

NOTICE OF PROPOSED RULEMAKING

Rule 590-13-6-.01: Applicability and Scope of Rules

Rule 590-13-6-.02: Appointment of Hearing Officer

Rule 590-13-6-.03: Complaint Processes

Rule 590-13-6-.04: Pre-Hearing Processes

Rule 590-13-6-.05: Hearing Procedure

Rule 590-13-6-.06: Post-Hearing Matters

TO ALL INTERESTED PERSON 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 3:00 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.**

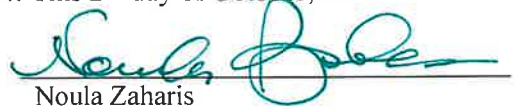
Written comments may be submitted:

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 590-13-6: ADMINISTRATIVE HEARINGS
CHALLENGES TO ACTIONS OR INACTIONS OF AN OWNERS'
ASSOCIATION
RULE 590-13-6-.01: APPLICABILITY AND SCOPE OF RULES

Purpose: The purpose of this proposed rule is to state the applicability and scope of these rules in governing hearings held pursuant to O.C.G.A. 43-17A-5 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 pursuant to O.C.G.A. 43-17A-5 of the Act and introduces the term "Hearing Officer".

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 590-13-6-.01. Applicability and Scope of Rules

- (1) The rules in this chapter govern hearings held under O.C.G.A. § 43-17A-5. If a hearing is held, the hearing will be conducted before the Secretary of State, the Director, or another individual selected by the Secretary of State. The term "Hearing Officer" shall refer to the Secretary of State or the Director, or an appointed individual.
- (2) Computation of Time.
 - a. Time limits begin on the start of the next business day after the event that triggered it.
 - b. Three (3) days shall be added to any deadline period if the filing is served by mail.
 - c. The Hearing Officer may adjust any time limit prescribed or allowed by these rules that are not otherwise specified by law. The Hearing Officer shall notify all parties of any determination to change any time limit.
- (3) Whenever an expedited time frame is necessary to protect the parties or is in the public interest, the Hearing Officer may review complaints and conduct the hearing with shorter time frames as justice requires.

Legal Authority:

O.C.G.A. §§ 43-17A-2, 43-17A-3, 43-17A-5, 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:

3:00 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 590-13-6: ADMINISTRATIVE HEARINGS
CHALLENGES TO ACTIONS OR INACTIONS OF AN OWNERS'
ASSOCIATION
RULE 590-13-6-.02: APPOINTMENT OF HEARING OFFICERS

Purpose: The purpose of this proposed rule is to clarify the process and requirements for appointing a Hearing Officer assigned to a complaint and hearing requested pursuant to O.C.G.A. § 43-17A-5 of the Georgia Property Owners' Bill of Rights Act (O.C.G.A. §§ 43-17A-1, et seq., the "Act").

Main Features: The Secretary of State's Office shall appoint a Hearing Officer to review complaints and oversee hearings requested pursuant to O.C.G.A. 43-17A-5 of the Act. The Secretary of State's Office will require the submission of sufficient documentation to evaluate any potential conflicts of interest. Hearing Officers will only evaluate if an action or inaction of an Owner's Association was prohibited or required by the Act, these Rules, and/or governing documents of the Owners' Association.

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 590-13-6-.02. Appointment of Hearing Officers

- (1) The Secretary of State or designee shall appoint a Hearing Officer to review complaints and oversee hearings.
- (2) A Hearing Officer must be unbiased in any proceeding they oversee. Prior to appointing a Hearing Officer, the Secretary of State or designee shall require a Hearing Officer to provide any information deemed necessary to determine if there is any potential conflict of interest.
- (3) Hearing Officers shall only evaluate if an action or inaction of an Owner's Association was prohibited or required by the Act, these Rules, and/or governing documents of the Owners' Association.

Legal Authority:

O.C.G.A. §§ 43-17A-2, 43-17A-3, 43-17A-5, 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:

3:00 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 590-13-6: ADMINISTRATIVE HEARINGS
CHALLENGES TO ACTIONS OR INACTIONS OF AN OWNERS'
ASSOCIATION
RULE 590-13-6-.03: COMPLAINT PROCESSES

Purpose: The purpose of this proposed rule is to clarify the process relating to complaints filed pursuant to O.C.G.A. § 43-17A-5 of the Georgia Property Owners' Bill of Rights Act (O.C.G.A. §§ 43-17A-1, et seq., the "Act") prior to a hearing.

