

# Homeowner HOA Rights



You have a right to know how your money is being spent. HOAs and Property Managers must provide copies of the budget, minutes, the Declaration and By-Laws, and the names/addresses of the Board Members upon your written request.



HOAs and Property Managers must treat each homeowner fairly and the same as other homeowners. They cannot treat you differently based on your age, national origin, or other protected class, and should not treat you differently based on your length of ownership, investor/rental status, or whether you are friends with the HOA President.



HOAs and Property Managers must comply with the Declaration and By-Laws, two written documents governing how the HOA must be run. These documents often place limitations on the type of fines/fees, interest rates, and the authority of the HOA/Board to take certain actions. Remember, the HOA or its Property Manager must provide these documents upon your written request!



You have a right to vote and run for the Board of Directors, subject to some limitations (such as being an owner and your account being current).



Upon receiving a fine, most HOAs allow a right to a hearing and to be heard before the Board of Directors. Many HOA By-Laws also place limitations on interest and fine amount and allow you present any documents or evidence to support you.



Your HOA has the right to fire its property manager or company, subject to any written contracts. Remember: HOAs are owned and governed by YOU, the homeowners acting through a duly-elected Board. Property Managers may act like they run the HOA and may have hidden reasons for collecting as much money as they can without regard to the HOA.



Is the President assigning HOA business to his or her own business, or is the Property Management Company getting kickbacks for giving out the HOA pool contract? You have a right object to self-interested transactions through your vote for the Board, by direct objection to the current Board, or through derivative action. A derivative action is when 5% of the homeowners work together to act on behalf of the HOA.

\*This does not constitute legal advice.  
Consult an attorney.

## Got HOA?

Homeowners' Associations (HOAs) are great when they work well. They can help maintain a uniform look and save money by sharing common expenses.

However, far too often in Gwinnett, HOAs have been taken over by for-profit property management companies. In severe cases, individual homeowners are harassed or even sued for tens of thousands of dollars for allegedly-minor issues such as weeds.

In doing so, HOAs and the property management companies often ignore the written documents that are supposed to ensure fair, equal, and consistent treatment of homeowners in an HOA.

Remember these general rights next time you have an issue with your HOA.

If You Need Additional Resources, or Have a Story to Share:

- see [marvinlimforqa.com/find-resources](http://marvinlimforqa.com/find-resources) ("Housing")
- contact me at [marvinlimforqa.com/petition](http://marvinlimforqa.com/petition)



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State House District 99