



<http://starman.com/hoagov>

Constitutional concerns on legitimate local government: civil and HOA

Editor's note

This handbook documents the events surrounding the failure of the Arizona Senate to pass HB 2153, for the second consecutive year, and the Senate's failure to re-assert, to defend, to declare, that the legitimate government in America and in Arizona is public government and not private homeowner association government. Questions and constitutional issues are raised. Do the Constitution and laws and Arizona constitution represent the supreme law of the land, or is deference given to private agreements under servitude law? The legislature's failure concerned the regulation of public streets within a subdivision governed by an HOA.

Listed below are links to the related *HOA Private Government* commentaries from March 23, 2010 through April 9, 2010.

George K. Staropoli. April 10,2010.

[public streets: the battleground for private or public government control](#)

Tuesday, March 23, 2010, 4:23:43 PM | HOAGOV

House Bill HB 2153, sponsored by Rep. Nancy Barto, seeks to retain control of public streets under legitimately recognized local governments, the towns and cities. The HOA special interests, and misguided supporters claiming the unique right of an unregulated "local voice of the people", and further claiming a fully knowledgeable and freely given consent, without any misrepresentations, [...]

[AZ Mayor supports HOA control over public streets in her city](#)

Tuesday, March 23, 2010, 3:18:27 PM | HOAGOV

Arizona's HB 2153 is a simple assertion of the municipality's jurisdiction and authority, as the legitimate civil government, over the public streets in or not in an HOA. 33-1817. Community authority over public roadways NOTWITHSTANDING ANY PROVISION IN THE COMMUNITY DOCUMENTS, AFTER THE PERIOD OF DECLARANT CONTROL, AN ASSOCIATION HAS NO AUTHORITY OVER AND SHALL NOT [...]

"This is not Mayberry anymore" as mayor supports HOA usurpation of city's legitimate authority

Friday, March 26, 2010, 11:19:45 AM | HOAGOV

Excerpts from my response to the advocacy for HOA governments by the Mayor of Glendale, AZ : — I thought that the regulation of public streets was under the legitimate authority and powers of the City of Glendale, and any unsafe streets are the responsibility of the City of Glendale. The fact that citizens are held [...]

Is the delegation of legislative authority to private HOA entities constitutional?

Tuesday, March 30, 2010, 1:31:52 PM | HOAGOV

When it comes to delegating governmental power and authority to state agencies, one only needs to look at the body of law surrounding the grant of authority to a state agency. The authority for an agency to make and to enforce laws, under the state's Administrative Procedures Act, is subject to constitutional law with its [...]

Sun City HOA: a real independent principality

Thursday, April 01, 2010, 8:16:32 PM | HOAGOV

Sun City, AZ. a renowned retirement community, is an unincorporated town under the governance of the Sun City HOA (SCHOA). It does not qualify as a planned community or as an HOA under the state's statutes. SCHOA is a private nonprofit corporation — no mayor & no town council, governs it. A sort of a [...]

Government of the people, by the people, for the HOA

Friday, April 02, 2010, 1:18:11 PM | HOAGOV

The following email letter from Mr. Brown to the Arizona legislative leaders reflects his concern about democracy in America. (For more information on this HOA bill, please see public streets: the battleground for private or public government control). My dear President Burns, Chairman Tibshraeny, Vice-Chairman Harper, Members of the Senate Government Institutions Committee, Senator Bunch, Representative Barto, Co-Sponsors [...]

Dysfunctional legislatures supporting de facto private HOA second governments

Monday, April 05, 2010, 8:42:22 AM | HOAGOV

“Wherever the real power in a Government lies, there is the danger of oppression.” James Madison. In my prior commentaries[1] on Arizona’s constitutional question of “who controls public streets”, HB 2153, I spoke of “legitimate governments” and made it quite clear that a contractual, private de facto government — an HOA — cannot be held to [...]

The legitimacy of HOA boards and state legislatures

Yesterday, April 09, 2010, 7:22:12 AM | HOAGOV

Is your legislature, the “sovereign” of the state, a legitimate government? This is a question that the people, and your government, have avoided asking and answering, but it must be addressed today. State legislatures have been acting, and the people have unknowingly accepted, the legislature as the “people” rather than as the representatives of the [...]

Declaring the HOA as a legitimate government

Friday, March 26, 2010, 9:11:05 AM | HOAGOV

The following is a model bill that would place all homeowners associations under the 14th Amendment and state laws, thereby bring the equal application of the law to all citizens within the state living or not living in an HOA. This model bill would go a long way to removing the second form of local [...]