

GA SB107 2025 **Comm Sub** HRLNG comments are highlighted in yellow. Green highlight is just for accent.

<https://legiscan.com/GA/bill/SB107/2025>

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The Senate Committee on Economic Development and Tourism offered the following substitute to SB 107:

A BILL TO BE ENTITLED

AN ACT

To amend Chapter 3 of Title 44 of the Official Code of Georgia Annotated, relating to 1 regulation of specialized land transactions, so as to provide for protections of homeowners 2 in community associations; to revise provisions concerning the foreclosure of liens by 3 condominium associations and property owner's associations; to provide definitions; to 4 provide for limitations on the ability of community associations to foreclose liens; to provide 5 for a right of redemption following a foreclosure sale on a home by a community association; 6 to provide for the waiver of assessments owed by homeowners to community associations 7 in the event of death or disability; to provide for action and relief; to create the office of the 8 Community Association Ombudsman; to provide for powers and duties of the ombudsman; 9 to provide procedures concerning the submission of complaints to the ombudsman by 10 homeowner and community associations; to provide procedures concerning the resolution 11 of such complaints; to provide for the submission of certain recommendations made by the 12 ombudsman with respect to such complaints to community associations; to provide 13 procedures concerning the approval or rejection of such recommendations by community 14 associations; to provide for the monitoring of elections for boards of directors for community 15 associations; to provide for annual registration of community associations and related fees; 16

to provide for applicability; to provide for related matters; to repeal conflicting laws; and for 17 other purposes. 18- 1

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA: 19

SECTION 1. 20

Chapter 3 of Title 44 of the Official Code of Georgia Annotated, relating to regulation of 21 specialized land transactions, is amended in Code Section 44-3-109, relating to lien for 22 assessments, personal obligation of unit owner, notice and foreclosure, lapse, right to 23 statement of assessments, and effect of failure to furnish statement, by revising subsection (c) 24

as follows: 25

"(c) Not less than 30 days after notice is sent by certified mail or statutory overnight 26 delivery, return receipt requested, to the unit owner both at the address of the unit and at 27 any other address or addresses which the unit owner may have designated to the association 28

in writing, the lien may be foreclosed by the association by an action, judgment, and 29 foreclosure in the same manner as other liens for the improvement of real property, subject 30 to the limitations set forth in Code Section 44-3-270 and to superior liens or encumbrances, 31 but any such court order for judicial foreclosure shall not affect the rights of holders of 32 superior liens or encumbrances to exercise any rights or powers afforded to them under 33 their security instruments. The notice provided for in this subsection shall specify the 34 amount of the assessments then due and payable together with authorized late charges and 35 the rate of interest accruing thereon. No foreclosure action against a lien arising out of this 36 subsection shall be permitted unless the amount of the lien is at least \$2,000.00. Unless 37 prohibited by the condominium instruments, the **association shall have the power to bid on 38 the unit at any foreclosure sale** and to acquire, hold, lease, encumber, and convey the same. 39

The lien for assessments shall lapse and be of no further effect, as to assessments or 40

installments thereof, together with late charges and interest applicable thereto, four years 41 after the assessment or installment first became due and payable." 42- 2

The association should not be allowed to purchase the property. This encourages corrupt Board Members to force homeowners into foreclosure to obtain their home, and in some cases for pennies on the dollar, or because they want to obtain more than 50% of the homes to secure a dictatorship over that community.

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SECTION 2. 43

Said chapter is further amended in Code Section 44-3-232, relating to assessments against 44 lot owners as constituting liens in favor of association, additional charges against lot owners, 45 procedure for foreclosing lien, and obligation to provide statement of amounts due, by 46 revising subsection (c) as follows: 47

"(c) Not less than 30 days after notice is sent by certified mail or statutory overnight 48 delivery, return receipt requested, to the lot owner both at the address of the lot and at any 49 other address or addresses which the lot owner may have designated to the association in 50 writing, the lien may be foreclosed by the association by an action, judgment, and court 51 order for foreclosure in the same manner as other liens for the improvement of real 52 property, subject to the limitations set forth in Code Section 44-3-270 and to superior liens 53 or encumbrances, but any such court order for judicial foreclosure shall not affect the rights 54 of holders of superior liens or encumbrances to exercise any rights or powers afforded to 55 them under their security instruments. The notice provided for in this subsection shall 56 specify the amount of the assessments then due and payable together with authorized late 57 charges and the rate of interest accruing thereon. No foreclosure action against a lien 58 arising out of this subsection shall be permitted unless the amount of the lien is at 59 least \$2,000.00. Unless prohibited by the instrument, the association shall have the power 60 to bid on the lot at any foreclosure sale and to acquire, hold, lease, encumber, and convey 61

the same. The lien for assessments shall lapse and be of no further effect, as to assessments 62
or installments thereof, together with late charges and interest applicable thereto, four years
63

after the assessment or installment first became due and payable." 64

SECTION 3. 65

Said chapter is further amended by adding a new article to read as follows: 66- 3

