2026

South Carolina
DEPARTMENT OF CONSUMER AFFAIRS

HOMEOWNERS ASSOCIATION ANNUAL REPORT

HOA ACT History

The South Carolina "Homeowners Association Act" (S.C. Code Ann. § 27-30-340) became law in May 2018. It applies to communities and horizontal property regimes requiring homeowners to pay assessments. The law requires governing documents to be filed, provides certain meeting notice requirements and access to budget and membership lists, and requires the Department of Consumer Affairs (DCA) to collect specific data from complaints involving homeowners' associations (HOA). Our complaint process is one of voluntary mediation. We cannot force an HOA or homeowner to participate in the complaint process, require a specific outcome or attempt to arbitrate the dispute. The information collected, however, must be reported to the Governor, General Assembly and the public by January 31st each year.

The Department issued the first annual report on January 31, 2019 containing information compiled from complaints received June 1, 2018 - December 31, 2018. Every report issued thereafter contains data from the prior calendar year.

Annual reports can be found on our HOA Complaint Reports webpage. Each report is in a categorized, filterable and searchable format.



Executive Summary Continued

The overall number of consumer complaints filed with DCA has risen significantly in recent years. Looking at calendar year 2019 compared to 2025, there has been a **111%** increase in the number of consumer complaints filed with the agency. HOA-specific complaints have increased **176%** during this same time frame. HOA complaints comprised **8.5%** of all complaints received by the Department in 2025. The total number of HOA complaints filed in 2025 was down slightly (5%) from the 2024 total of 617. Even with the decrease in total number of HOA complaints filed the number included in the report increased by **4%**.

GENERAL HIGHLIGHTS

- The Department received **586 HOA complaints** during calendar year 2025. Of that amount, 134 complaints were excluded from the report: 13 did not meet the statutory requirements for inclusion, 39 were duplicates and there were 4 referrals to the SC Human Affairs Commission. The largest number excluded (78) were the result of complainant's failure to submit the required HOA Supplemental Questionnaire. These **(13%)** were **closed as "Abandoned."**
- The 2025 report contains information from **452 complaints** filed against **339 HOAs/Management Companies.**
- The complaints raised **1,104 concerns** with multiple included in a single complaint. This is an increase of thirty percent over 2024. The **top three types** of issues raised were: (1) Failure to adhere to and/or enforce covenants and bylaws (16.8%), (2) Concerns regarding maintenance and repairs (11.7%), (3) Request to access information/view documents ignored (9.5%).
- Complaints came from **twenty-three** of South Carolina's forty-six counties. Top 3 Counties for Complaints reported overall are: (1) Horry (31%), (2) Richland (12%), (3) Greenville (9%). The top three counties for complaints reported per capita (per 1,000) are: (1) Horry (.38); (2) Georgetown (.24); (3) Dorchester (16).

COMPLAINT RESOLUTION HIGHLIGHTS

- **Sixty-eight percent** of complaints included in the report were closed indicating receipt of an adequate business response. Consumers were satisfied with the outcome of the complaint resolution process in four complaints (0.88%). Examples of satisfactory resolutions include resolution of payment disputes, requested financial information being provided and repairs or maintenance being made.
- **Nineteen percent** of complaints were closed "Undetermined" due to disputed facts. This is a four percent increase from the prior year. The Department closes complaints that are complex and/or contentious in nature under this category due to the agency's statutory limitations.
- The number of complaints closed as "Unsatisfied" due to an HOA's failure to respond **decreased** in 2025 to (5.5%). This is down from 42 complaints (9.7%) to 25 in 2025.

Executive Summary Continued

STATUTORY DATA HIGHLIGHTS

- **Eighty-five percent** of HOAs employed a management company.
- **Ninety percent** of consumers indicated they were informed of the requirement of membership in a HOA as a condition of home ownership. Thirty-two percent indicated they received a copy of the HOA governing documents prior to purchase while fifty-three percent of responses indicated receiving the documents after purchase.
- **Ninety-eight percent** of those filing a complaint indicated they had communicated their concerns to the HOA or management company prior to filing a complaint with DCA.
- State agency oversight was the number one recommendation for enforcing governing documents **(31%)**. Having a dispute resolution process within the HOA was second **(26%)**, followed by enforcement of provisions through magistrate's court **(16.8%)** and a HOA Ombudsman **(16.6%)**.
- Top recommendations for changing provisions of governing documents include: (1) Requiring open meetings/ notice requirements **(27.5%)**, (2) Setting parameters for viewing/ copying documents and records **(18.1%)**, and (3) Forbidding a HOA from placing liens or foreclosing on a property **(14.1%)**.

