

Who's Against a Homeowner's Bill of Rights?

Sept. 28, 2006

1. Who cannot support, in principle at least, the David A. Kahne **proposed** Bill of Rights **published by** the AARP Public Policy Institute?
2. A clear statement of the purpose of the AARP proposal is contained in its forward written by the Institute:

The purpose of this publication is to outline a key set of ten principles . . . that states can follow when developing laws and regulatory procedures for common interest communities.

The guiding philosophy behind this publication is to promote healthy interaction between residents and their associations

3. If you cannot support all the ten points in principle, to what do you object? What principles would you like to add? Delete?
4. The introductory pages leading to these principles cannot really be argued against. While they could be stronger, they are a good statement of policy to guide the legislators. Offer your improvements.

As an example, Point X, *The Right to an Ombudsman for Homeowners*, an Ombudsman will serve its intended purpose so long as Points I - IX are in effect and working as intended. However, what we are seeing in various states is that the ombudsman function is being co-opted by creating this office before and without the Rights outlined in Articles I - IX in place, thereby making its function nothing more than a complaint desk at a cost to the homeowner.

5. I believe all homeowners can stand behind these broad principles, adding whatever conditions and restrictions, as they deem necessary. I believe that it's important for all advocacy groups to also adopt this attitude toward these ten points.
6. How these Rights are used before state legislatures will depend upon what advocates do and say. To deny them out of hand sends a strong signal to the legislators who, indeed, want to help and fight the special interests. All of us must argue our positions on these points, and confront and critique the views of our opponents, before the legislatures, the government agencies, the media and the public.
7. Some object to AARP's publication of these Rights and to its copyright for ideas that cannot be claimed as belonging to anyone individual or group, but represent common, public knowledge available to anyone giving the issue some thought. Proposals for a Homeowners Bill of Rights go back to 1997, and in 2000 I also proposed a set of rights before the Arizona Legislature. Furthermore, a copyright extends to the particular manifestation of the material; that is, this is an AARP document and AARP is entitled to copyright protection.
8. Some seem to object to this proposal based on prior acts and positions of AARP. However, this proposal stands on its own merits.

9. Mr. Kahne and AARP have accomplished a task not seen by any other person or organization since 1994, considering the self-publication of various books and articles. Only the special interests have been able to accomplish this task, thereby promoting their unopposed views to the public and policy makers.
10. The proposal of model statutes is another issue, and represents a proposed Act, much like a Planned Community Act or a UCIOA. It reflects an example of how the proposed Rights can be put into law. It, too, serves as a basis of thoughtful and serious discussion, and as a reference point. Make your views heard in this arena.
11. Donie Vanitzian's new publication, *California Common Interest Developments – A Homeowner's Guide*, is another important contribution to exposing the other side of planned community living, the side deliberately kept from the public's view.

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