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"ARTICLE 8 67

Part 1 68

44-3-260. 69

As used in this article, the term: 70

(1) 'Community association' means an organization or corporation of homeowners or 71
residential property owners of a particular residential community created for the purpose 72
of managing or regulating such residential community, including, without limitation, 73
enforcing covenants set forth in a declaration of such residential community. Such term 74
shall include a condominium association and a property owners' association. 75

(2) 'Condominium association' means an organization or corporation formed pursuant 76
to Article 3 of this chapter, the 'Georgia Condominium Act,' for the purpose of exercising 77
the powers of an association of any condominium under such Act. 78

(3) 'Declaration' means a recordable instrument creating restrictive covenants upon real 79
property within a particular residential community which are administered by a 80
community association in which membership is mandatory for all unit owners in such 81
residential community. 82

(4) 'Governing documents' means the instruments that govern the administration or 83
operation of the community association of a particular residential community, including, 84
without limitation, the declaration of such residential community and the bylaws and 85

articles of incorporation of such community association. 86

(5) 'Property owners' association' means a corporation formed pursuant to Article 6 of 87 this chapter, the 'Georgia Property Owners' Association Act,' for the purpose of 88 exercising the powers of an association of property owners under such Act. 89

(6) 'Residential community' means a residential subdivision, planned community, or 90 condominium. 91- 4

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(7) 'Unit' means a portion of a residential community intended for any type of 92 independent ownership and use that is subject to a declaration and managed or regulated 93 by a community association. 94

(8) 'Unit owner' means the owner of a unit. 95

Rules Definition.

Rules need to be better defined, and should also require a vote of the membership to change them. Currently it appears that Rules are Covenants that aren't in the Covenants, and don't need to follow the laws or governing documents as to how they can be changed.

Covenants or CC&Rs: A set of restrictions, legally-binding written agreements and fines which govern the privately owned properties in an HOA and are usually attached to the deed, meaning that when the property is sold, requiring all subsequent owners to abide by them. Nothing in the Covenants shall impose on or supersede the member's right to free speech or other constitutional rights or rights granted in state or federal law.

Rule: A policy or procedure, that governs the use or appearance of common property or conduct of persons while using common property but not including the private property. Rules might include requirements such as procedures for submitting and handling complaints or maintenance requests, quiet hours or swimming pool policies. Nothing in the rules shall impose on or supersede the organizational or governing documents or infringe upon members' constitutional rights or rights granted in city or county ordinances, state or federal law.

Part 2 96

44-3-270. 97

(a) Notwithstanding any provision of law to the contrary, no foreclosure action against a 98 lien on a unit in favor of a community association shall be permitted if the amount of the 99 lien: 100

(1) Is less than the total amount of assessments levied by the community association 101 against the unit in the preceding 12 months; or 102

(2) Consists solely of fines imposed by the community association for the failure to 103 comply with the provisions of the declaration or with the rules or regulations adopted by 104 the community association, including, without limitation, fines imposed or levied 105 pursuant to Code Section 44-3-76 or 44-3-223, and any late charges, interest, or costs 106 associated with such fines. 107

So fines for CCR violations can be included if the foreclosure also contains unpaid assessments.