The trends identified for common issues and recommendations made by complainants are often related to communication. DCA has reviewed current state law and other state solutions in the areas of HOAs and puts forth the following ideas for potential resolution of repeated concerns*.

1. Internal Dispute Resolution Process – before a consumer files a complaint with DCA, we encourage them to first attempt to resolve the issue directly with the business. This is the same with HOA complaints, and according to last year's seven-year compilation, 95% of those who file a complaint have done so. Providing a requirement that a HOA have an internal dispute resolution process, making the process known to members and providing a flexible statutory framework for it could result in increased communication, and resolution of an issue, at the HOA level. In 2025 (48.5%) of homeowners included Dispute Resolution within the HOA as a recommendation for homeowner associations.
2. Nonprofit Corporations Act – Current law requires HOAs to comply with provisions of the Nonprofit Corporations Act related to access to certain documents, such as budgets and membership lists. If HOA's bylaws do not address voting, adding the requirement to comply with the voting provisions of the Act could be helpful in abating complaints. Specific provisions for consideration include those that lay out the content of a ballot, number of votes a member is entitled to, setting a quorum, provides what a majority of votes constitutes and parameters on proxies. (Sections 33-31-708, 33-31-721, 33-31-722, 33-31-723, and 33-31-724).

Executive Summary Continued

3. Magistrate's Court – Current law provides jurisdiction to a magistrate when a HOA dispute involves a monetary amount less than $7,500. Sixty-five percent of complainants recommended oversight of HOA disputes, whether by a state agency, Ombudsman or magistrate. Expanding magistrate authority could provide a venue to escalate the more complex complaints. DCA closed 19% of complaints received in 2025 as "undetermined" based on their complex and/or contentious nature.
4. Supporting Documentation – As shown by the top issues identified in HOA complaints, the concerns at issue would likely be, or should be, addressed within a HOA's governing documents. When the DCA receives questions about what an HOA can or cannot do, we provide information on applicable laws and direct the requestor to look at the HOA's governing documents. Requiring a person responding to a HOA complaint to provide a copy of the relevant provisions or page that directly relates to its position that their action was proper would be immensely helpful in bridging the communication gap and satisfactorily resolving complaints.

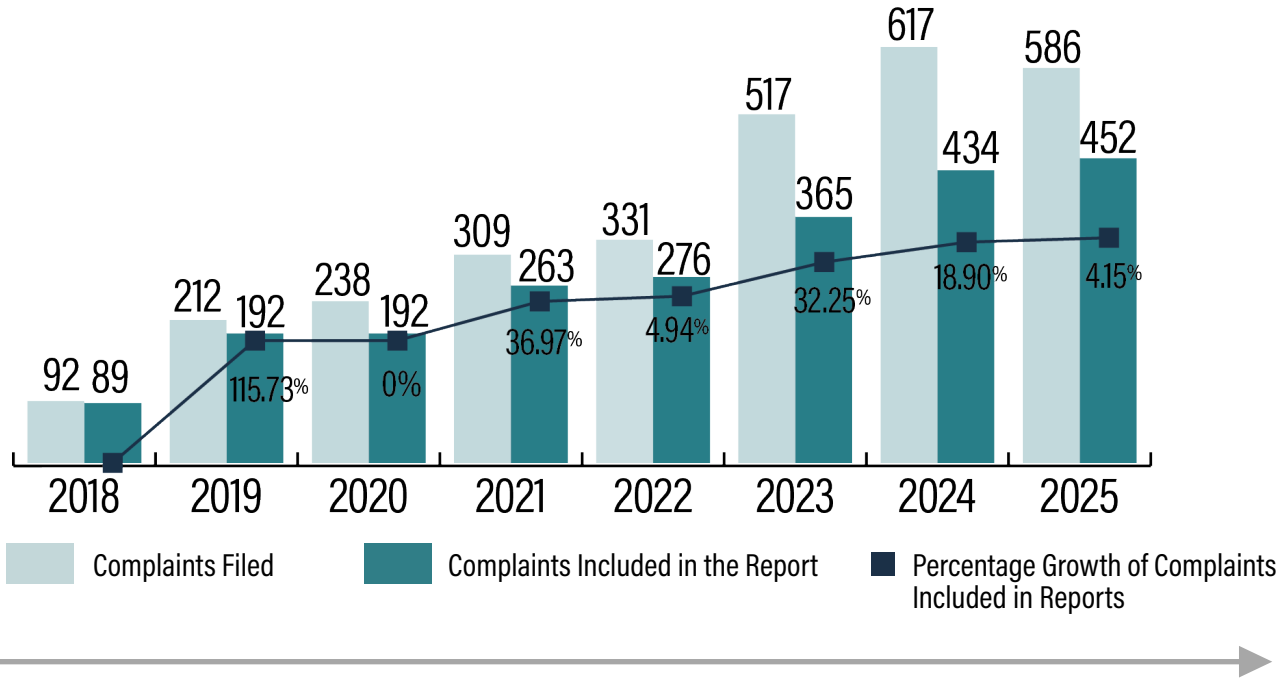
The above potential solutions would hopefully result in resolving issues as they arise within the HOA, and otherwise reduce HOA complaints, without creating a heavy regulatory burden.

