

Letter to the Editor and to News Media, Legislators and Homeowners Everywhere -

“What are the Duties of Lawmakers?” “As public figures, it is crucial to note, that all Lawmakers are enforced to make and decide on such rules with good moral judgment. Accepting bribes and making policy that will only benefit a certain group of individuals is considered a highly illegal action. ... A Lawmaker’s behavior should reflect the trust that the people instilled in that person when they decided to elect him or her.”

- from <http://administrative.laws.com/lawmakers>

This statement applies also to Laws that affect an estimated 60% of Homeowners in North Carolina and most other States where HOAs have become the most prevalent form of Real Estate Development. Most of those people reside in the 16,000+ Homeowner Association (HOA) Communities in our State. In North Carolina, as in many other States, an HOA is REQUIRED by Law in ANY Community of more than a certain number of Lots – in NC it’s 20. HOAs are now the “Standard” for all new Developments and Communities across the Country. Since the early ‘90s and before.

Existing HOA Laws serve NOT Homeowners, but rather serve the HOA Industry of Attorneys and Community Management Companies that derives its Power, Authority and nearly ALL its Income from these 20 year-old Laws. Those Laws were put in place by our Legislators, supported by the HOA Industry and its Lobbyists, in the ‘90s and have been watched over since then by those Lobbyists - with little Homeowner input ... and it seems little regard for the true and compelling impact on them.

As they are controlled by these Industry-favoring Laws, Homeowners CANNOT even buy a Home unless they agree to be bound by HOA rules and restrictions ... without ANY recourse, except very expensive and drawn out Litigation (topping \$10,000 in most cases ... just to get started), which Courts are reticent to hear and Homeowners only lose under our Laws. Homeowners have spent Hundreds of Thousands of Dollars to save their Homes and their Freedoms from what our Laws enable HOAs to do ... with no Oversight ! Is this what our Legislators intended ?? Let’s hope not !

The ONLY recourse for Homeowners is to not buy the HOA Community Home in the first place. And THAT is what is happening ! But then, where do they go if they want a newer home ... since all new Developments are required to be HOAs ??

The HOA Industry in NC (and many other States) is neither Licensed (with appropriate Training) or Regulated in any way.

Homeowners cannot file a Complaint with any NC Government Body for any issue that is imposed upon them by their Boards of Directors, Management Companies or Attorney who represent their HOA. Boards are also untrained and unlicensed and not regulated. Homeowners can only hire an Attorney to represent them ... but they all represent HOAs, so a qualified Homeowner Attorney is a rare thing in this State.

One important point not obvious to Homeowners is that HOA Attorneys represent the Corporate Entity, called the HOA ... and they DO NOT / CANNOT represent Owners. It’s a conflict of interest. The Laws set it up that way !! In fact HOA Attorneys are OBLIGATED to protect the HOA from Owners, the Members of the HOA!

Our Laws create, enforces and supports a “whose side are you on” mentality based in legal terms that pits Neighbors AGAINST Neighbors in a Reality TV Show calamity. Those same Attorneys are part of the HOA Industry, generating their own business ... against Homeowners !! Its “NO WIN” for everyone ... except the Attorneys.

Homes are being taken away through HOA Foreclosures and / or Life and Retirement Savings are being taken to pay Violations, Fines and Fees imposed on Private Property in ways that that we see NOWHERE else in America. Why ?

Duke Energy can't take your home for being 90 days late in paying you Bill. But an HOA can ... Under our Laws. Why? And make a profit, at the expense of Homeowners. A profit for whom ?? That’s what we are investigating in a number of Cases across the State.

CONCLUSION - HOA Laws serve the best interest of the HOA Industry ... A small group, relative to millions of Homeowners. But they **"don't provide sufficient protection for Owners of property ... in NC Planned Communities"** that are required by NC Law. **Those are words of the Legislature itself after a year of study and public hearings across the State in 2011-12.**

Read the HOUSE HOA Committee Report of May 2012. Link on www.nchoalaws.org to the view / download the Report

The PRIMARY Beneficiary of HOA Laws enacted in NC is NOT Homeowners ! Instead, it is HOA Attorneys and Community Association Managers and their Trade Association, Community Association Institute (CAI)

Why is the Legislature allowing this ?? Are they even fully aware ??? We think not.

Rather, we hope these failures of Legislators to protect Owners of Properties in our Planned Communities are from lack of understanding the full Issue ... and come from being deliberately and with self-serving purpose misled by HOA Industry Lobbyists ... from the date those Laws were written in the late 90s and before. Attempts to bring reform over the past 6 years has done nothing to protect Homeowners ... and nothing is being done today to bring any Homeowner Protection Bill up for a Vote in any Committee and submit it for Signature by the Governor.

Our Laws DO NOT protect Homeowners. Clearly !

That FACT is now finally becoming more and more a concern for Buyers, especially younger and retired ones that are now telling Realtors "Don't show me a home in an HOA Community ... I won't buy it!" They know better !

Our Legislators were all elected by Citizens and Homeowners. They were not elected by Lobbyists and the HOA Industry that is now being served by our Laws, at the expense of Homeowners

Why is our Legislature protecting the Industry when they were elected to protect and serve our Citizens ??

Why were the Recommendations of the NC House HOA Committee in May 2012 never implemented.

Because the HOA Industry Lobbyists STOPPED IT !! To serve whom?? The Industry. Not Homeowners.

Quoting from above -- Are our Legislators " ... making policy that will only benefit a certain group of individuals [that] is considered a highly illegal action. ... A Lawmaker's behavior should reflect the trust that the people instilled in that person when they decided to elect him or her." ??

We need an public investigation to find out. To join the effort, contact your Legislator and talk to your Neighbors about what they know (or don't)

Jim Lane
Organizational Leadership & Business Consultant
HOA Law Reform Coalition
HOA Homeowners Consultant
www.naturalleadership.com
www.quadranthoamanagement.com
www.hoaowners.org
704-451-1543