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THE HOA-LAND CULTURE

Social and political dynamics

This series of 3 commentaries/editorials was an examination of the functional and operational dynamics of the HOA legal structure and scheme. The purpose of the examination was to raise the awareness and recognition of the ugly HOA forest through the multitude of HOA trees. The public has been influenced to focus only on the small details and to view incidents as isolated local issues; thereby ignoring the larger plans and principles of the national lobbying organization and its faithful followers.

"We must make the injustice visible" Mahatma Gandhi

George K. Staropoli, author & editor

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Definitions

First, allow me to clarify some important concepts and definitions that I have employed to help in understanding my positions and views.

1. The term “HOA” is commonly used in 2 different aspects. While commonly used to refer to the alleged community, in reality the “community” is a real estate “package” of homes, landscaping, amenities, and rules.
2. “HOA” more aptly applies to the association itself, which is the de facto – in fact – political governing body of the subdivision or real estate “package.”
3. “Government,” meaning political government, is defined in its general sense as *“the person or group that controls and regulates the people within a territory.”* Since your subdivision is a territory, that makes the HOA a truly political government.
4. “Private government” is a de facto government as defined above not incorporated under municipal statutes but under nonprofit corporation statutes. As such, it is a functioning government unrecognized by the state as Cuba had been for years.
5. “Quasi-government” simply means for all intents and purposes having all the attributes of a municipal government, except the names have been changed to mislead the innocent public.
6. “HOA-Land” is my descriptive term for “the collection of fragmented independent principalities within America, known in general as “HOAs,” that are separate local private governments not subject to the constitution, and that collectively constitute a nation within the United States.”
7. “Structured tribalism.” Tribalism is a term currently in vogue to describe divisiveness in America. “Structured tribalism” extends that view to describe

the intentionally planned policy for the acceptance and control of HOA-Land.¹ It views the fragmented HOA-Land as distinct villages and clans.

While the CC&Rs and declarations contain abundant boiler plate, each is a separate legal agreement and as such the HOA can be viewed as a village. The conglomeration of master planned communities or HOAs developed by the same developer can be seen as a clan. All stemming from the HOA “bible,” the 1964 Homes Association Handbook.²

¹ “In short, CAI has been setting itself up as the national private authority, a sort of Board of National HOA Governors,” [CAI manifesto: CAI’s plan for HOA-Land in America](#), 2016.

² See my 2006, [Analysis of The Homes Association Handbook](#).

HOA social dynamics and the loss of “freedom of mind” part 1

By: George K. Staropoli, March 18, 2019

Part 1.

A very disturbing behavior by the vast majority of HOA members in many HOAs, both large and small, is their willingness, their wholehearted obedience, and their unquestioned loyalty to behave as instructed by their board of directors (BOD). When confronted with contradicting views, criticizing and opposing the BOD's actions and conduct -- supported by documentation in statutes, correspondence and BOD behavior -- members simply ignore the evidence. These unknown neighbors, these strangers for the most part, who apparently cannot think for themselves can affect your home without your consent.

And when questioned and confronted as to their reasons and justifications for these outright illogical and wrongful acts by their BOD, the questioner is met with a cult-like resistance and dogmatic defense. The defenses are a combination of, among other things,

1. the BOD can do no wrong;
2. the BOD is made up of volunteers doing what's right for the HOA;
3. outright denying and disputing the opposing arguments without investigation;
4. labelling the questioner as a troublemaker and attacking his motives; ostracize, and disparage;
5. a defense consisting of slogans and mottos, like “no government interference.”

The BOD demands faith (never question), loyalty (agreement with the BOD), and obedience (suffer the consequences for disobedience, both financially and emotionally). However, there may be a small opposition group, but it usually lacks the power to be effective because the governing documents have been designed to restrict such “upstarts.” HOAs restrict the freedom of political speech as permitted in the public domain.

I am aware of two instances -- both in Arizona by upscale, large HOAs -- of the extreme degree to which members display a lack of “freedom of the mind”³ concerning amendments to the governing documents that have material consequences. In both cases the membership was given notice of serious violations of the law and governing documents supported by hard evidence. In both instances the BOD failed to address these concerns and to justify its actions. The vote was allowed to continue and the amendments became, in my view, falsely effective.