**House Bill H.3350 was introduced January 14, 2025 and encompasses several of these recommendations.*

HOA Complaints in South Carolina

Each year the Department receives more HOA complaints than the year prior. Not all complaints received are included in the issued report, though, as some do not meet the statutory requirements for inclusion, are duplicates or are referred to another state agency.

Complaints Received & Percentage Increase Year over Year



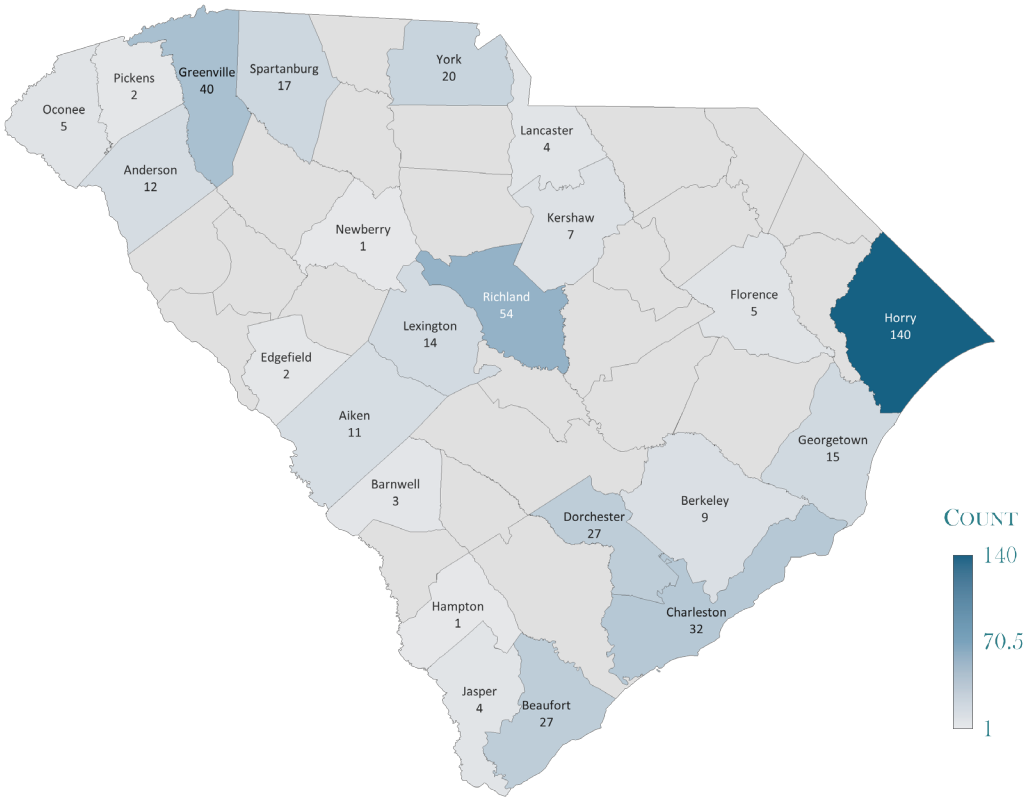
Number of HOA's with Complaints:

