

HOA's Don't Make Any Legal Sense

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Homeowner's Associations are just one more example of the tyranny of modern society, so they are suspect from the first word. To see what I mean, let's do the usual deep dive on this question. At Wikipedia, they tell us the HOA goes back to 1905 in Los Angeles, but that isn't really true since those "improvement associations" were outrageously discriminatory and were eventually ruled to be illegal. Then we are told the HOA came out of the Clean Water Act of 1977, which required communities to manage storm water. But that is another obvious dodge, since it implies city governments couldn't do that. They can and do, so we already know we are being conned again.

Just from a cursory glance at this question, we can tell HOA's are not what we have been told they are, and that they are controlled by some hidden party. What could that possibly be? Well, since the banks own all the land and houses in the world, it must be the banks, right? Yep. As usual this is pretty easy to figure out. All you have to do is open your eyes. HOA's are fronts for the banks, which is the only way to explain how they ever win any court cases. Otherwise it is impossible to say where their legal authority comes from. Legal authority normally comes from ownership, but in many cases the HOA owns nothing.

We are told the authority comes from covenants the developers or original homeowner's drew up, but that doesn't by itself make them legal. Anyone can draw up something. The problem is, these covenants are based on the idea that non-governmental bodies can compel action on citizens by just making the claim they can. But before about 1985 there was no precedence for that claim, and in fact it contradicts all common law since the Magna Carta. It contradicts the very legal definition of ownership, since the HOA is somehow claiming to retain ownership rights after selling them. The HOA is normally claiming residual rights of the developers, who previously owned the land and houses before putting them up for sale. But since developers don't have any residual rights to land or house after the sale, or shouldn't, the HOA is claiming something that doesn't legally exist. The developer cannot sell you the land and house, while retaining ownership rights to use both. If that were the case—and it appears to be, sorry to say—ownership would be an empty word. You don't own that house or land, you are just occupying it for a fee like serf. But instead of paying in work or crops, you are paying cash or credit. It is a glorified rental, and the HOA/bank is still your ~~landlord~~ feudal lord.

If you still don't believe me, look at the next thing Wikipedia gives us as the genesis for the HOA: the 1985 [Davis-Stirling Act of California](#), which really did create the modern HOA. This was drawn up by a law professor and passed by the State Legislature, so we see that the HOA is not really a private body. It is an arm of the government, and they all but admit that:

Even though it is not a governmental entity, the HOA operates like one in some respects. As recognized by the [Supreme Court of California](#), the Declaration of CC&Rs is the constitution of the HOA and is legally binding upon residents to the extent that it does not conflict with state or federal law.^[3] CC&Rs, once properly recorded, are presumed valid until proven otherwise.

Indeed, the homeowners associations function almost 'as a second municipal government, regulating many aspects of [the homeowners'] daily lives.' [Citation.] " ' "[U]pon analysis of the association's functions, one clearly sees the association as a quasi-government entity paralleling in almost every case

the powers, duties, and responsibilities of a municipal government. As a 'mini-government,' the association provides to its members, in almost every case, utility services, road maintenance, street and common area lighting, and refuse removal. In many cases, it also provides security services and various forms of communication within the community. There is, moreover, a clear analogy to the municipal police and public safety functions...." ' [Citation.]" [Citation.] In short, homeowners associations, via their enforcement of the CC&R's, provide many beneficial and desirable services that permit a common interest development to flourish.

Strange language, as usual. HOA's are presumed valid by the courts and legislatures until proven otherwise. Really? What else can you say that about, except other tyrannical pronouncements? Basically, we are being told the state legislature has created by fiat another governmental entity, ignoring all legal precedent while doing so, as usual. Except in this case, this layer of government is cloaked, not admitted to be governmental, and therefore answering to nobody. It is extra-judicial, extra-legislative, and extra-legal, all at the same time. Another manufactured cabal of autocrats, invisible to all Constitutions and popular oversight. And who may we assume drove this legislation through? The banks of course.

