

CAI Reinventing Democracy

By George K. Staropoli

The latest response to advocates' criticism of the Common Ground article, Critical Mass, and of CAI and HOAs in general, comes in another Tom Skiba, CEO of CAI, BLOG entry.

In this May 22nd entry in "Welcome to Ungated", CAI's non-restricted BLOG, Mr. Skiba continues the skillful use of a propagandist's redefinition of the meaning of commonly accepted words and concepts. So, allow this humble advocate who, in Mr. Skiba's words, "revolt[s] at democracy at its most local form" to shed some light on these "word games" -- you know, It depends on what the meaning of "Is", is.

For example, democracy is freedom, but HOAs are compulsory and government mandated housing. Homeowners are not free to negotiate the CC&Rs provisions, nor are they fully informed of the consequences of HOA living to a make voluntary and freely exercised consent to these restrictions. Homeowners are not even told that the democratic principles of government cease when you take possession of your deed restricted HOA home. Democracy is not simply voting rights. If so, Cuba and China would be declared democracies.

The CEO goes on to make contradictory statements, talking not about democratic governance, but about the business needs of associations,

What we cannot support are situations that compromise the financial health and well-being of associations, place an undue regulatory burden and cost on associations, or treat associations differently than any other type of business entity. Because that is what associations are - businesses.

It's obvious to many advocates that CAI gets confused about what to say about HOAs, because it, as a true propagandist, seeks to use whatever concept or weak analogy to further its self-interest views of reality. Everyone knows that Civics 101 or Government 101 do not talk about corporate governance, but public governance.

With a sweep of the pen, "Let's get back to reality", the CEO then proclaims the following CAI purposes and objectives,

We are in support of reasonable laws and public policies that make HOA's work better.

We are in support of education for everyone involved in the industry and of professional standards and expectations for those serving the industry.

We are in support of neighbors working together to make their communities better.

In reverse order, the unconscionable adhesion contract with its lack of member protections serves to inhibit member interactions, and in many cases, is used to identify members to be persecuted as "undesirables". And instead of a professional methodology mentioned above, in real life, many homeowners feel the wrath of the CAI member management firms and attorneys.

How come only two or three states regulate management firms and HOAs? Why do the CAI lobbyists, under the strong hand of the "central committee" of the national CAI lobbying arm, oppose legislative reforms that would hold these vendors accountable, as are real estate agents, title companies, mortgage companies, etc? Is that reasonable? A homeowner under HOA control should expect the same form of democratic governance that exists throughout the states across the country, shouldn't he? Now, that's reasonable!

Reading CAI's "Rights and Responsibilities", one quickly detects the atmosphere of a principality where the rights and responsibilities only concern the principality, and not the broader political and social organization making the HOA possible? How do you make an authoritarian regime, one that relies on the adhesion contract and state law intimidation to coerce the compliance of its members, a better community?

Is it reasonable to oppose restoration of the homestead exemption? Or reasonable to oppose due process protections by independent tribunals? Or reasonable to seek draconian foreclosure measures against homeowners that amount to excessive punishments and a constitutional violation of the 8th Amendment. No, it's only reasonable if your objective is the perpetuating a defective, authoritarian, un-American form of governance throughout the land.

And No once again. The CAI CEO's statement reflects the view that HOAs are businesses, and by definition, seek a profit. Not satisfied with just the above argument for HOAs as a business, Mr. Skiba makes it quite clear with:

They aren't governments, they aren't personal private clubs, and they certainly aren't fascist states created to deprive poor, unsuspecting homeowners of their rights. They are businesses that need to be run in a professional and business-like manner.

Do these statements about HOAs being a business indicate misrepresentation by CAI as to the real nature of purchasing a home in an HOA, or about "care-free" community living that continue to be made by CAI to the legislatures, government agencies, the media and the public?

Why, then the statements about democracy and the will of the people as stated in the BLOG? Because CAI needs the statutes and support of the legislators to sanction the unconscionable provisions of these CC&Rs; and for the enforcement of these contracts that are not understood by many homeowners, who are not asked to even initial no less sign them as must occur in a bona fide contract; and many other reasons, some mentioned here, and too many to list here.

Mr. Skiba's BLOG simply reflects the "gotcha" by advocates, and the realization that there is no valid reason to restrict fundamental freedoms and liberties except to coerce compliance with the "laws" of defective, authoritarian regimes.

The second main theme of the BLOG is to condemn and discredit the criticisms of advocates. But in this diatribe against advocates, I don't know why the CEO asks for an exchange of ideas when I have repeatedly offered, which was carried in the Critical Mass article, to debate the issues with CAI?

Yes, Mr. Skiba, let's get to the truth of the matter. And the truth shall be forthcoming because CAI does not control the Internet, and never will, and the valid and legitimate concerns and questions by informed advocates shall be addressed, in the open, for all to see and hear. Just like the surveys by government agencies and not by CAI's "prove our point" surveys.