339

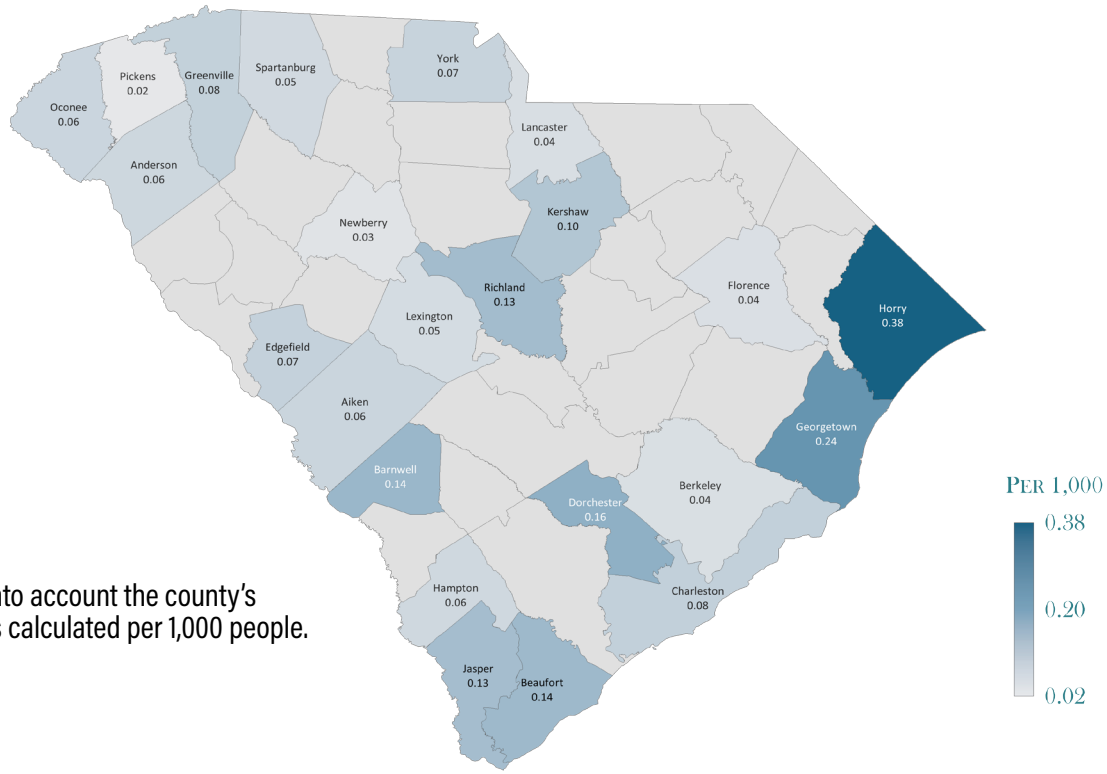
Number of HOA's with Management Companies:

105

Complaint Count per County



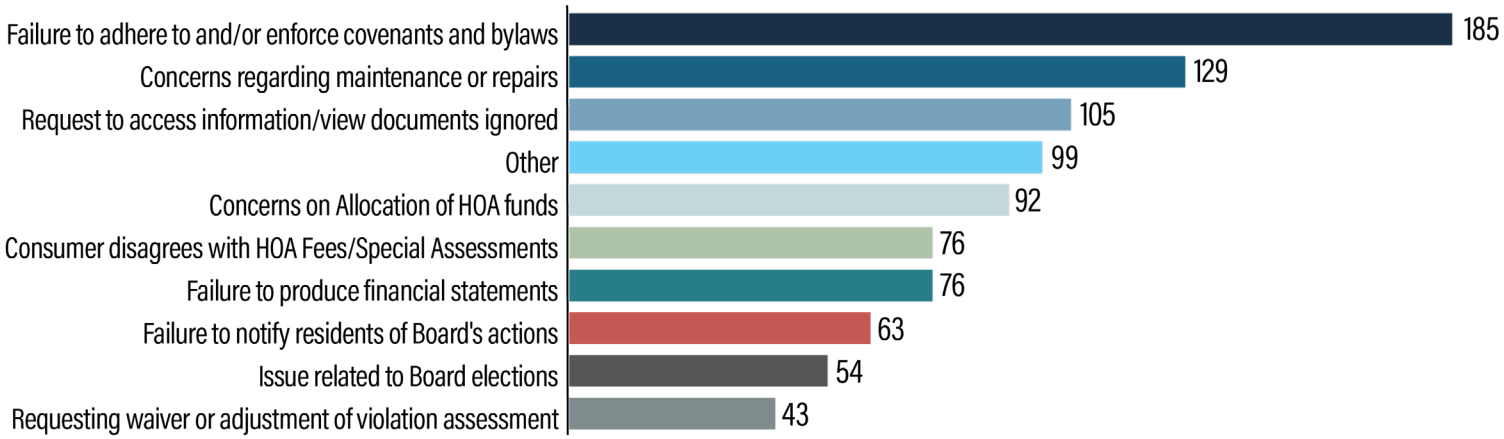
Complaints per County per Capita



This map takes into account the county's population and is calculated per 1,000 people.