Main Features: The Secretary of State's Office shall accept all complaints and will review all submitted pursuant to O.C.G.A. 43-17A-5 of the Act. Stays will apply on any fines or fees identified in the complaint. Anonymous complaints will be accepted. If an individual submits an incomplete complaint, the Secretary of State's Office will let them know the complaint is incomplete. The individual may resubmit their complaint. Hearing Officers will be assigned to review complaints if a complete complaint is received. The complainant and the Owners' Association related to the complaint will be advised of the Hearing Officer's appointment and have an opportunity to object. If a conflict of interest is identified by the Secretary of State that would bar a Hearing Officer from conducting an unbiased review, a new Hearing Officer will be assigned. The Hearing Officer will review the complaint and will determine if a hearing is appropriate. If a hearing would not be appropriate, the Hearing Officer may issue a written determination without hearing which will remove any stays.

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 590-13-6-.03. Complaint Processes

(1) Filing of Complaint

- a. All complaints will be accepted by the Secretary of State.
- b. Complaints may be submitted online, via hard copy mail, or verbally.
 - i. For verbal complaints, the Office will document the verbal complaint in writing.
- c. Anonymous Complaints
 - i. Complaints may be submitted anonymously, however, no stay will apply to any charges associated with an anonymous complaint.
 - ii. Anonymous complaints will be taken under advisement for purposes of investigations related to reviewing registration denial, registration suspension, and other actions that may be taken under O.C.G.A. § 43-17A-3.

(2) Stay of Collection

- a. Stays will become effective once the complaint is documented in writing and filed with the Secretary of State's Office.

(3) Incomplete Complaints

- a. If more information about the complaint is needed, the Secretary of State will issue a letter to the Complainant.
- b. Issuance of a letter advising of an incomplete complaint removes the stay on any charges associated with the complaint.
- c. Individuals may resubmit complaints that were incomplete.

(4) Assignment of Hearing Officer

- a. Once a complaint is complete, it will be assigned to a Hearing Officer for review. The Secretary of State will advise the Complainant and the Owners' Association of the assignment and provide the Hearing Officer's resume.
- b. If the Hearing Officer 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.
- c. If a party believes the Hearing Officer has a conflict, they may object to the appointment in writing in a form as prescribed by the Secretary of State within ten (10) days of the issuance of the notice of assignment prescribed by the Office of the Secretary of State. The Secretary of State or designee shall determine if a dispute will be reassigned to another Hearing Officer in their sole discretion.

(5) Administrative Determinations without Hearing

- a. Findings and conclusions may be reached with or without a hearing at the discretion of the Hearing Officer after investigation, review of documents, and review of the complaint.
- b. Findings and conclusions issued without a hearing will be issued in writing and will state the Hearing Officer's findings, their basis, and any required actions.
- c. Any stays will expire upon the date of issuance of the written findings and conclusions issued without a hearing.

Legal Authority:

O.C.G.A. §§ 43-17A-2, 43-17A-3, 43-17A-5, 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:

3:00 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 590-13-6: ADMINISTRATIVE HEARINGS
CHALLENGES TO ACTIONS OR INACTIONS OF AN OWNERS'
ASSOCIATION
RULE 590-13-6-.04: 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-5 of the Georgia Property Owners' Bill of Rights Act (O.C.G.A. §§ 43-17A-1, et seq., the "Act").

Main Features: Once a hearing is requested and a Hearing Officer is assigned to a hearing pursuant to O.C.G.A. § 43-17A-5 of the Act, the Presider will issue a notice of hearing to the complainant, Owners' Association, and the Secretary of State's Office. A clerk will be selected to handle administrative matters relating to the hearing. The rule limits communication by the parties with the Hearing Officer. Complaints may be consolidated.

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 590-13-6-.045. Pre-Hearing Processes

- (1) If a hearing is determined appropriate by the assigned Hearing Officer, the Hearing Officer shall issue a Notice of Hearing to the complainant and the Owners' Association associated with complaint, which shall include:
 - a. the time, place, and nature of the hearing;
 - b. a short and plain statement of the matters asserted; and
 - c. the Hearing Officer's resume.
- (2) The Secretary of State shall appoint a Clerk to handle administrative portions of the hearing. All filings made to the Hearing Officer shall be filed with the Clerk and the parties included on the Notice of Hearing.
- (3) Communications with the Hearing Officer by Parties.
 - a. No party shall communicate with the Hearing Officer 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 Hearing Officer not relating to the contested case.
- (4) If multiple individuals have filed complaints regarding the same action or inaction of an Owners' Association, the Hearing Officer may consolidate their complaints and hold one hearing to address the issue.

Legal Authority:

O.C.G.A. §§ 43-17A-2, 43-17A-3, 43-17A-5, 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:

3:00 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 590-13-6: ADMINISTRATIVE HEARINGS
CHALLENGES TO ACTIONS OR INACTIONS OF AN OWNERS'
ASSOCIATION
RULE 590-13-6-.05: HEARING PROCEDURE

Purpose: The purpose of this proposed rule is to clarify the hearing procedures for hearings requested pursuant to O.C.G.A. § 43-17A-5 of the Georgia Property Owners' Bill of Rights Act (O.C.G.A. §§ 43-17A-1, et seq., the "Act").