There is clear and convincing evidence that this irrational behavior is the result of a long-term, systematic program of indoctrination using propaganda⁴ as the means to accomplish the aims and goals -- the “party line” -- of the propagandists. Enforcement of the party line

³ See [Social dynamics freedom of mind.pdf](#) (2019), footnote 1.

⁴ Propaganda techniques: glittering generalities; testimonials from prominent people; name calling; use of false and misleading statements.

can be found in the same methods used to enforce cult obedience.⁵ The causes of this state of affairs in HOA-Land⁶ are analogous to the pressures of the pre-WWII Germans and today in America with respect to Facebook and other businesses fostering social media for their own self-serving agenda, respectively.

Milton Mayer interviewed average Germans in 1955 asking how could they let the Nazis take control. One telling response was that the “good” Germans went along “*in the usual sincerity that required them only to abandon one principle after another, to throw away, little by little, all that was good.*”⁷ The vehicle for this abandonment was the Ministry of Public Enlightenment and Propaganda.

Roger McNamee⁸ describes Facebook’s motive and mission as to make money by allowing people to “talk” to each over the Internet. Facebook uses behavioral modification techniques such as, playing on “‘lizard brain’ emotions such as fear and anger,” “giving users ‘what they want,’” and “[nudging] user attention in directions that Facebook wants.” Both examples seek to control and limit the people’s “freedom of mind” by indoctrinating them to their self-serving agendas. The analogies to HOA-Land are striking.

Continue with Part 2.

⁵ Obedience: “a form of “social influence in which a person yields to explicit instructions or orders from an authority figure.”

⁶ I have defined HOA-Land as a collection of fragmented independent principalities within America, known in general as “HOAs,” that are separate local private governments not subject to the constitution, and that collectively constitute a nation within the United States.

⁷ *They Thought They Were Free*, Milton Mayer, 1955.

⁸ *Zucked: Waking Up to the Facebook Catastrophe*, Roger McNamee, Penguin Press (2019).

HOA social dynamics and the loss of “freedom of mind” part 2

Continued from Part 1

By: George K. Staropoli, March 18, 2019

Part 2.

The best explanation I've found, and reinforced after some 7 years, for this illogical mass conduct by HOA members can be found in my 2012 six-page paper re-titled as, *HOA social dynamics and the loss of “freedom of mind.”*⁹ The following is my Conclusion.

In the Milgram¹⁰ and Stanford Prison¹¹ Experiments researchers explored what evil men can and will do to others 1) under repeated pressure from authority figures to follow the rules, and 2) in an environment where one is expected to act in accordance to the roles of the community. The researchers found that basically good people will indeed do harm, even do severe harm, to others. The conditions and factors present in these experiments exist within the HOA community, and the harm being done to others in these HOAs is well documented in the media and in the courts.

The authoritarian insistence on enforcing complete obedience to the CC&RS, as repeatedly impressed on HOA boards by their attorneys, is well documented. The compliance by the directors and officers with these pressures for enforcement is well documented. The blind obedience, apathy, and passivity to authority by HOA members – the “prisoners” — who sign and agree to provisions blatantly detrimental to their interests, is well documented. The adoption of the roles demanded of them by the system and by the situation — state laws and the court opinions, the adherence CC&Rs and governing documents, and the lack of effective recourse — is well documented.

The numerous “educational” seminars taught by the attorneys and managers, many of which are sponsored by state and local governments, serve not to fully inform but to indoctrinate the members into roles of obedience and passivity, is well documented. Good people doing bad things or remaining silent in the midst of wrongful acts and actions by the HOA is well documented.

State governments, the legislatures, cannot allow HOAs to continue to run amuck and to freely violate the laws and their contractual obligations without legitimate and necessary constraints holding them accountable for the harm that they do to others. BODs are getting a *free ride* from their state legislature.

⁹ See [Social dynamics freedom of mind.pdf](#) (2019), footnote 1.

¹⁰ *Obedience to Authority*, Stanley Milgram, Harper Perennial (1720) (1983).