Top 10 Complaint Concerns 2025

When a consumer files a complaint, they may raise one or more concerns. This data includes all concerns amongst the 452 complaints reported from January 1, 2025 - December 31, 2025.

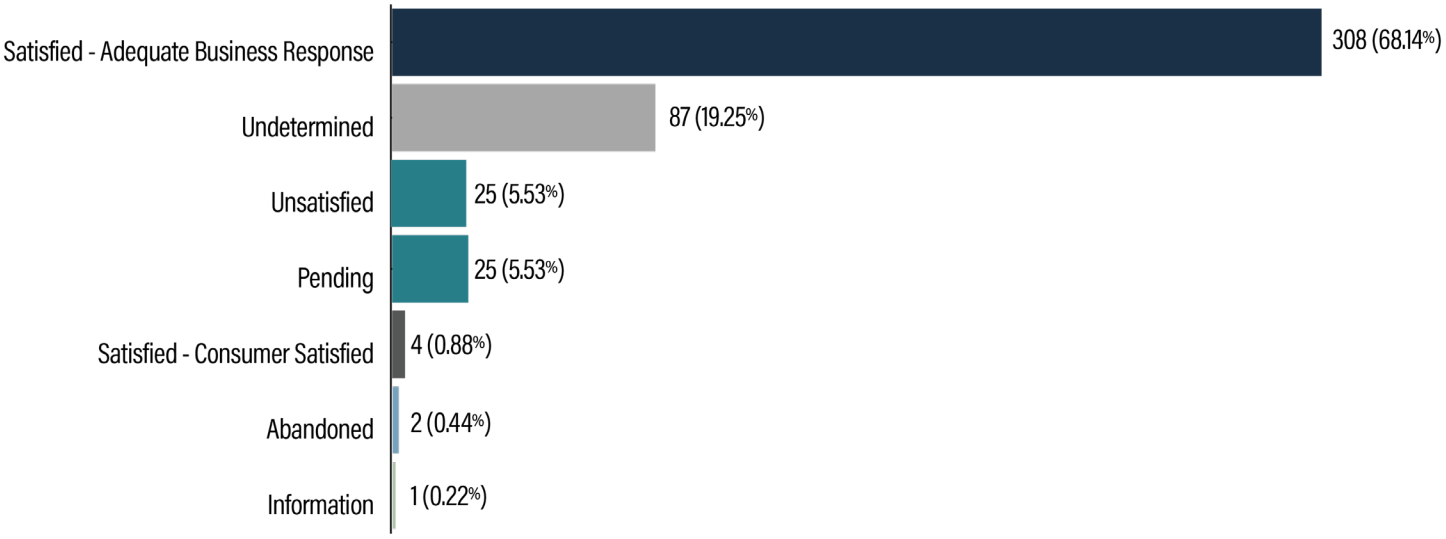


Other Complaint Concerns 2025

"Other" allows consumers to write in their personal concerns or recommendations that may not fit into a current specific category. Each individual HOA Annual Report can be filtered and the individual submissions that fall under the "other" category can be viewed.
Below we have highlighted some "other" concerns raised by homeowners in this year's report.

- Creating neighborhood conflict by encouraging members to report other homeowner violations.
- Social Media concerns related to management censoring post and blocking homeowner access.
- Concerns over confidentiality agreements and attempts to adopt privacy policies that resembles a non-disclosure agreement.

Complaint Closing Categories



Complaint Closing Categories Descriptions

Satisified: Consumer Satisfied

A business response has been received that the consumer deems satisfactory.

Satisified: Adequate Business Response

A response is received that may not satisfy the wishes of the consumer but did respond to all points of contention and referred to a policy that supports the businesses claim.

Unsatisfied

A business response was never received.

Undetermined

There are disputed facts that remain regarding the consumers concerns and the business response.

Abandoned

The consumer failed to provide the SCDCA with the requested information necessary to proceed with the complaint process.

Information

The complaint simply notified SCDCA and didn't require a response.

Referred

The complaint is referred to an outside agency.

Insufficient Merit

The complaint cannot be determined based on the information provided.

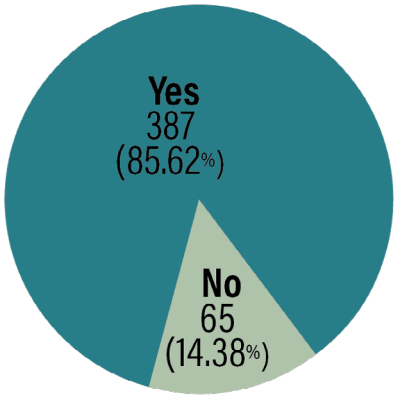
Duplicate

The complaint was already filed or provides updates to an existing complaint.