(b) No community association that brings a foreclosure action against a lien on a unit in 108 favor of the community association, nor any subsidiary, parent, affiliate, or any current or 109 former member of the board of such community association, shall be permitted to purchase 110

the unit at the foreclosure sale. 111

44-3-271. 112

(a) A unit owner may redeem a unit from any purchaser at a sale foreclosing a lien on such 113 unit in favor of a community association, including, without limitation, a lien arising out 114 of Code Section 44-3-109 or Code Section 44-3-232, by paying the amounts required for 115- 5 25 LC 59 0123S

redemption, as set forth in this Code section, not later than 180 days after the date of such 116

sale. 117

(b) A person who purchases a unit at a sale foreclosing a lien on such unit in favor of a 118 community association shall not transfer ownership of such unit to a person other than the 119 unit owner during the redemption period provided in subsection (a) of this Code section. 120

(c) To redeem a unit that was purchased at the foreclosure sale, the unit owner shall: 121

(1) Pay to the community association: 122

(A) All amounts owed by the unit owner to the community association at the time of 123 the foreclosure sale, less the sale price received by the community association at the 124 foreclosure sale, and plus interest on such net amount from the date of foreclosure to 125 the date of redemption at the rate stated in the declaration for delinquent assessments 126 or, if no such rate is stated, at an annual interest rate of 10 percent; 127

(B) The costs incurred by the community association in foreclosing the lien, including 128 reasonable attorney's fees; and 129

(C) Any unpaid assessments levied against the unit by the community association after 130 the date of the foreclosure sale; and 131

(2) Pay to the person who purchased the unit at the foreclosure sale: 132

(A) The purchase price paid by such person at the foreclosure sale; 133

(B) The cost incurred by such person in recording the foreclosure deed and conveying, 134 after redemption, the unit to the unit owner, including reasonable attorney's fees; 135

(C) Any assessments levied against the unit by the community association after the 136 date of the foreclosure sale that were paid by such person; and 137

(D) Any amounts paid by such person as ad valorem taxes, penalties, and interest on 138 the unit after the date of the foreclosure sale. 139

(d) If a unit owner redeems a unit in accordance with the provisions of this Code section, 140 the purchaser of the unit at the foreclosure sale shall immediately execute and deliver to 141

the unit owner a deed transferring the unit to the unit owner. If a purchaser fails to comply
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with the provisions of this subsection, a unit owner may bring an action against such 143
purchaser for an order compelling the conveyance of such unit to such unit owner. If a unit 144
owner is the prevailing party in an action brought pursuant to this subsection, such unit 145
owner shall be entitled to recover the costs incurred in bringing such action, including 146
reasonable attorney's fees. 147

(e) The redemption rights conferred by this Code section are personal privileges and not 148
property or property rights. The privileges shall be exercised in the manner prescribed in 149
this Code section and such privileges may not be waived in a deed, declaration, judgment, 150
or any agreement. 151

(f) This Code section shall only apply to liens in favor of a community association that are 152
foreclosed on or after July 1, 2025. 153

If a person, unable to pay the assessments, is foreclosed upon, and loses his home, then is able
to pull together enough money to buy his home back, are we really then expecting that he can
afford to enter a lawsuit against the buyer that is refusing to follow the laws. We need
enforcement of the laws.

44-3-272. 154

(a) As used in this Code section, the term: 155

(1) 'Disability' means a medically determinable physical or mental impairment caused 156
by injury or illness that renders a person unable to engage in any substantial gainful 157
employment. 158

(2) 'Disabled' means a person who is unable to engage in any substantial gainful 159
employment as a result of a medically determinable physical or mental impairment 160
caused by injury or illness. 161

(3) 'Personal representative' shall have the same meaning as provided in Code 162

Section 53-1-2. 163

(b)(1) Each community association created pursuant to a declaration executed on or after 164 July 1, 2025, shall waive all assessments or installments thereof that become due and 165 payable by any unit owner if such unit owner: 166- 7

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(A) Dies with an insolvent estate, provided that the personal representative of such unit 167 owner's estate certifies in writing to the community association that such unit owner's 168 estate is insolvent; or 169

(B) Becomes disabled, which causes a financial hardship on such unit owner, provided 170 that such unit owner certifies in writing to the community association that, because of 171 such disability, he or she is experiencing a financial hardship. 172

(2) A waiver of such assessments or installments thereof under paragraph (1) of this 173 subsection shall begin on the date such unit owner dies or becomes disabled and shall 174 continue for a period of **not less than 12 months**; provided, however, that, if such waiver 175 is granted because of a disability of a unit owner, such waiver shall terminate if the 176 financial hardship on such unit owner resulting from such disability ceases to exist prior 177 to the expiration of such 12 month period. 178

