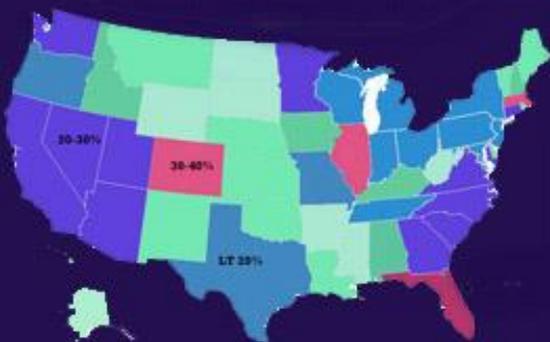


***The HOA-Land Nation  
Within America***

***HOA-Land is a collection of  
fragmented independent  
principalities within  
America***

***George K. Staropoli***



**A peek at the forthcoming HOA publication**

## **Preface**



This white paper presents a view of the institutionalized HOA model of local governance from the perspective of constitutional law, which has long been ignored by its promoters and supporters. There is a puzzling attitude or view regarding HOAs that has existed for over 20 years. It can only be explained as an *unspoken alliance* that has reached the level of a religious fervor. Even if a person has a limited understanding of the law, this silence defies common sense. This alliance seems to bind all participants to: *Thou shalt not speak evil of an HOA*. This white paper puts an end to the silence!

As a consequence of this silence over the years a false and half-true picture of HOA-Land has been instilled into today's society and culture. Where were those learned persons who have the knowledge and understanding to speak out but joined the chorus of silence -- the political scientists, the learned state legislators, and the informed news media analysts?

It comes as no surprise that the vast majority of persons living in an HOA approve and love their HOA, finding only minor problems with the board of directors or HOA managers. The annual "satisfaction" surveys produced by the pro-HOA trade group, CAI, reflect this positive attitude.

There is no denying that the HOA subdivision managed by competent boards and professionals appeals to the desires and wants of home buyers and bring many benefits. However, as this whitepaper addresses, the means to this end are highly suspect and harmful to our democratic system of government.

*"HOAs currently engage in many activities that would be prohibited if they were viewed by the courts as the equivalent of local governments."* Evan McKenzie, 1994

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The assault on the Constitution did not start in 2016 but in 1964 with the publication of the *Homes Association Handbook* that formulated the current legal model of local authoritarian, private governments commonly known today as homeowners associations (HOAs). George K. Staropoli is a nonlawyer, nationally recognized long-term homeowner rights activist with some 18 years of involvement. His diligent legal research and prolific commentaries and editorials have been published to his online HOA website, *HOA Constitutional Government*.



Mr. Staropoli has concluded that there exists an *HOA-Land Nation* within America that is comprised of fragmented and local HOA governments across the country, and has designated them collectively as *HOA-Land*. The commonality of their declarations of CC&Rs, flowing from the Handbook, their shared beliefs, values, traditions, and institutions qualify HOA-Land as a nation.

The private contractual legality of the HOA allows it to function outside the US and state Constitutions and laws of the land as if it were a principality. States have granted the HOA more freedoms and rights than possessed by local governments. HOAs have more freedoms than allowed to communities electing to be held subject to *home rule* statutes holding them subject to the Constitution and the laws of the land. The consequence of this treatment as a principality has been a loss of constitutional rights and freedoms for the members of the HOA, relegating them to a second-class citizen status.

Mr. Staropoli asks whether the subdivisions now known as HOAs could exist within the constitutional structure of our 232-year democratic institutions, or was it necessary to adopt authoritarian methods to overcome the defects of the HOA model of governance?

This white paper examines, discusses, and challenges the heretofore hidden and ignored issues of constitutionality of the HOA model of local governance, with its the abdication of America's social contract – the US Constitution -- for the HOA social contract, the Declarations of CC&Rs.