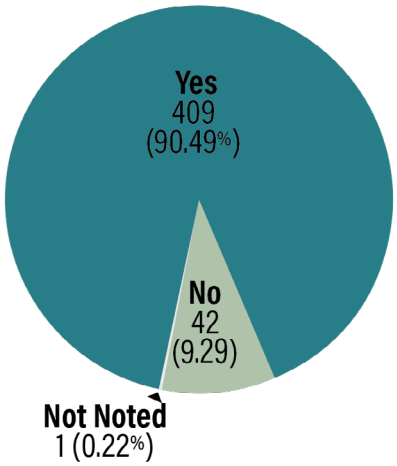
Supplemental Questionnaire

State law requires a HOA complaint contain certain data. These items are included in a supplemental questionnaire and required to be submitted to DCA in addition to the general complaint form.

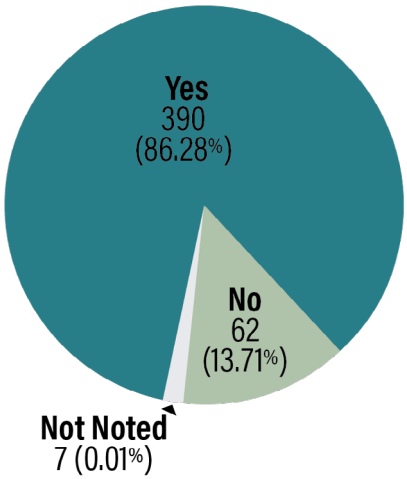
Is there an HOA Management Company?



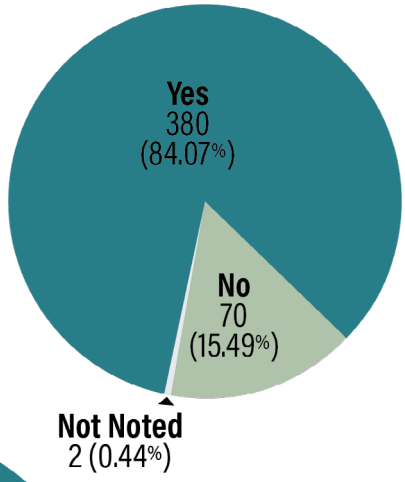
Were you informed of the requirement of membership in a HOA as a condition of home ownership?



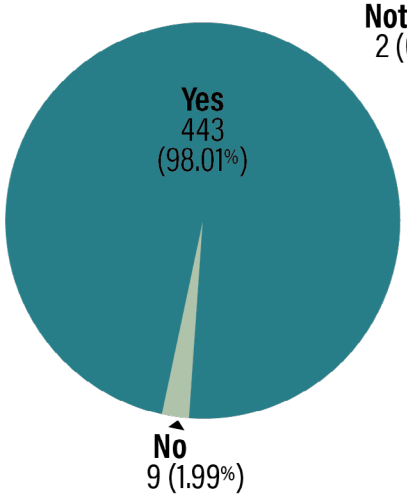
Have you received a copy of the governing documents of the HOA?



As a homeowner do you understand your rights and obligations under the governing documents?



Have you communicated your concerns to the HOA or Management Company, if any?

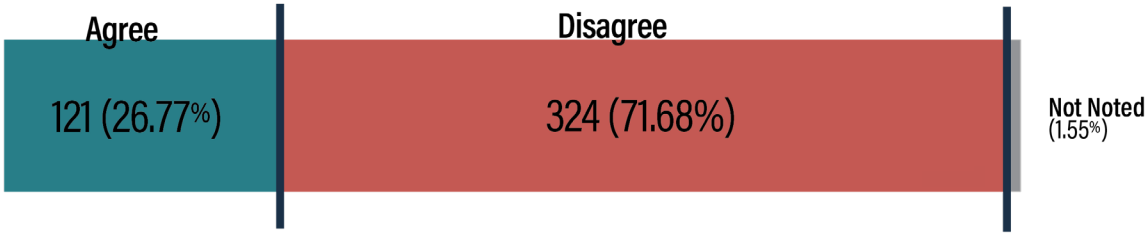


Do you Agree or Disagree?

