

# North Carolina Coalition for Homeowners Rights and Creation of Laws for HOA Regulation

To Bring Regulation to HOA Excessive Powers and Abuse of Homeowners

[www.nchoalaws.org](http://www.nchoalaws.org)

**DRAFT – FINAL COPY TO BE PROVIDE AT MEETING ON JAN 23**

To: NC House Select Committee on HOAs  
Subject: Address to Committee on Jan 23, 2012  
From: Jim Lane, Founder, NC HOA Laws Coalition [www.nchoalaws.org](http://www.nchoalaws.org) 704-451-1543

Dear Committee Members and Fellow Homeowners - We would like to share the following:

**Einstein:** “You cannot solve a problem from the same consciousness that created it. You must learn to see the world anew.”

**Doctors and Nurses Medical Pledge to Patients:** “Do No Harm”

We all look forward to our collective and joint efforts “to see the world anew” and to eliminate the Harm being done by HOAs to Homeowners, everywhere, not just in NC. We look to Positive and Productive Outcomes from ALL of our Efforts to reform and reinvigorate the Ownership of Homes in North Carolina and to make our “Planned Communities” into what they were intended to be (but are **not** today). To that end:

**Help us create NEIGHBORHOODS, where Neighbors once again treat Neighbors as Neighbors**

We also look forward to Progressive, Pervasive and Permanent changes to the way HOAs and Condo Associations are **formed, managed, operated** and **regulated** in North Carolina.

You have heard (and will continue to hear) from Homeowners that the ENTIRE premise and structure of HOAs is at the REAL ROOT CAUSE of the FAILURE OF HOAs and for what is **BEING DONE TO** Homeowners and **NOT FOR** Homeowners. At excessive and extensive COSTS to Owners.

**HOAs today do not exist for the benefit of Homeowners ... which is VERY CLEAR to everyone who lives in an HOA Community. COMPLETE OVERHAUL is needed ... .. and we are here TODAY to Offer Proposals that are the REAL beginning of a Solution.**

You will hear about **Fear - Power - Control** and what continues to get **WORSE** not better BECAUSE OF OUR LAWS !! See attached "handouts" ... and also listen to the many Stories on our website. **FEAR runs rampant in many “Communities”** as HOAs are given “virtual GUNS” by the way HOAs are authorized to operate and to destroy Owner Rights and Lifestyles that we thought were Rights to ALL Citizens under our Constitution and other Laws.

HOAs in their currently "authorized" state are basically FLAWED ... and are AT FAULT for damages inflicted on Homeowners by HOAs and their Associated “Contractors” (ie HOA Attorneys, Property Managers and Others) in their so-called “Planned Communities”.

**The ONLY real benefit of HOAs under NC Laws today are to HOA ATTORNEYS, “COMMUNITY” DEVELOPERS, PROPERTY MANAGERS and HOA CONTRACTORS.**

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Homeowners have been SACRIFICED in nearly every HOA Law, CCR, Bylaws and HOA Document (notably prepared by an HOA Attorney or Developer and FORCED on a Homeowner as a condition of purchase) and in most cases brought to their knees by way of Threats, Over-Control, Fines, Liens, Petty "Back Stabbing" by Board Members, Lack of Education and Knowledge by Board and Association Members and threatened and real Foreclosures ... amongst other abuses ... and not to mention the destruction of the American Way of Life and our Individual Rights to Ownership and Use of Property in our "Communities"

**The FIRST step in bringing any resolution is to do exactly as Jane Jordan and others in our Coalition have already suggested to you ... and that is to ELIMINATE / VOID the "HOA Documents" that were created by HOA Attorneys, Developers, Property Managers when a "Community" is built AND TURN THE "Community" over to Homeowners to create a "Neighborhood" ... for THEIR benefit, with Documents that are designed for THEM !.**

And NONE OF THAT can be done by the people that created the mess to start with ! IT MUST BE DONE BY Homeowners / Citizens who OWN THE PROPERTY !! NOT BY HOA ATTORNEYS !

It is the CCRs and Bylaws and the Mini-Government / Dictatorship created by our HOA "Laws" (as written by and for the direct benefit of HOA Attorneys, Developers and Property Managers) that is the ROOT CAUSE. Listen to and Read the Stories you can link to on our website at [www.nchoalaws.org](http://www.nchoalaws.org) Listen to the Stories you've already heard from your own sources ... and to those that you will hear a lot more of at these Hearings and from Homeowners as they realize that their FEARS of abuse for speaking out are FINALLY being heard by our Legislature.!

**Listen yourselves ... and then ask "Who is being helped by HOA Laws?"  
It will become clear, if it hasn't already.**

**We are asking for a HOMEOWNER TASK FORCE be appointed by the Legislature to COMPLETELY INVESTIGATE and to COMPLETELY revamp ALL of the Laws ... and to create Regulations as may be needed to prevent the abuse and over expenditure of Homeowner Funds (out of their pocket, NOT the HOA!) to do harm ... and to evade and degrade the REAL RESPONSIBILITIES of our Legislature and our Elected Officials at ALL LEVELS.**

**And all of these studies and their resulting outcomes and recommendations are targeted and intended to do ONE THING: and that is to PROTECT our Citizens ... NOT to find FAULT with them and PUNISH them !!**

We look forward to a very constructive meeting and the appointment of the "Homeowners Task Force for Neighborhood Sanity".

Attachment : Triangle of F-E-A-R

**Jim Lane**  
**NC HOA Laws Coalition**  
**Revising NC Homeowner Association Laws**  
[www.nchoalaws.org](http://www.nchoalaws.org)