(c) If a unit owner previously paid any assessments or installments thereof that are 179 required to be waived by a community association pursuant to subsection (a) of this Code 180 section, such unit owner or such unit owner's estate shall be entitled to a refund of such 181 assessments or installments thereof, provided that the written certification that the estate 182 of such unit owner is insolvent required under paragraph (1) of subsection (a) of this Code 183 section or the written certification of financial hardship required under paragraph (2) of 184 subsection (a) of this Code section, whichever is applicable, was provided to the 185 community association within 12 months of the date such unit owner died or became 186

disabled. 187

(d)(1) If a community association fails to waive or refund any assessments or 188 installments thereof that are required to be waived or refunded under the provisions of 189 this Code section, the unit owner or the personal representative of the unit owner's estate 190 may bring an action against such community association for a declaration that such 191 assessments or installments thereof are required to be waived and for recovery of any 192- 8 25 LC 59 0123S

amount of such assessments or installments thereof that are required to be refunded. 193 Such relief shall not be granted unless the court determines in such action that: 194

(A) The unit owner either: 195

(i) Became disabled, which caused a financial hardship on such unit owner; or 196

(ii) Died with an insolvent estate; and 197

(B) The written certification that the estate of such unit owner is insolvent required 198 under paragraph (1) of subsection (a) of this Code section or the written certification 199 of financial hardship required under paragraph (2) of subsection (a) of this Code 200 section, whichever is applicable, was provided to the community association within 12 201 months of the date such unit owner died or became disabled. 202

(2) A unit owner or the personal representative of a unit owner's estate who prevails in 203 an action brought pursuant to this subsection shall be entitled to recover the costs incurred 204 in bringing such action, including reasonable attorney's fees. 205

Two problems with the disability or death portion.

The disability claim can be easily abused. Consider a 6 unit condo that realizes their roof is leaking and one or more of the units owners suddenly claim disability. This puts quite a burden on the other members. There needs to be a solution for those with disability but I don't think this is it.

If this law is not followed by the HOA, how is an insolvent disabled person going to be able to afford an attorney?

We need a State HOA Office to enforce the HOA laws at described in <https://www.hoareformleaders.com/> #2. Go to the site, scroll down to the list of Proposed Legislatoins, click on #2 and the page will autoscroll to the details of #2. I don't understand why we don't take action to actually solve the problem. We write law after law, year after year that we now does not solve the problem.

Part 3 206

44-3-280. 207

(a) There is created within the Department of Community Affairs the Office of the 208
Community Association Ombudsman. 209

(b) The commissioner of community affairs shall appoint the ombudsman, who shall be 210
an attorney admitted to practice before the Georgia Supreme Court. The ombudsman shall 211
serve at the pleasure of the commissioner of community affairs. 212

(c) Neither the ombudsman nor any full-time employee of the ombudsman's office shall: 213

(1) Actively engage in any other business or profession that directly or indirectly relates 214
to or conflicts with his or her work in the ombudsman's office; 215

(2) Serve as the representative, or an executive, officer, or employee, of any political 216
party, executive committee, or other governing body of a political party; 217- 9

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(3) Receive remuneration for activities on behalf of any candidate for public office; 218

(4) Engage in soliciting votes or other activities on behalf of a candidate for public 219
office; or 220

(5) Become a candidate for election to public office unless he or she first resigns from 221
his or her office or employment. 222

(d) The ombudsman shall maintain his or her principal office at a place convenient to the 223

commissioner of community affairs, which will enable the ombudsman to expeditiously 224
carry out the duties and functions of his or her office. The ombudsman may establish 225
branch offices elsewhere in the state upon the concurrence of the commissioner of 226
community affairs. 227

44-3-281. 228

The ombudsman shall have the powers necessary to carry out the duties of his or her office,
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including, without limitation: 230

(1) Employing professional and clerical staff as necessary for the efficient operation of 231
the office; 232

(2) Preparing and issuing reports and recommendations to the Governor, the 233
commissioner of community affairs, the President of the Senate, and the Speaker of the 234
House of Representatives on any matter or subject within the jurisdiction of this article; 235

(3) Acting as a liaison between unit owners, or other affected parties, and community 236
associations, including the boards of directors, board members, officers, and managers 237
of such community associations; 238

(4) Monitoring and reviewing procedures and disputes concerning elections or meetings 239
of community associations; 240

(5) Providing resources to assist board members and officers of community associations 241
in carrying out their powers and duties in a manner consistent with this article, other 242
applicable law, and their governing documents; 243- 10

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(6) Acting as a neutral resource regarding the rights and responsibilities of unit owners 244
and community associations, including the boards of directors, board members, officers, 245
and managers of such community associations; 246