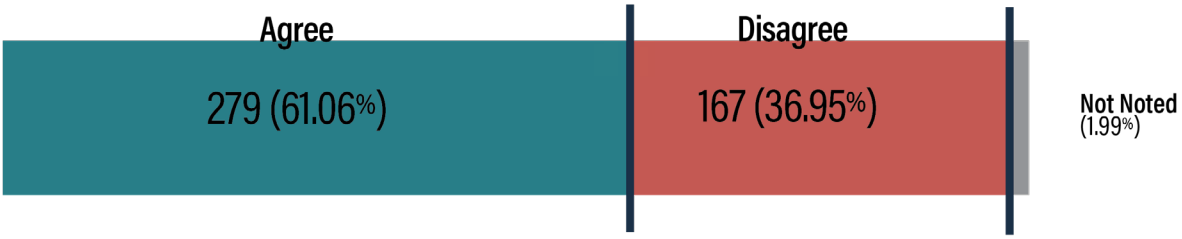
Do you agree or disagree with the provisions of the governing documents?



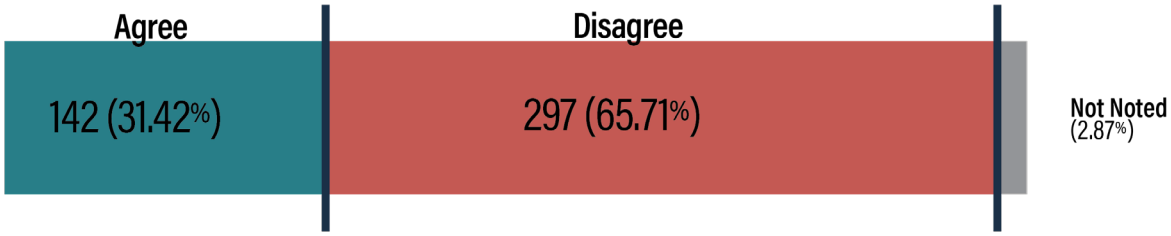
Do you agree or disagree with how the provisions were enforced?



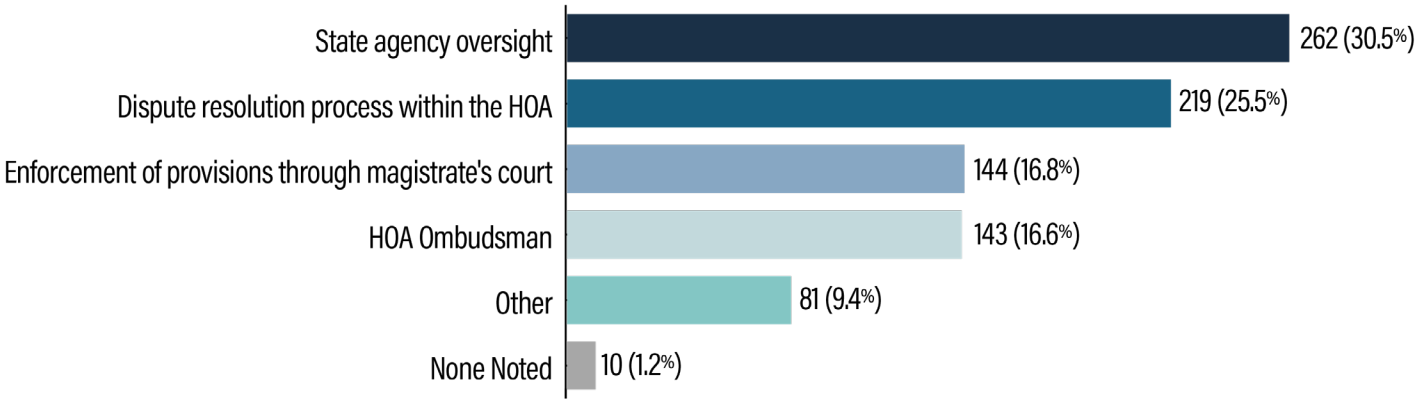
Do you agree or disagree that more enforcement of provisions is needed?



