

NOTICE OF PROPOSED RULEMAKING

Rule 590-13-5-.01. Applicability and Scope of Rules
Rule 590-13-5-.02. Appointment of Referee
Rule 590-13-5-.03. Pre-Hearing Processes
Rule 590-13-5-.04. Time
Rule 590-13-5-.05. Motions
Rule 590-13-5-.06. Withdrawal of Request for Hearing
Rule 590-13-5-.07. Subpoenas and Notices to Produce
Rule 590-13-5-.08. Hearing Procedure
Rule 590-13-5-.09. Post-Hearing Matters

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 **Thursday, November 5, 2026 at 1:00 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.**

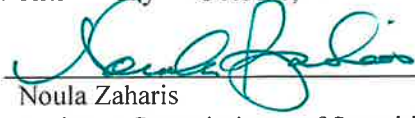
Written comments may be submitted:

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 590-13-5: ADMINISTRATIVE HEARING
CHALLENGES TO ORDERS ISSUED BY THE SECRETARY OF STATE
RULE 590-13-5-.01: APPLICABILITY AND SCOPE OF RULES

Purpose: The purpose of this proposed rule is to state the applicability and scope of these rules to hearings held pursuant to O.C.G.A. 43-17A-4 of the Georgia Property Owners' Bill of Rights Act (O.C.G.A. §§ 43-17A-1, et seq., the "Act").

Main Features: This proposed rule clarifies that this chapter of the rules governs processes and procedures relating to hearings requested under O.C.G.A. 43-17A-4 of the Act and introduces the term "Presider".

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

Proposed Adoption Date: Friday, January 1, 2027.

TEXT OF PROPOSED NEW RULE

Rule 590-13-5-.01: Applicability and Scope of Rules

- (1) The rules of this title 590-13-5 shall govern all hearings arising under O.C.G.A. § 43-17A-4. Hearings, if requested, will be conducted before the Secretary of State, the Director, or a Referee appointed by the Secretary of State or Director. For purposes of these rules, the term "Presider" shall refer to any person presiding over a hearing requested under O.C.G.A. § 43-17A-4 and pre-hearing matters.
- (2) The Presider may modify procedures at his or her discretion where such adjustment will facilitate the resolution of the matter without prejudice to the parties so long as such modifications comply with the Act.

Legal Authority:

O.C.G.A. §§ 43-17A-2, 43-17A-3, 43-17A-4, 43-17A-9, 50-13-1 et seq.

Public Hearing:

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

1:00 P.M. EST, Thursday, November 5, 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 590-13-5: ADMINISTRATIVE HEARING
CHALLENGES TO ORDERS ISSUED BY THE SECRETARY OF STATE
RULE 590-13-5-.02: APPOINTMENT OF REFEREE

Purpose: The purpose of this proposed rule is to clarify the process and requirements for appointing a Referee to act as a Presider over a hearing requested pursuant to O.C.G.A. § 43-17A-4 of the Georgia Property Owners' Bill of Rights Act (O.C.G.A. §§ 43-17A-1, et seq., the "Act").

Main Features: This proposed rule states that, to the extent possible, an independent Referee will be appointed to preside over O.C.G.A. § 43-17A-4 hearings. Referees must have the requisite skill sets to preside over and prepare reports relating to O.C.G.A. § 43-17A-4 hearings. The Secretary of State's Office will require the submission of sufficient documentation to evaluate the competency of a Referee and identify any potential conflicts of interest. Referees must disclose any conflicts of interest to the Secretary of State's Office. Referees will be appointed by an order of the Secretary of State's Office.

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 590-13-5-.02: Appointment of Referee

- (1) The Secretary of State or Director may at his or her discretion appoint a Referee to preside over hearings held pursuant to O.C.G.A. § 43-17A-4.
- (2) Any Referee appointed shall possess the necessary skills and expertise to properly analyze the evidence and prepare a comprehensive report.
- (3) The Secretary of State or the Director shall require the submission of a résumé, completion of a criminal background check, and any other information deemed necessary to evaluate the Referee's qualifications.
- (4) The Referee must certify that they do not have a conflict of interest in the matter. If a Referee identifies a conflict between themselves and either party, they must advise the Secretary of State's Office within two (2) business days of appointment in writing. The Secretary of State's Office shall timely determine if disqualification and appointment of a new Referee is appropriate.
- (5) The Secretary of State or Director shall appoint by order which shall:
 - a. State the matter:

- b. State the qualifications of the individual appointed as Referee, including sufficient information to allow the parties to determine if there may be a conflict of interest;
- c. Define reporting requirements; and
- d. Establish the rate of compensation and invoicing procedures.

