

HOA ethics: the end justifies the means

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An ethical society

A civilized society rests on an advanced stage of social and cultural development. It has a well developed system of government, culture, and way of life that treats the people who live there fairly. (Cambridge Dictionary).

Depending on what side of the fence you're sitting on in a controversial issue, you may be arguing that *the end justifies the means*, Yes or NO. It is a moral and ethical decision and raises the question as to *when and how*. In a culture where its values have been deteriorating over the years to, what's in it for me, greed is good, and I want it now, a valid and acceptable "means" has consequently also deteriorated.

Peter Singer is a moral philosopher and professor of bioethics at Princeton University. He explores the question of the *when and how* in a complex, academic manner.

"I do think that the end justifies the means. I think that . . . of course, bad ends don't justify means. And if the means involve harming people and there are other means that you could have taken, then you should take those other means. But if the only way to prevent something very bad happening is to do something [bad] then you're justified in doing the lesser evil." ([NPR conversation](#), 2020.)

Let me offer a simpler explanation, I hope, of the complex reply above. The answer to the question rests on how the cultural norms of, for simplicity, good or bad, relate to the *end* itself and to the *means* for accomplishing the *end*. Singer's advice is a guide to ethical decision-making, which is fundamental in end-means controversies.

In general, this end-means assertion is introduced as a defensive justification for some course of action being challenged by others. It usually involves a discretionary decision by some authority entity, like a town council, board of directors, management, etc. Not surprisingly, we find this defensive reaction in many HOA-Land situations; I discuss one such incident based on real events.

HOA end justifies the means

Now stay with the situation as presented below and skip over irrelevant details. I chose an HOA board of directors (BOD) seeking a bylaws amendment to raise the amount of a special assessment beyond the current level. The *end* is the upgrading of external home colors from shades of tan to shades of gray — the color currently in vogue

— in order to maintain property values for resale and to attract buyers. This *end* is a worthy and acceptable goal in the present culture that a home being an investment rather than one's castle.

Now as to the *means*. Normal voting/elections parliamentary procedure calls for an end date to submit ballots, time to verify and count the votes, and then announce the results. For a member-wide vote it would be at the annual membership meeting. (Variations abound by HOA but adhere to Robert's Rules). However, the acceptance vote of 67%, standard for amendments, was not reached at that time (only some 33%), which would have rejected the amendment. (It is not infrequent that an HOA vote is insufficient for acceptance)

In anticipation of a failure to reach acceptance on time, the BOD instituted a nonstandard and highly unusual voting procedure. Members need not submit a NO vote since, as the BOD implied, only YES votes made the difference. Its logic seemed to be based on its view that since only the percentage of YES votes counted, there was no need for a NO vote.

Harmless, it seemed, until the BOD continued to hold the voting open passed the long held standard that a forthcoming announcement would be made. The BOD had stated that the announcement of results would take place one day after the end of voting. This did not happen. As it turned out, the BOD actively pursued the non-voters, those NO "voters" until 67% acceptance was reached some 12 months later. The announcement of results was simply a statement that the acceptance vote was reached and here are the results. No one objected to the BOD's logic that a nonvoter was the same as a NO voter.

I have not come across such an extreme stretch modification of a voting procedure as I encountered with this HOA. The *means* consisted of blatant misinformation and a corruption of the voting process. The BOD proceeded to canvas these nonvoters to vote YES, legal in that respect since they had not really voted! And the vote was conducted under intentional misrepresentation and a manufactured voting process made to deceive the members.

Sadly, under the HOA culture the invalid vote *means* was accepted by the vast majority of members without concern. The minority saw it as unethical and that it did not justify the *ends*. The answer to the *when and how* lies in the eye of the beholder.

A democracy is not cast in stone, it is a practice where the principles, ideals, values, beliefs, and actions of its citizens create and maintain a democratic community. It will not last long and dissolve into anarchy and chaos when the eye of the beholders become fogged by the deterioration of ethical and moral values.

