

FREQUENTLY ASKED QUESTIONS about HOAs



CAN MY HOMEOWNERS ASSOCIATION *[INSERT ISSUE HERE]*?

Homeowners Associations (HOAs) can only do what state law allows and what their governing documents allow. Governing documents include: declaration, master deeds, bylaws, covenants, conditions and restrictions.

WHAT IF I AM UNHAPPY WITH THE ACTION OF MY ASSOCIATION?

- First try talking with the HOA Board of Directors. Check your governing documents to see if a formal dispute process is included.
- If you are unhappy with decisions of the association, its board or other governing body, attempt to use the democratic processes of the association to seek election of members that are more responsive to your needs.
- If you are unable to find a solution, you also may wish to file a complaint with the South Carolina Department of Consumer Affairs (SCDCA). Homeowners associations go through our voluntary mediation process.
- If the issue involves a monetary dispute, magistrate's court may be an option (<https://www.sccourts.org/selfHelp/FAQMagistrate.pdf>).
- You can also seek legal advice from a lawyer. The SC Bar has a referral service if you need help contacting an attorney. They can be reached at 1 (800) 868-2284 or visit lrs.sctbar.org.

WHAT ROLE DOES THE SCDCA PLAY IN THE NEW HOA LEGISLATION?

SCDCA does not administer or enforce the South Carolina Homeowner's Association Act. Our role is to collect specific data on HOA complaints, compile and share it with the Governor and the General Assembly each year. We provide education to homeowners and HOAs on their rights and responsibilities under South Carolina law as well.

DOES SCDCA HAVE ANY ENFORCEMENT OR OVERSIGHT AUTHORITY OVER HOAs?

No - Our complaint process is one of voluntary mediation. We cannot force a HOA or homeowner to participate in the complaint process, require a specific outcome or attempt to arbitrate the dispute.

WHY SHOULD I FILE A COMPLAINT IF DCA CAN'T TAKE ANY ACTION AGAINST MY HOA?

If you decide to pursue a complaint with our office your issue may be resolved through the process. Your complaint data will also be included on our website and in the yearly report provided to the Governor and General Assembly. This data helps them decide if changes to the law are needed.

CAN SCDCA PROVIDE LEGAL ADVICE RELATED TO HOAs?

While we can provide a broad overview of laws applicable to HOAs, because SCDCA does not have administration or enforcement authority over such laws, we cannot provide legal advice or guidance based on specific situations.