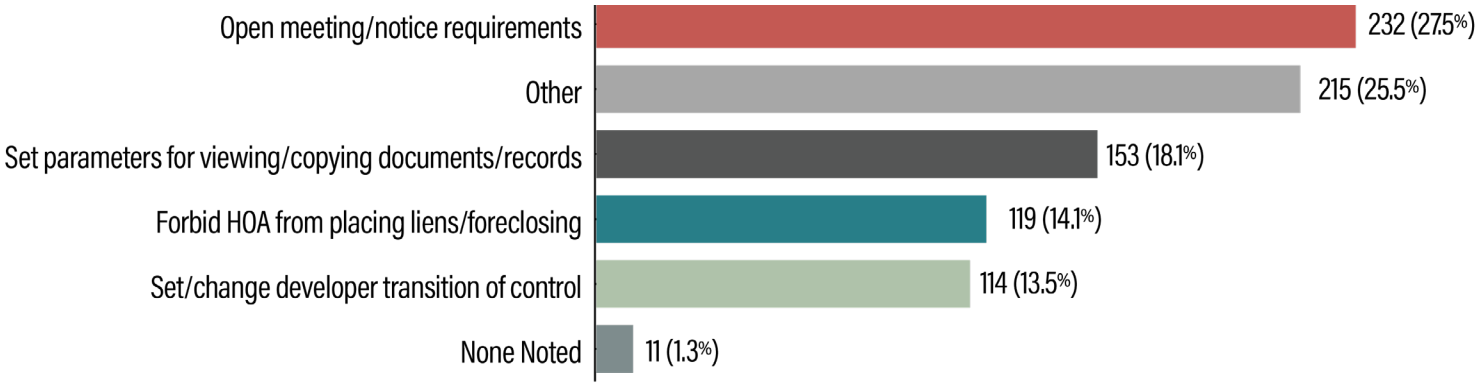
Do you agree or disagree that less enforcement of provisions is needed?



Recommendations for enforcing the governing documents, if any.



Recommendations for changing provisions of the governing documents.



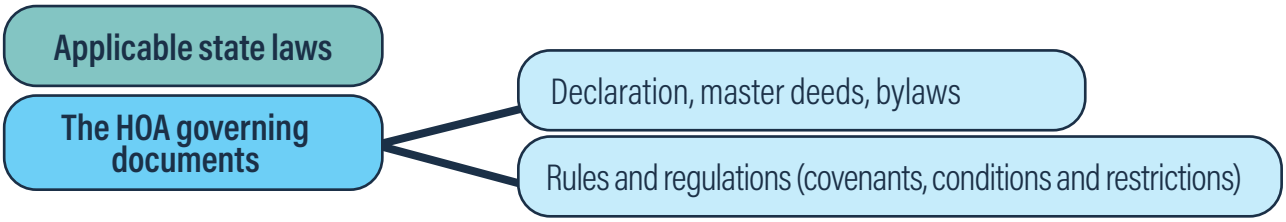
*Note: "Other" is where consumers can write in their personal recommendations that may not fit into a specific category. Each individual HOA annual report can be filtered and the individual submissions that fall under the "other" category can be viewed.

HOW DOES A HOA KNOW WHAT THEY CAN AND CANNOT DO?



NO TWO HOMEOWNERS ASSOCIATIONS ARE ALIKE...

The South Carolina Department of Consumer Affairs (SCDCA) often gets questions from homeowners and homeowners association (HOA) boards about the rights and responsibilities of associations and their members. These include whether dues can be increased, what constitutes a quorum and meeting notice requirements. The majority of the questions can be answered by one or more of the following:



Generally, the **rules and regulations** (commonly referred to as the covenants, conditions and restrictions or CC&Rs) limit limit how a homeowner can improve or use their property. Topics often covered in the rules are related to landscaping, home/building standards, guests and pets.

The HOAs **declaration, master deeds and bylaws** cover rights and responsibilities of members and the HOA, but mainly set out how the homeowners association will operate. This includes information on meetings, dues, special assessments, elections and collection policies. Certain provisions in the rules and other governing documents may be superseded by state law.

WHICH LAW(S) APPLY TO THE NEIGHBORHOOD THAT I LIVE IN?

While South Carolina does not have a state specific law detailing how a homeowners association must operate, several South Carolina laws may apply. The most common laws are:

The Nonprofit Corporation Act applies to HOAs that have filed its nonprofit articles of incorporation with the Secretary of State. The law provides details on meetings (including notice & quorum requirements), rules for the board of directors and homeowners access to records. To find out if a HOA is registered as a non-profit visit the SC Secretary of State's website: https://businessfilings.sc.gov/BusinessFiling/Entity/Search.

The Horizontal Property Act applies to apartments/condominiums. This law provides details on how to set up a horizontal property regime, what must be included in the master deed/ lease and bylaws, record keeping requirements and allocation of expenses.

The Homeowners Association Act applies to communities and horizontal property regimes requiring homeowners to pay assessments. (Does not include timeshares). The law requires governing documents to be filed, provides certain meeting notice requirements and access to budget and membership lists. The law also requires DCA to collect specific data on HOA complaints, which are compiled and shared with the Governor and the General Assembly each year.

For more education or information on HOAs, please visit our HOA education webpage.