Main Features: The rule states that hearing procedures may be liberally interpreted at the discretion of the Hearing Officer if one or both parties are not represented by an attorney. No discovery or written filings are permitted except for filings on a form prescribed by the Secretary of State's Office. Parties may be represented by counsel, pro se, or by a non-attorney agent. Prior to being represented by a non-attorney agent, the Complainant or Owners' Association must submit a fully executed form as prescribed by the Secretary of State's Office to indicate they approve of the representation. Hearings will be documented via transcript or recording and will be fair and impartial.

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 590-13-6-.05. Hearing Procedure

(1) **General Hearing Procedures**

- a. The Hearing Officer shall conduct a fair and impartial hearing, take action to avoid unnecessary delay in the disposition of the proceedings and maintain order.
- b. The Hearing Officer shall afford a liberal interpretation of the rules and procedural requirements where one or both parties in a hearing are not represented by an attorney.
- c. The Hearing Officer may set their own rules relating to hearing procedures. However, Hearing Officers shall not permit:
 - i. Written Filings, unless on forms prescribed by the Office of the Secretary of State;
 - ii. Depositions or written testimony; or
 - iii. Discovery.

(2) Hearings may be held virtually unless requested by either party and as circumstances require at the discretion of the Hearing Officer.

(3) Hearings shall be recorded or have a transcript.

(4) Representation.

- a. Any party may appear at the hearing under the Act “pro se”, on his or her own behalf, without representation by an attorney.
- b. Any party may appear at the hearing under the Act represented by an attorney duly licensed or otherwise permitted to practice in Georgia.
- c. A Complainant may have an Agent act on its behalf to file, appear, or otherwise assist at a hearing.
 - 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 Complainant.
- d. An Owners’ Association may have an Agent act on its behalf to file, appear, or otherwise assist at a hearing.
 - 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 Owners’ Association.
 1. Such form must be signed by a Board Member or the individual challenging the order

Legal Authority:

O.C.G.A. §§ 43-17A-2, 43-17A-3, 43-17A-5, 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:

3:00 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
SUBJECT 590-13-6: ADMINISTRATIVE HEARINGS
CHALLENGES TO ACTIONS OR INACTIONS OF AN OWNERS'
ASSOCIATION
RULE 590-13-6-.06: POST-HEARING MATTERS

Purpose: The purpose of this proposed rule is to outline how results from a hearing requested pursuant to O.C.G.A. § 43-17A-5 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: Failure to attend a hearing requested pursuant to O.C.G.A. § 43-17A-5 of the Act may result in a finding and conclusion in favor of the opposing party. Complainants may request to withdraw their complaint prior to the hearing. The request to withdraw is subject to the approval of the Hearing Officer. If the parties reach a mutual settlement, they may provide written notice to the Hearing Officer who will cancel the hearing and memorialize that a settlement was reached in a written determination without hearing. If a hearing requested pursuant to O.C.G.A. § 43-17A-5 of the Act is held, the Hearing Officer will issue their findings and conclusions within 30 days of the hearing.

Economic Impact: The non-prevailing party in a hearing conducted under O.C.G.A. § 43-17A-5 must pay a \$100 administrative services fee to the Secretary of State's Office. As the volume of complaints that will be submitted and the number of those complaints that are subject to hearing is unknown at this, an economic analysis of impact to State of Georgia funds is unavailable. Overall, this process is anticipated to expedite resolution of disputes resulting in fines and fees which will lower the amounts that will be assessed due to delays in the judicial process. Further it will save Owners and Owners' Associations on attorney and court costs to resolve disputes.

Proposed Adoption Date: Friday, January 1, 2027.

TEXT OF PROPOSED NEW RULE

Rule 590-13-6-.06: Post-Hearing Matters

- (1) Failure to attend a hearing may result in a finding or conclusion in favor of the attending party at the discretion of the Hearing Officer.
- (2) Voluntary Withdrawal and Settlements:
 - a. The party requesting the hearing may request to withdraw their complaint prior to start of a hearing in writing.
 - i. The Hearing Officer will review the request to withdraw and either approve or reject the request to withdraw in writing.
 1. If approved, the Hearing Officer shall timely issue a written determination without a hearing which ends any stays on the collection of charges.
 2. If rejected, the hearing shall proceed.

- b. If the parties can resolve the issue prior to hearing, they may submit written notice to the Hearing Officer advising that they have reached a settlement.
 - i. The Hearing Officer shall timely issue a written determination without a hearing advising a settlement was reached. Any stays on the collection of charges issued pursuant to the Act will end upon the issuance of the written determination without a hearing.
- (3) If a hearing is held, the Hearing Officer shall render their findings and conclusions in writing to the Complainant, the Owners' Association, and the Office of Secretary of State no later than thirty (30) days after the hearing.

Legal Authority:

O.C.G.A. §§ 43-17A-2, 43-17A-3, 43-17A-5, 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:

3:00 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.