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A brief history of Arizona HOA news coverage 2002 - 2012

In 2002, my archives show compassionate articles about the problems facing homeowners in HOAs from one leading news source. In 2003 – 2005 both sides appear in a balanced presentation, the deeper, fundamental issues with the HOA legal concept were not discussed in any detail. The praise of HOAs were offered as: protect values, beautiful landscaping, signed contract, good people vs. contract violators.

Coverage concerning substantive issues had its start in 2006 when one lone CBS affiliate reporter doggedly and tenaciously pursued legislation to get a fair and just adjudication of HOA disputes by OAH. His “let’s get answers” from the legislators blocking passage of the bill would have made Murrow and Cronkite proud, following in the footsteps of Woodward and Bernstein. And 2006 also had coverage of an Arizona State Bar decision against a media columnist, who was unidentified as a CAI member attorney, for what amounts to “bribing” a homeowner not to file the State Bar complaint.

In 2007, my archives contained just a few local “he said – she said” media articles, and in general, from this time on the number of HOA articles declined. In 2008, one local newspaper covering events at the Arizona capitol carried substantive commentaries and letters to the editor. A bill to remove “ex post facto” CC&Rs amendments, and to restrain HOA attorney abuse at OAH were printed. In 2009 one paper carried a short article on the first court ruling holding OAH dispute resolution unconstitutional (there were 3 such decisions over the years).

In 2010, the failure to carry HOA incidents of substantive import that cast negative aspects on HOAs is epitomized by the local Phoenix CBS affiliate’s coverage of an appellate court decision. It declared the 2006 adjudication law as unconstitutional (not covered anywhere else). In what can be easily seen as a “good guys” win coverage, their coverage failed to mention that the case was in appeal to the Arizona Supreme Court and that a non-lawyer advocate had filed an amicus curiae brief with the supreme court, which was accepted and is on file today. This alone was an accomplishment, never mind mentioning anything about the facts contained in the amicus brief of unethical and wrongful conduct by the trial judge and CAI member attorneys.

In April 2011 the Arizona Legislature passed a revised statute reinstating OAH adjudication. Not mentioned by any of the media until just before the law becoming effective in July. However, on May 24th the AZ Supreme Court had declined to hear the constitutionality case on OAH, but ordered that the underlying appellate decision could not be used as precedent – there would be no overturning of the new law. Not covered. Earlier, on May 19th, the Phoenix CBS affiliate had

run a poll on the reality of the HOA Syndrome, an HOA version of PTSD. It showed a 69% response saying the syndrome does exist in HOAs. No follow-up, no investigation. Given these events, the affiliate finally ran the announcement of the new law on July 18th, just 2 days before coming effective.

In 2012 Arizona, as of this writing, there are 8 HOA bills out of some 19, that are on the verge of becoming new law after votes by the full Senate. And only one media story, in the Arizona Republic, that covered just a handful of these bills. Other important bills that would have held board members personally liable have been ignored. No need to inform the people.

Of the 8 “potential” HOA bills, HB 2160 makes it a Class 1 misdemeanor if the HOA tampers with the election process set forth in the bill. No need to tell or warn HOA boards or its members. HB 2513 that affects HOA rentals in this crucial period where HOAs need assessments and renters will pay assessments. HB 2471 that can cause the HOA to lose 6 months of liens if it wrongfully interferes with homeowner for rent signs. HB 2030 that re-affirms that it is the legitimate public government that controls public streets within HOA subdivision, not the HOA. HB 2428 that provides for the fair treatment of homeowners by, regardless of the CC&RS, entitling the homeowner to attorney fees if he is the prevailing party. SB 1476 sets restrictions and requirements on ACC approvals of construction.

All, apparently, not newsworthy for the public according to the lack of coverage by the media.

See, [HOAs and the media: The media has failed as watchdogs of democracy](#)

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