¹¹ *The Lucifer Effect: Understanding How Good People Turn Evil*, Philip Zimbardo, Random House (2008). Made into a movie in 2015, *The Stanford Prison Experiment*.

State legislatures and town/city governments must stop supporting the propagandists responsible for creating this unhealthy attitude. They must immediately conduct a valid and independent vetting of the principal party that conducts their educational seminars and conferences that advance their misleading party line. A fully informed citizenry within HOA subdivisions is a necessity for democracy to function and protect individual rights and freedoms.

HOA political dynamics: authoritarianism & totalitarian democracy

By George K. Staropoli, GKS256@nyu.edu

March 22, 2019

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¹³ See my 2006, [Analysis of The Homes Association Handbook](#).

In an earlier editorial on civic responsibility,¹⁴ I questioned the allegiance, the loyalty, and the obligations of HOA members. Was it to the US Constitution or to the HOA “constitution,” the governing documents? I answered that it appeared to be the HOA first and foremost – secessionist -- creating division within the country.

This was followed up by the editorials¹⁵ where I examined the attitudes, beliefs, and values of the HOA members themselves. I focused on the aspect of long-term indoctrination by the *HOA School of Public Enlightenment and Propaganda*, my categorization. The question yet to be addressed was: What role did the members play themselves in terms of a predisposition to accept authoritarian, private governance?

By serendipity, or by destiny, I just received an email discussing authoritarianism and totalitarian democracy.¹⁶ It argued that Americans were accepting authoritarian control, which seemed to be a cause for the behavior of cult-like, dogmatic member acceptance of the HOA board’s (BOD) actions and attitudes. It seems that the more predisposed to authoritarian control the more the member acted as a diehard, dogmatic, true-believer in the BOD.

There are a lot of Americans who do not care for democracy. They do not mind [failing] to follow the Constitution, or that [it] poses a danger to democracy. These “authoritarian followers,” as social science labels them, are also highly ethnocentric, thus frequently racist, nationalistic, deeply partisan, and threatened by “the other.” . . . Other testing shows these people are also highly defensive.

The HOA legal structure and scheme is basically authoritarian in nature: strong central power, limited political freedoms, no accountability, and under the rule of man, not law.¹⁷ The authoritarian nature of HOA-Land is masked by a thorough indoctrination¹⁸ that the real estate subdivision is a democratic community (although the HOA is not a municipal entity but a private nonprofit association) because the members are allowed to vote, as meaningless as it is.

But the HOA is truly a totalitarian democracy. To paraphrase the founder of fascism, Benito Mussolini, “*All within the HOA, nothing outside the HOA, nothing against the HOA.*” The marketing and promotion of the HOA model of governance has been conducted in a very smooth manner: no negatives, “carefree living,” playing to the emotions and desires of the members, misleading statements to induce buying, and empty promises of “maintaining property values, ”etc.

¹⁴ [Civic responsibility vs. HOA member responsibility.](#)

¹⁵ [HOA social dynamics.](#)

¹⁶ [Verdict” email from Justia.](#)

¹⁷ “Authoritarian” can be defined as “a form of [government](#) characterized by strong central power and limited [political freedoms](#). Individual freedoms are subordinate to the state and there is no constitutional [accountability](#) and [rule of law](#) under an authoritarian regime.” [Wikipedia.](#)

¹⁸ *Supra* n. 2.

Here's are some of J. L. Talmon's views of totalitarian democracy as found on [Wikipedia](#) (my emphasis):

A totalitarian democratic state is said to maximize its control over the lives of its citizens by using the dual rationale of general will (i.e., "public good") and majority rule. An argument can be made that in some circumstances it is actually the political, economic, and military élite who interpret the general will to suit their own interests.

