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## George Orwell's *1984* is alive and well in HOA-Land

### Introduction

In 1949 George Orwell published *1984* where the fictional Oceania (formerly known as England) is a totalitarian state that has instituted a new society designed for the survival of the country. Oceania had introduced methods and techniques designed to protect the government at all costs: **Big Brother is Watching You**; **Thought Police** (don't speak out or question, or else); **Doublethink**, creating the ability of the people to hold and accept two contradictory thoughts at the same time; **Newspeak**, the official language, replacing English, that redefines words and concepts; **Ministry of Truth**, the agency of propaganda and historic revisionism; and the **Ministry of Love**, the agency of regulations and enforcement.



Many can see the parallels and extensions of Orwell's *1984* in the real 1984, and current world, of homeowner associations (HOAs) — authoritarian private governments. Let's take a look.

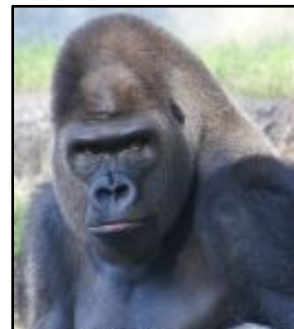
### 1. The creation of the HOA-Land Nation.

Twenty years ago, in 1964, *The Homes Association Handbook* gave rise to the HOA-Land nation. The Nation's common core beliefs that define the nation, and accepted by its inhabitants, include a desire and concern for maintaining residential property values, regulation of the conduct of the inhabitants with respect to activities deemed detrimental to property values, a package of real estate infrastructure with common area amenities, landscaping, a preference for private government over public government, often described as "government interference," and private government regulation and enforcement of the HOA-Land contractual constitution.

These common beliefs distinguish and differentiate the inhabitants, referred to and known as HOA-Landers, from other Americans. HOA-Land is a stateless nation, existing as planned community or

condo subdivisions within each of the 50 American states, and functioning as independent principalities. As private contractual de facto — real — governments they operate outside the application and restrictions of the 14<sup>th</sup> Amendment that all public governmental entities are subject. What that means in simple terms is that constitutional protections for citizens do not apply to homeowners living in HOAs, except where specific legislative exceptions in individual states were enacted by that state's legislature.

There is that 500 pound gorilla preventing the application of the US and state Constitutions to HOA private regimes that are not *arms of the state* or public entities. A 500 pound gorilla gets what it wants. It represents the pro-HOA “stakeholder” lobbyists (vendors like lawyers and managers).



Detailed information can be found in several documents: *HOA Common Sense: rejecting of private government*; *The Foundations of Homeowners Associations and the New America*; and Professor McKenzies' *Privatopia: The Rise of Homeowners Associations and Residential Private Government*. (See amazon.com).

## 2. HOAs as real world embodiments of 1984

HOA members are not protected 1) from the equivalent of ex post facto amendments (changing the contract and the time of purchase without the homeowner's consent), or 2) from legitimate due process, as defined by the US Supreme Courts, in HOA hearings; or 3) by fair and clean elections procedures as found in the public domain; or 4) by the equal protection of the law due to special HOA laws favoring HOA-Land over the people's rights and freedoms; 5) by enforcement provisions that lack of civil penalties against the HOA as a detriment to HOA violations of the laws and contractual documents; and 6) from the draconian HOA right to foreclose on a member's home that can easily be viewed as a cruel and unusual punishment in violation of the US Constitution.

It can be wondered, what else wasn't disclosed to homeowners at purchase time? The answer lies in a straight-forward assertion of misrepresentation and fraud in the mass marketing and selling of HOA controlled homes. For example, by the application of *Doublethink* and *Newspeak* homeowners in HOAs have unknowingly pledged their homes as collateral for the survival of the HOA. The word “pledge” never appears in any document, but the wording amounts to the fact that the home is collateral for the HOA's survival. Try not paying your assessments!

It is the use of *Doublethink* and *Newspeak* that explains how all this came to be, and why it continues, along with coercion through strict enforcement by the *Ministry of Love*. (See the real world studies: the *Milgram Experiment* and *The Stanford Prison Experiment*, described in [The Social Dynamics of HOAs: Why do people harm others in HOAs?](#))

The principles of 1984 can be identified within the HOA regime: *Ministries of Love*, the boards and HOA managers, coerce compliance with outrageous fines and claims of violations. The *Thought Police*, through the HOA venter organizations and lobbyists, use *Doublethink* and *Newspeak* to redefine everyday usage and meanings of words. *Newspeak*, or simply propaganda — lies and half-truths — to advance one’s interests, is extensively employed to defend the HOA regime. And, of course, there is the ever present all seeing eyes of the HOA — *Big Brother is Watching You*.

