
 - b. An Owners' Association is not required to respond to requests from persons who do not reside in the Owners' Development.
- (2) Requests for Owners' Association's records or documents must be in writing and sufficiently detailed to allow the Owners' Association to determine the specific records or documents being requested.
 - a. Requests for records or documents shall be submitted to the contact information provided in the registration on file with the Office of the Secretary of State.
- (3) Requests for records or documents maintained by an Owners' Association pursuant to the Act shall be acknowledged in writing within five (5) business days and made available to a requesting Owner within ten (10) days of acknowledgement of the Owner's written request.

- a. If unusual circumstances prevent complete production within ten (10) days of acknowledgement, the Owners' Association shall provide written notice stating the reason for an extension, the records or documents affected, records or documents that can be produced sooner, and a date certain for completion.
 - b. Delay by an Owners' Association's Agent is not good cause for an extension absent providential cause or excusable neglect.
- (4) Permissible Charges for records or documents.
- a. Charges for an Owners' Association's records or documents shall be limited to actual, reasonable, and documented costs.
 - b. Electronic transmission shall be provided without charge when no material staff time or media cost is required.
 - c. The Owners' Association shall give an advance itemized estimate before charges exceed \$25.00 and shall not condition access to undisputed records or documents on payment of a disputed charge.
- (5) This rule does not apply to requests or subpoenas issued by the Office of the Secretary of State or their designees.

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-7, 43-17A-8, 43-17A-9

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