A totalitarian democracy . . . retains full power of . . . the right of control over everything and everyone. Maintenance of such power, in the absence of full support of the citizenry, requires the forceful suppression of any dissenting element except what the government purposely permits or organizes

It is [the member's] duty and responsibility to aid his compatriots in realizing [this right of control]. Moreover, any public or private activities that do not forward this goal have no useful purpose. **Citizens of a totalitarian democratic state, even when aware of their true powerlessness, may support their government.**

Getting back to HOA-Land, it becomes disturbing that the application of authoritarianism and totalitarian democracy philosophy seems to fit quite well. Too well at that! But these views of HOA-Land are a valuable enlightenment because it takes HOA-Land out of the hands of the propagandists, out of the shadows, out of the darkness of Plato's cave.¹⁹ It reveals reality.

¹⁹ "In the Allegory of the Cave, Plato distinguishes between people who mistake sensory knowledge for the truth and people who really do see the truth." (See [Philosophyzer](#)).

George K. Staropoli

Mr. Staropoli is a nationally recognized homeowners rights advocate. Since April 2000 he has testified before legislative committees in Arizona, Florida and Nevada and his opinions and views have appeared in the national and local media. He has been quoted in *Private Neighborhoods and the Transformation of Local Government* (2005), AARP Policy Institute *Homeowners Bill of Rights* proposal (2006), and acknowledged as a leading advocate in the Thomson – West legal treatise, *California Common Interest Developments – Homeowner’s Guide* (2006) and in Evan McKenzie’s *Beyond Privatopia* (2011).



In 2011 Mr. Staropoli’s amicus curiae brief was accepted by the AZ Supreme Court in *Gelb v. AZ DBFLS* pertaining to the constitutionality of ALJ adjudication of HOA disputes. In 2013 he filed suit (*Staropoli v. State of Arizona*) against the State of Arizona for an unconstitutional bill, SB1454. The HOA portions of the bill were declared unconstitutional and invalid per the Arizona Constitution.

Emmy winning investigative reporter Ward Lucas (*Neighbors at War!*, 2012) writes about Staropoli saying, “his knowledge is sophisticated . . . [he] has been able to articulate the deficiencies and the pending bombshells contained in the Legislature’s denial of the obvious: that the HOA system is badly broken and in desperate need of an overhaul.”

In 2005, after years of criticism that CAI was a business trade group with consumer HOAs as members in violation of its tax-exempt status, CAI removed HOAs, per se, as a membership category.

In 2000 Mr. Staropoli founded and is president of the nonprofit Citizens for Constitutional Local Government, Inc., Scottsdale, AZ, a nonprofit organization seeking to inform the legislators and public about common interest property issues and to expose the prevalent myths and propaganda about carefree living in an HOA. *Citizens* believes in supporting principles of American democracy.

He is a publisher of HOA issues and has authored: “*Understanding the New America of HOA-Lands*” (eBook, 2010), “*Establishing the New America of independent HOA principalities*” (2008), and he is author of *HOA Common Sense: rejecting private government* (eBook, 2013). George published an education course outline in 2015: the “*HOAGOV Education Series: understanding the real lives of HOA members.*” George also publishes on the internet.

Mr. Staropoli was a Vice President of an international securities brokerage firm, Shearson Hayden Stone (since merged and absorbed into Morgan Stanley Wealth Management); a member of the CEO Club, NY, NY; served as Treasurer and board member of a Penn. HOA; and served as a board member of the NYC Data Processing Assn and the Valley Citizens League, Phoenix, AZ. He holds a MS in Management from Polytechnic University, Brooklyn, NY (now NYU Tandon School Engineering).

Accomplishments

<u>Date</u>	<u>Event</u>
1. 2000	Proposed Homeowner Bill of Rights before AZ legislature HOA interim committee
2. 2005 Arizona	Instrumental in passing HOA due process by OAH bill in Arizona
3. 2008 <i>principalities</i> "	Published " <i>Establishing the New America of independent HOA principalities</i> "
4. 2010	Published <i>Understanding the New America of HOA-Lands</i>
5. 2011	Amicus curiae accepted by AZ Supreme Court HOA Constitutionality challenge
6. 2005 – 2012	Appeared in several books and treatises on HOA issues
7. 2013	Won HOA constitutionality suit against Arizona Legislature
8. 2013	Published " <i>HOA Common Sense: rejecting private government</i> "
9. 2015	Published educational series, " <i>HOAGOV Education Series: understanding the real lives of HOA members.</i> "



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