Legal Authority:

O.C.G.A. §§ 43-17A-2, 43-17A-3, 43-17A-4, 43-17A-9, 50-13-1 et seq.

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CHAPTER 590-13: OWNERS' ASSOCIATIONS
SUBJECT 590-13-5: ADMINISTRATIVE HEARING
CHALLENGES TO ORDERS ISSUED BY THE SECRETARY OF STATE
RULE 590-13-5-.03: PRE-HEARING PROCESSES

Purpose: The purpose of this proposed rule is to clarify the processes and procedures that will occur prior to a hearing requested pursuant to O.C.G.A. § 43-17A-4 of the Georgia Property Owners' Bill of Rights Act (O.C.G.A. §§ 43-17A-1, et seq., the "Act").

Main Features: The proposed rule states that once a hearing is requested and a Presider is assigned to a hearing pursuant to O.C.G.A. § 43-17A-4, the Presider will issue a notice of hearing to the Respondent and the Secretary of State's Office. The Secretary of State's Office will post the notice publicly so any affected parties may be aware and attend. A clerk will be selected to handle administrative matters relating to the hearing. The rule further outlines service requirements and communication by the parties with the Presider.

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 590-13-5-.03: Pre-Hearing Processes

(1) If a hearing is requested by a Respondent pursuant to O.C.G.A. § 43-17A-4, the Secretary of State or designee shall select a Presider to oversee the hearing. The Presider shall issue a Notice of Hearing to the Director and the Owners' Association associated with the order that is being challenged.

a. Notices of Hearing will be publicly posted by the Secretary of State's Office.

(2) The Secretary of State or designee shall select a Clerk to handle administrative portions of the hearing.

a. The Clerk shall maintain and furnish to the parties on the Notice of the Hearing the name, service address, and telephone number of each party.

(3) Service of Process.

a. All filings submitted to the Presider shall be filed with the Clerk and the parties included on the Notice of Hearing.

b. All filings shall be signed by the party or Agent making the filing and shall state the name, address, telephone number and the representative capacity of the person making the submission.

- c. Service shall be made by first-class mail or electronic delivery to the addressees on the Notice of Hearing.

(4) Communications with the Presider by Parties.

- a. No party shall communicate with the Presider regarding the proceeding without including the other party until it has been resolved, except for administrative, procedural purposes, or emergencies that do not deal with substantive matters of the case.
- b. This rule does not include normal and customary contact between the Secretary of State and their staff with a Presider not relating to the contested case.

Legal Authority:

O.C.G.A. §§ 43-17A-2, 43-17A-3, 43-17A-4, 43-17A-9, 50-13-1 et seq.

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CHALLENGES TO ORDERS ISSUED BY THE SECRETARY OF STATE
RULE 590-13-5-.04: TIME

Purpose: The purpose of this proposed rule is to clarify requirements relating to calculating time and any adjustments to deadlines associated with hearings requested pursuant to O.C.G.A. § 43-17A-4 of the Georgia Property Owners' Bill of Rights Act (O.C.G.A. §§ 43-17A-1, et seq., the "Act").

Main Features: When calculating timeliness associated with a hearing requested pursuant to O.C.G.A. 43-17A-4, the count begins on the start of the next business day. Three days will be added to any submissions sent via mail. Presiders have authority to adjust time limits and continue matters so long as they remain compliant with the Act.

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 590-13-5-.04: Time

- (1) Time limits begin on the start of the next business day after the event that triggered it.
- (2) Three (3) days shall be added to any deadline period if the filing is served by mail.
- (3) The Presider may adjust any time limit prescribed by these rules that are not otherwise specified by law. The Presider shall notify all parties of any determination to change any time limit in writing.
- (4) A continuance may be requested by either party and may be approved at the Presider's sole discretion.

Legal Authority:

O.C.G.A. §§ 43-17A-2, 43-17A-3, 43-17A-4, 43-17A-9, 50-13-1 et seq.