(7) Encouraging and facilitating voluntary meetings between unit owners and community 247

associations, including the boards of directors, board members, officers, and managers 248
of such community associations, when the meetings may assist in resolving a dispute 249
within a residential community; 250

(8) Assisting with the resolution of disputes between unit owners and their community 251
associations, or between two or more unit owners within a residential community, if 252
applicable, including mediating such disputes, issuing opinions with respect to such 253
disputes, and the making of recommendations on actions that can be taken by unit owners 254
and community associations to resolve such disputes; 255

(9) Receiving and compiling complaints and responses in relation to violations of 256
applicable law and the governing documents of community associations; and 257

(10) Promulgating and adopting such rules and regulations as may be necessary to carry 258
out the provisions of this article. 259

44-3-282. 260

The ombudsman shall: 261

(1) Develop policies and procedures to assist unit owners and community associations, 262
including the boards of directors, board members, officers, and managers of such 263
community associations, understand their rights and responsibilities as set forth in this 264
article, under other applicable law, and in their governing documents; 265

(2) Coordinate and assist in the preparation and adoption of educational and reference 266
material, and shall endeavor to coordinate with private or volunteer providers of these 267
services, so that the availability of these resources is made known to the largest possible 268
audience; 269- 11

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(3) Assist unit owners in understanding their rights and responsibilities under applicable 270
law and their governing documents, including, without limitation, publishing materials 271
related to those rights and responsibilities; 272

(4) Assist board members and officers of community associations in carrying out their 273 duties; and 274

(5) Compile and maintain a registration of each community association operating within 275 the state which includes, at a minimum, the following information: 276

(A) The name, address, and phone number of the community association; 277

(B) The name of each person who is authorized to manage the community association; 278

(C) The names, mailing addresses, and telephone numbers of the board members of the 279 community association; 280

(D) The number of units in the community association; 281

(E) The total annual assessment required to be paid by unit owners to the community 282 association; and 283

(F) The number of foreclosures that were completed by the community association on 284 units within its residential community. 285

44-3-283. 286

(a) The ombudsman shall adopt policies and procedures for submission and receipt of 287 complaints from unit owners and community associations regarding disputes concerning 288 the rights and responsibilities of unit owners and community associations or alleged 289 violations of the provisions of this article, other applicable law, or their governing 290 documents. 291

(b) The ombudsman shall publish a form for such complaints which, at a minimum, shall 292 include the following information: 293

(1) The unit owner's name; 294

(2) The name and contact information of the community association; 295- 12

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(3) The name of the community association management company, if any, and its contact 296 information, including telephone number and mailing addresses; 297

- (4) Whether a unit owner: 298
 - (A) Was informed of the requirement of membership in a community association as 299 a condition of ownership, including when that information was provided and by whom; 300
 - (B) Received a copy of the governing documents of the community association and if 301 the copy was obtained before or after receiving title to the unit; 302
 - (C) Was denied access to the governing documents and, if so, what remedies the unit 303 owner took to obtain the governing documents; and 304
 - (D) Understands his or her rights and obligations under the governing documents; 305
- (5) The nature of the unit owner's or community association's complaint; and 306
- (6) An explanation of: 307
 - (A) Any communications between the unit owner and the community association 308 regarding the complaint; 309
 - (B) Any remedies the unit owner or community association sought in relation to the 310 complaint; and 311
 - (C) Any actions the unit owner or community association took concerning the 312 complaint. 313
- (c) Upon receiving a unit owner's or community association's complaint, the ombudsman 314 shall: 315
 - (1) Provide the complaint to the community association or the unit owner complained 316 against in a manner that verifies receipt of such complaint by the community association 317 or unit owner, so the unit owner or community association may determine if the unit 318 owner or community association desires to make a response to the complaint; 319
 - (2) Conduct an investigation into the allegations of the complaint; 320
 - (3) Offer to mediate the complaint among the affected parties, and conduct such 321 mediation if the affected parties agree to participate; and 322- 13

(4) If practicable, issue to the affected parties his or her opinions or recommendations 323 with respect to the complaint. Such opinions or recommendations may include, without 324 limitation, a proposed course of action, including, but not limited to, waiver of any fines 325 imposed by a community association on a unit owner. 326

(d)(1) The ombudsman shall, at least annually, provide a report of all complaints 327 received and any opinions or recommendations issued by the ombudsman with respect 328 to such complaints as provided in this Code section to the Governor, the commissioner 329 of community affairs, the General Assembly, and to the public on the ombudsman's 330 public website. 331

(2) The report provided for in this Code section shall include categorized, filterable, and 332 searchable information compiled from the complaints, responses, and any opinions or 333 recommendations issued by the ombudsman with respect thereto. The ombudsman shall 334 redact from such report any personal or private information of the affected parties, such 335 as names, addresses, and telephone numbers of individuals, contained in the complaints, 336 responses, or in any opinions or recommendations issued by the ombudsman with respect 337 thereto. 338

The above reporting tasks of the Ombudsman has been done in many other states and has not solved any problem. It is a waste of taxpayer money.