As you now see, it was a way for the banks to have better control of properties they already owned anyway. Since almost everyone is buying from the bank on time, most houses are clearly and explicitly owned by the banks. They can repossess at any time based on one late payment, and in many cases take your equity while doing it. In the 1980s it appears the banks gave up the facade of pretending that wasn't true, and that you actually owned anything. They wanted to boss you around even more and so they invented the HOA to do that. Pretty soon they figured out they could do that even if you had paid cash for the house, since they could bluff you into thinking any of this was legal. Almost no one was going to sue, and in most cases the courts could be bought off by the banks. You know how the world works.

The only way the HOA makes any legal sense is if the banks are claiming their residual rights of ownership, which they have until the loan is repaid, and the HOA is fronting the bank. But if you pay cash for your house, that isn't true, in which case the HOA is claiming residual ownership rights that simply don't exist. The HOA is trying to make the argument that it retains some ownership rights after the sale, cleaving off some authority based on contiguity—owning adjoining property—but those rights have never been confirmed. Yes, if you agree to buy while ceding some rights, that is a legal agreement, but my point is there is no precedent for *compelling* such a sale when it isn't agreed to.

When a seller and buyer both wish to avoid the HOA, the seller owning the property outright and the buyer wishing to pay cash, say, the HOA shouldn't be able to interfere with the sale. I will be told the seller signed away such rights when he agreed to the HOA in the first place, but he only signed away his own rights: he did not sign away the rights of all future buyers. The HOA is claiming the original agreement is automatically transferable even when both parties wish to dissolve it, which shouldn't be allowed to happen by any real courts. In contract law, no contract is automatically renewable in perpetuity, through all possible changes of ownership. New people moving into a town or neighborhood should have the freedom to join an HOA or not, depending on whether they feel it is in their interest or not. No society that claimed to be free would allow HOA's to determine where people lived. If HOA's can so easily be created and so impossibly be dissolved, they will soon control the entire nation, lording over people's lives and acting as yet another front for the tyrannical families who own us.

You will say that if people are OK with it, what are we going to do. Well, people **aren't** OK with it. According to recent polls, HOA's are very unpopular and their popularity is dropping like a rock.

Younger people are far less likely to look favorably on them:

About 26% of the US population lives in HOA communities¹. A recent study showed that 52% of boomer-aged homeowners liked their HOA, compared to 39% of millennials and 37% of Gen Xers². Despite the disdain, homeowners associations are actually growing in number, with nearly 8,000 HOAs forming every year, mostly in newly constructed communities.

Approximately 26% of the US population lives in HOA communities. Over 74 million people in the US live in a homeowner association community. 67% of newly completed homes in 2021 are part of HOA communities, up 18% from 2011.

In one decade, HOA's in new home communities went up from less than 1/5th to 2/3rd, an increase of over three times. In a time when they were unpopular and becoming moreso. How do you explain that in a democracy? You don't. It can only be explained as another form of tyranny we are being assaulted with. Like everything else now, people don't want it but they are getting it anyway.

It is also worth noting that it isn't only GenXers who don't like HOA's, it is also blacks and Hispanics. Like the Associations in Los Angeles in 1905, HOA's are still being used to filter undesirables, and those undesirables aren't just people who don't mow their lawns. They are anyone that might affect property values, including—you guessed it—certain minorities. That was supposed to be ended with the Fair Housing Act of 1968, but it goes on. The only laws that are enforced are the ones that the bankers like. All the rest are just worthless paper.

And, it should go without saying, the HOA fee is just another cloaked tax, and not a small one. At around \$300/month it is a very large cloaked tax, one that you are probably not getting anything from other than more harassment and soaking. The HOA claims to be in control of common grounds and water runoff and other ghostly things like that, but unless you have extensive rec grounds or something, that is all just gassiness. The HOA isn't doing anything you weren't already paying property and other city taxes for. This way you just get to pay twice. You may also be paying into a reserve fund, one that never gets used and is basically just a slush fund for small-time money laundering by these bankers and their Kulaks.

Who else is discriminated against beside minorities? Well, hippies of course, since they have better things to do than work on their lawns all day. Animal lovers, who may not like giving up their pets to suit a tyrannical HOA. Artists, who may wish to paint their homes in unapproved colors. Scientists, who may wish to turn their basements or sheds into laboratories. Basically anyone who isn't a modern American zombie, prostrate before all rules, is discriminated against by HOA's, who only want Stepford owners, I mean owners. I think.