Of course, there are benefits to the state, the community and the residents, including the alleviation of irrational fears of the loss of property values. But at what price? At what cost? At the cost of *leaving the American Zone* (as expressed by Shu Bartholomew in *On the commons.com*) and the loss of member rights, freedoms, privileges and immunities protected by the US Constitution and Bill of Rights.

The influence and acceptance of Doublethink has people believing that HOAs are democratic and not authoritarian regimes, because residents can vote – like in Cuba and China. That de facto HOA governments are businesses and not quasi-governments, because it is so declared. That it’s the members’ fault for not making desired reforms to the HOA legal structure, which contains a very high bar to effective member participation in HOA governance. That the members’ are expressing their individual rights and freedoms by surrendering them and accepting that the authoritarian board speaks for them. However, the board is legally responsible to speak for the HOA corporation in accordance with the CC&Rs that do not recognize the rights of individuals as set forth in the Preamble to the US Constitution.



The very important and assiduous use of the redefinition of words, political correctness in today’s world, and use of the language to control the present — “*He who controls the present controls the past*” — is emphasized in the following review of 1984 (Themes, Motifs & Symbols, Sparknotes.com, <http://www.sparknotes.com/lit/1984/themes.html>, April 2015):

### Language as Mind Control

*One of Orwell’s most important messages in 1984 is that language is of central importance to human thought because it structures and limits the ideas that individuals are capable of formulating and expressing. If control of language were centralized in a political agency, Orwell proposes, such an agency could . . . make it impossible to even conceive of disobedient or rebellious thoughts . . . . This idea manifests itself in the language of Newspeak, which the Party [the clique in power] has introduced to replace English. The Party is constantly refining and perfecting Newspeak, with the ultimate goal that no one will be capable of conceptualizing anything that might question the Party’s absolute power.*

### Doublethink

The idea of “doublethink” emerges as an important consequence of the Party’s massive campaign of large-scale psychological manipulation. Simply put, doublethink is the ability to hold two contradictory ideas in one’s mind at the same time. As the Party’s mind-control techniques break down an individual’s capacity for independent thought, it becomes possible for that individual to believe anything that the Party tells them, even while possessing information that runs counter to what they are being told.

[HOAs are democratic, but as of 2007 or thereabouts they were now declared to be businesses, although nowhere does the word ‘business’ appear in any purchase contract or in any of the governing documents].

### **3. HOA-Land, emulating the political principles of 1984 government, is the New America.**

State legislatures have supported and protected the HOA-Land Nation as the *New America* of independent principalities, representing the new path to a better world, to a better state, and to a better



community. However, *the truth is out there!* It seems that the legislators have also succumbed to *Doublethink*, *Newspeak* and the *Ministries of Truth* and *Love*. And the media plays it part in the unspoken alliance of no negatives about HOAs. Like a banana republic, they *hear no evil, see no evil, speak no evil.*

The very essence and fundamental values that made America the bastion of individual liberties and freedoms has been tossed out the window. Now in HOA-Land, as in 1984’s Oceania, the objectives and goals of the government comes first and individual liberties second. The general consensus of legislators and the courts is that the homeowner foolishly agreed to terms and conditions that he now no longer likes, and wants out. No way, they say! (“He should have read the contract” and “If he didn’t understand it he should have gotten a lawyer. That’s what I would have done!”). They believe that the homeowner signed up to have the HOA maintain property values and granted the HOA board discretionary powers to insure that this objective is accomplished; they got what they signed up for!

Understand that the HOA has no contractual or legal obligation to “*establish justice, insure domestic tranquility, promote the general welfare, and to secure the blessings of liberty*” for its member-owners. (Preamble to the Constitution). Homeowners are deemed to have validly surrendered and waived the protections of the US and state Constitutions. Member-owners are deemed to have preferred to live in communities exempt from the 14<sup>th</sup> Amendment protections against government abuse. Consequently, the homeowner is at the mercy of the board. He is in a powerless position and is left on his own by his state’s legislature and attorney general.

## **Welcome to the New America of HOA-Land**



**I want YOU to  
Join the HOA-Land Nation, today!**