44-3-284. 339

(a) If, in connection with a complaint received pursuant to Code Section 44-3-283, the 340 ombudsman recommends that any fines imposed by a community association against a unit 341

owner be waived, such recommendation shall be submitted by the board of directors of the 342

community association to the entire membership of the community association for approval 343

or rejection. Unless a majority of such members rejects such recommendation within 120 344 days from the date such recommendation is issued by the ombudsman, such 345 recommendation shall automatically be approved and such fines imposed by the 346 community association against the unit owner, together with all late fees, interest, and other 347 charges associated with such fines, shall be waived.

This is a big step forward, but recommendations are not enforcement. The “recommendations” should be decisions by the Ombudsman no vote required or allowed of the members. The proposed above would require an expensive vote of the entire community. If the HOA is not following the law or governing documents, it is not following the law governing documents, that is the issue that needs to be decided. Having the members vote is unnecessary expensive and time consuming process. If the HOA Board Members disagree with the Ombudsman, it has the right to appeal the decision of the HOA to the courts. It should then be the Ombudsman office that defends it’s decision in court.

Also the HOA Board Members control all the communication with the homeowners. They have their emails, they control the website, the Facebook page, any other social media and the weekly newsletter. They can convince the members, and even lie to them, to get them to vote against the accused homeowner. The accused homeowner has no way to communicate with the other homeowners. It is like having a trial but only the prosecutor can present evidence and arguments to the court.

The issue could be over something that the homeowner built, like a shed, fence or addition to his house. The issue should be whether the homeowner is in the right or not based on the laws and governing documents, this would turn into a popularity contest either about the accused homeowner themselves or what the homeowners who vote wish the laws or covenants were.

What happens if the HOA continues attempts to collect the fines, late fees, interest and attorney fees from the homeowner? We need penalties in the law for the Board Members that refuse to follow the law, as they are doing now.

During such 120 day period, the 348- 14

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community association shall not take any effort to collect such fines and shall not impose 349
any further late fees, interest, or charges with respect to such fines. 350

(b) This Code section shall only apply to community associations created pursuant to a 351
declaration executed on or after July 1, 2025. 352

Why would this NOT apply to all HOAs? Why only future HOAs? Why would we allow the
existing dictatorships to continue to steal from the homeowners? Existing HOA homeowners
need law enforcement now.

44-3-285. 353

(a) Fifteen percent of the total membership in a community association, or six unit owners,
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whichever is greater, may petition the ombudsman to appoint an election monitor to attend
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a meeting of the community association to be held for the purpose of electing members of 356
the community association's board of directors and to conduct at such meeting the election
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of such members of the board of directors. 358

(b) Upon receiving a petition for the appointment of an election monitor from a sufficient 359
number of unit owners pursuant to subsection (a) of this Code section, the ombudsman 360
shall appoint an employee of his or her office, a person who specializes in community 361
association election monitoring, or an attorney licensed to practice in this state as the 362
election monitor who shall attend the community association meeting and conduct the 363
election of the members of the board of directors. 364

According to Meta AI, approximately 40-50 HOAs in Georgia have over 5,000 members.

Keep in mind that these numbers are estimates and may have changed since the last available
update."

This bill would mean that a homeowner in an HOA with 5000 members would need to find 750 members that have the courage to risk their life savings and homes against the retaliation of a corrupt HOA Board, knowing that there is no government agency to protect them, and then convince those members that the elections are likely not to be one in concurrence with the laws and governing documents, and then get them to sign a petition. That is quite a burden to put on a homeowner that realizes that there is something going wrong with the election process.

Generally it is difficult to get more than 10% of the members of HOA to show up for elections.

Also, in a small HOA, say 10 members, with a 5 member board, there would be no legal way to get a the state to monitor the elections no matter how corrupt they were.