Public Hearing:

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CHAPTER 590-13: OWNERS' ASSOCIATIONS
SUBJECT 590-13-5: ADMINISTRATIVE HEARING
CHALLENGES TO ORDERS ISSUED BY THE SECRETARY OF STATE
RULE 590-13-5-.05: MOTIONS

Purpose: The purpose of this proposed rule is to permit for the filing and consolidation of motions in hearings requested pursuant to O.C.G.A. § 43-17A-4 of the Georgia Property Owners' Bill of Rights Act (O.C.G.A. §§ 43-17A-1, et seq., the "Act").

Main Features: The Presider may permit for the filing and consolidation of motions in hearings requested pursuant to O.C.G.A. § 43-17A-4.

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

Proposed Adoption Date: Friday, January 1, 2027.

TEXT OF PROPOSED NEW RULE

Rule 590-13-5-.05: Motions

(1) A Presider may permit the filing of motions.

(2) Multiple motions may be consolidated at the discretion of the Presider.

Legal Authority:

O.C.G.A. §§ 43-17A-2, 43-17A-3, 43-17A-4, 43-17A-9, 50-13-1 et seq.

Public Hearing:

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RULE 590-13-5-.06: WITHDRAWAL OF A REQUEST FOR HEARING

Purpose: The purpose of this proposed rule is to clarify the process for withdrawing a request for hearing filed pursuant to O.C.G.A. § 43-17A-4 of the Georgia Property Owners' Bill of Rights Act (O.C.G.A. §§ 43-17A-1, et seq., the "Act").

Main Features: A Respondent may withdraw a request for hearing filed pursuant to O.C.G.A. § 43-17A-4 any time prior to the hearing. If a request for hearing is withdrawn, either the original order will go into effect or a consent order will be issued outlining the expectations to remedy any issues that led to the issuance of the original order.

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 590-13-5-.06: Withdrawal of a Request for Hearing

(1) The Respondent may withdraw a request for hearing at any time prior to the start of the hearing. If filed, the Presider may advise the Director to cancel the hearing.

(2) Upon withdrawal, either:

- a. The original order subject to hearing will become effective; or
- b. The Secretary of State or designee may issue a consent order.

Legal Authority:

O.C.G.A. §§ 43-17A-2, 43-17A-3, 43-17A-4, 43-17A-9, 50-13-1 et seq.

Public Hearing:

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CHALLENGES TO ORDERS ISSUED BY THE SECRETARY OF STATE
RULE 590-13-5-.07: SUBPOENAS AND NOTICES TO PRODUCE

Purpose: The purpose of this proposed rule is to clarify the authority of a Presider to issue subpoenas and requests for information relating to a hearing requested under O.C.G.A. § 43-17A-4 of the Georgia Property Owners' Bill of Rights Act (O.C.G.A. §§ 43-17A-1, et seq., the "Act").

Main Features: A Presider may issue a subpoena and require production of information relating to a hearing requested under O.C.G.A. § 43-17A-4.

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 590-13-5-.07: Subpoenas and Notices to Produce

The Presider shall have the authority to issue subpoenas requiring the attendance and testimony of witnesses and the production of objects or documents at hearings.

Legal Authority:

O.C.G.A. §§ 43-17A-2, 43-17A-3, 43-17A-4, 43-17A-9, 50-13-1 et seq.

Public Hearing:

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CHALLENGES TO ORDERS ISSUED BY THE SECRETARY OF STATE
RULE 590-13-5.08: HEARING PROCEDURES

Purpose: The purpose of this proposed rule is to clarify the hearing procedures for hearings requested pursuant to O.C.G.A. § 43-17A-4 of the Georgia Property Owners' Bill of Rights Act (O.C.G.A. §§ 43-17A-1, et seq., the "Act").

Main Features: The proposed rule states that the Presider shall make a determination in a hearing requested pursuant to O.C.G.A. § 43-17A-4 based on a preponderance of the evidence. Parties may be represented by counsel, pro se, or by a non-attorney agent. Prior to be represented by a non-attorney agent, a party or an affected party appearing at a hearing must submit a fully executed form as prescribed by the Secretary of State's Office. Hearings will be documented via transcript or recording and will be fair and impartial. If a party fails to attend, the hearing may proceed without them. A Presider may expedite proceedings if it is in the public interest.