The above should read 10% of the members or 50 members, whichever is less. Getting 50 signatures is a reasonable task in large HOAs.

(c) The ombudsman shall, by rule or regulation, establish procedures for the appointment 365 of election monitors under this Code section and the scope and extent of the monitor's role 366

in the election process. 367

44-3-286. 368

(a) Each community association shall register annually with the ombudsman on a form 369 prescribed by the ombudsman, which shall include the information required to be 370 maintained pursuant to paragraph (5) of Code Section 44-3-282. 371

Who checks this to assure the info given by the HOA is true and complete?

(b) Each community association shall pay an annual registration fee to the ombudsman in 372 the amount of \$25.00 per unit within the residential community of such community 373- 15

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association. All such annual registration fees received by the ombudsman pursuant to this 374

subsection shall be paid into the state treasury; provided, however, that it is the intent of 375 the General Assembly that such fees shall be annually appropriated to the Department of 376 Community Affairs for the purpose of paying the expenses of the Office of the Community 377 Association Ombudsman and other costs associated with carrying out the provisions this 378 part." 379

According to Meta AI, "In the state of Georgia, there are approximately **873,600 homes** that are part of Homeowners Associations (HOAs) or Condominium Owner Associations (COAs). These homes are managed by around **11,200 HOAs**, with an average of **206 residents** per HOA, living in about **78 homes** ¹."

The Georgia government receives approximately 5,000 to 7,000 complaints from homeowners regarding Homeowners Associations (HOAs) are received annually by various state agencies in Georgia.

Staffing Estimate

To handle 7,000 complaints, assuming a mix of simple, moderate, and complex cases:

1. **Conservative estimate:** 20-25 investigators (assuming more complex complaints)
2. **Moderate estimate:** 15-20 investigators (assuming a balanced mix of complaint types)
3. **Optimistic estimate:** 10-15 investigators (assuming more simple complaints)

Estimating the cost of creating and running a 25-person government agency with 3 attorneys and 22 investigators involves considering various expenses. Here's a breakdown:

Initial Start-up Costs

1. **Office space rental/setup:** \$150,000 - \$300,000
2. **Equipment and furniture:** \$75,000 - \$150,000
3. **Software and IT infrastructure:** \$30,000 - \$60,000
4. **Marketing and branding:** \$10,000 - \$20,000
5. **Miscellaneous (training, etc.):** \$20,000 - \$40,000

6. **Investigative equipment (vehicles, etc.):** \$100,000 - \$200,000

Total start-up costs: \$485,000 - \$870,000

Annual Operating Costs

1. Personnel:

- 3 Attorneys (avg. salary \$120,000 - \$180,000): \$360,000 - \$540,000
 - 22 Investigators (avg. salary \$80,000 - \$120,000): \$1,760,000 - \$2,640,000
- Total personnel costs: \$2,120,000 - \$3,180,000

2. **Office operations (rent, utilities, etc.):** \$250,000 - \$500,000

3. **Travel and training:** \$100,000 - \$200,000

4. **Software and IT maintenance:** \$20,000 - \$40,000

5. **Miscellaneous (supplies, etc.):** \$20,000 - \$40,000

6. **Investigative expenses (equipment, etc.):** \$50,000 - \$100,000

Total annual operating costs: \$2,560,000 - \$4,060,000

Additional Considerations

1. **Health insurance and benefits:** \$600,000 - \$900,000 per year

2. **Retirement plan contributions:** \$300,000 - \$450,000 per year

3. **Liability insurance:** \$50,000 - \$100,000 per year

4. **Expert witness fees:** \$20,000 - \$50,000 per year

5. **Court costs and filing fees:** \$10,000 - \$20,000 per year

These estimates provide a rough idea of the costs involved in creating and running a 25-person government agency with 3 attorneys and 22 investigators.

So about 6 million start up and 5 million annually after that. By the way I used all the high estimates that Meta AI gave. I think this is even extremely high estimates.

\$5 Million divided by 873,600 units = \$5.70 per unit.

At \$25 per unit per year this would raise \$21,840,000. This seems extremely high.

I am not claiming to be a financial expert on government costs but all other estimates I have heard from others yield much lower costs.

However, even at this super high cost estimate, **this is an incredibly good deal for the homeowners**, to protect themselves from risking their life savings and potentially losing their homes to corrupt HOA Boards and Property Managers.

SECTION 4. 380

All laws and parts of laws in conflict with this Act are repealed. 381- 16