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 590-13-5.08: Hearing Procedures

- (1) In any hearing conducted under O.C.G.A. § 43-17A-4, the Presider shall make an independent determination on the basis of the evidence presented.
- (2) The standard of proof on all issues shall be a preponderance of the evidence. The Respondent shall bear the burden of proof in all matters relating to an order of the Secretary of State.
- (3) Representation.
 - a. Any Respondent or affected person may appear at a hearing conducted under O.C.G.A. § 43-17A-4 "pro se", on their own behalf, without representation by an attorney.
 - b. Any Respondent or affected person may appear at a hearing conducted under O.C.G.A. § 43-17A-4 represented by an attorney duly licensed or otherwise permitted to practice in Georgia.
 - c. Any Respondent may have an Agent act on its behalf to file, appear, or otherwise assist at a hearing conducted under O.C.G.A. § 43-17A-4.
 - i. Prior to taking any action under this rule, an Agent must submit a fully executed form prescribed by the Secretary of State indicating they are permitted to act on the behalf of the Respondent.

1. Such form must be signed by a Board Member or the individual challenging the order
- d. An affected person may have an Agent act on its behalf to file, appear, or otherwise assist at a hearing conducted under O.C.G.A. § 43-17A-4.
 - i. Prior to taking any action under this rule, an Agent must submit a fully executed form prescribed by the Secretary of State indicating they are permitted to act on the behalf of the affected person.
- (4) The Presider shall conduct a fair and impartial hearing, take action to avoid unnecessary delay in the disposition of the proceedings, and maintain order.
- (5) Record of Hearings:
 - a. Any hearing conducted under O.C.G.A. § 43-17A-4 may be conducted virtually if the record reflects that the Respondent and the Secretary of State or designee have consented in writing.
 - b. Hearings shall be stenographically reported verbatim or recorded.
- (6) If a party fails to attend a hearing held pursuant O.C.G.A. § 43-17A-4 after having been given written notice, the Presider may proceed with the hearing in the absence of the party.
- (7) Whenever a Presider determines that an expedited time frame is necessary to protect the interests of the parties or is in the public interest, they may require expedited proceedings.

Legal Authority:

O.C.G.A. §§ 43-17A-2, 43-17A-3, 43-17A-4, 43-17A-9, 50-13-1 et seq.

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CHALLENGES TO ORDERS ISSUED BY THE SECRETARY OF STATE
RULE 590-13-5-.09: POST-HEARING MATTERS

Purpose: The purpose of this proposed rule is to state how results from a hearing requested pursuant to O.C.G.A. § 43-17A-4 of the Georgia Property Owners' Bill of Rights Act (O.C.G.A. §§ 43-17A-1, et seq., the "Act") will be issued and other post-hearing matters.

Main Features: The proposed rule states that if a hearing requested pursuant to O.C.G.A. § 43-17A-4 is presided over by Referee, their reports must contain certain information and be submitted timely. The Secretary of State or designee will issue a Final Order based on the report within 30 days after the window for objecting to the report closes. If a hearing requested pursuant to O.C.G.A. § 43-17A-4 is presided over by the Secretary of State or designee, the Final Order will be issued within 30 days of the hearing. Participation in a hearing requested pursuant to O.C.G.A. § 43-17A-4 does not bar an individual from filing a complaint pursuant to O.C.G.A. § 43-17A-5.

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 590-13-5-.09: Post-Hearing Matters

(1) Reports of Referees.

- a. In hearings where a Referee is appointed, the Referee's report must contain all information as stated in O.C.G.A. § 43-17A-4(f)(2). In addition, all reports must clearly advise:
 - i. The Respondent's right to file written objections to the report;
 - ii. Procedure for filing such objections;
 - iii. Any of the applicable deadlines for filing objections; and
 - iv. The manner of filing such objection, and any other requirements necessary to ensure timely and proper submission.
- b. The Secretary of State or designee shall review and evaluate the report and any timely submitted written objections submitted by the Respondent and affected persons.
- c. The Secretary of State or designee shall render their final order within thirty (30) days after the close of the period to submit written objections unless the Secretary of State or designee determines that the complexity of the issues and the length of the record require an extension.

(2) Hearings held by Secretary of State or designee.

- a. The Secretary of State or designee shall render their Final Order within thirty (30) days of the hearing unless the Secretary of State or designee determines that the complexity of the issues and the length of the record require an extension.
- (3) Participation in a hearing held pursuant to O.C.G.A. § 43-17A-4 shall not bar or otherwise impact any individual's right to file a complaint pursuant to O.C.G.A. § 43-17A-5.

Legal Authority:

O.C.G.A. §§ 43-17A-2, 43-17A-3, 43-17A-4, 43-17A-9, 50-13-1 et seq.

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