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Publication Date

1987-11-01

Peer reviewed

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Working Paper No. 471

November 1987

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The authors share equal responsibility for this article. The Common Interest Development Study was supported by Contract #85-299 with the State of California Department of Real Estate. Writing was supported by a grant from the Harris Trust of the Institute of Governmental Studies, University of California at Berkeley.

Public Life in Private Governments:

Neighborhoods with Shared Property

Although the distinction between the public and private world has existed from at least the period of the early Greeks, the defining separation between the two has varied with author, culture and historical period (see, e.g. Sennett, 1974; Yack, 1975; Hirschman, 1982; Tuan, 1982; Moore, 1984). If attention is directed solely to contemporary understandings in the United States, a number of confusions exist but so also do basic themes of usage. Americans understand private life as the domain of individual freedom and personal choice. When it includes social relationships, they are chosen relationships. Obligations are chosen obligations.[1] The most important location and symbol of private life is the home, to which only chosen friends have entry and in which intrusions such as those by telephone sales people are resented. The ideal is deeply embedded in American culture that the true self, freed of artificial constraints, flourishes in the private world of the home (Rakoff, 1977; Silverman, 1983). Public life, in contrast, is the domain of constraint and unchosen social relationships. Coexistence with unchosen others requires negotiation of agreements, whether tacit or explicit, about public behavior (Lofland, 1973). These may be formalized as rules which are enforced by the larger society, regardless of the preferences of private individuals, and may similarly include unchosen obligations to others. The ultimate symbol of public life is government, which imposes obligations such as taxes and building codes, that constrain what people can do with their own homes and which provides goods and services such as secular integrated schools that they may dislike.

[1] Kin relationships occupy an anomalous position here. See Silverman (1987) for an extended discussion of the distinction between public and private life.

Although the separation between public and private life is often strictly drawn, in fact public and private aspects of life co-exist. The distinction between them does not depend on a complete separation which is, in any case, impossible. Private life depends on agreements, both tacit and explicit, about acceptable levels of intrusion by the larger society. Even neighborhood life, supposedly part of the private realm, derives its particular character from usually unexpressed agreements among residents, who may be strangers, about the appropriate level of intrusion (Silverman, 1987).

The clearest institutional and thus public protection of private life is private property. Laws governing private property grant both real and fictitious (i.e. corporate) individuals the right to have government prevent others from interfering with any legal use of their property. Property rights thus carve out an arena of individual decision making; they are therefore viewed as a protective barrier between public coercion and the freedom of private life. The private ownership of the home is one of the most important forms of this protection.

But one person's right is another's obligation. The right of a landlord, for example, to freely use private property places a corresponding legally enforceable obligation on a tenant to accept the landlord's control over his or her home and thus over a part of the tenant's life. Measures such as rent control which protect the tenant's private domain necessarily also limit the rights which accompany private ownership. Similarly, land use regulations, which prevent one homeowner from doing something that may adversely affect another homeowner may be symmetrically understood as protection of one owner's private life and interference with the other's. Property rights regulate unchosen, public relationships between people, allocating private control of scarce resources according to politically determined values (Barton, 1983; 1984). In the case of homeownership, belief in the accompanying rights is so entrenched that the fact they are continually established in a public, political process is lost, resurfacing only when there is a conflict. Even then, the debate is typically cast as an issue of established rights against selfish interests who intend to take them away rather than as a issue of negotiated rights and obligations (Barton, 1985).

The idea that uses of private property may adversely affect others is widely understood. In practice, Americans endorse a range of regulations that limit private property rights, while supporting private property ownership and its accompanying individual freedoms as an ideal (McClosky and Zaller, 1984). But they expect that debates over the use of property and the accompanying enforcement apparatus will be located in a separate public sphere, in government. This is not the case in common interest developments where residents and owners are made directly aware of the obligations as well as freedoms of property ownership, and where public negotiations over property rights take place in a private setting. There, the "government" is the neighborhood. In these developments, we will argue, people's understanding of the role of property and the division of the public and private world directly interferes with their recognition of the true nature of this process and, in turn, with their capacity to govern the association.

We first explain the structure of common interest developments. Then we show how members' lack of understanding of the public aspects of common interest developments affects their ability to govern the association. Finally, we suggest that the dominance of the private model weakens public life.

Common Interest Development Defined

Recent American tradition equates homeownership with the purchase of a single-family detached dwelling. Relations with neighbors are discretionary, that is private, and restrictions on the use of the property are minor, primarily involving obligations not to create a nuisance and limiting use to residential purposes.

This model, while never truly accurate, is rapidly becoming less so as common interest developments become the normal form of ownership for millions of Americans. Common interest developments are defined by shared property, by restrictions built into their deeds limiting the uses of property, and by a mandatory homeowners' association which administers the property and enforces the restrictions on its use. All three functions contradict common traditions of the meaning of homeownership, although all three have historical precedents. Covenants restricting the use of individual and common property date from medieval England but first included a mandatory homeowners' association in several residential developments in London where, in the mid 1700's, residents were required to maintain the enclosed parks. In the United States, the first such developments were built in the early 19th century as exclusive neighborhoods of housing for the well-to-do (Urban Land Institute, 1964). Townhouse or detached dwellings were built surrounding a private park and street, closed off from the rest of the city by gates, and protected by covenants restricting the use of the land to residential purposes and specifying the acceptable race, religion, and even drinking habits of the occupants. Developments with mandatory homeowners' associations were widely used in the late 19th and early 20th centuries to provide higher priced developments with roads, street lighting, and parks (Schwartz, 1976). As cities developed the capacity to provide publicly owned infrastructure, many private facilities were then turned over to city ownership so that tax revenues could be used to maintain them.[2] Many mandatory associations without common property continue to exist today in order to enforce the architectural and use restrictions in their covenants.[3]

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[2] Newman (1981) describes streets in Saint Louis which were originally private, turned over to city ownership, and then recently returned to private ownership.

[3] Mandatory homeowners' associations, although often without common property, spread rapidly after World War I brought a major migration of blacks to the cities in search of employment (Long and Johnson, 1947; Philpott, 1978). These developments, featuring rules restricting occupancy to whites, were even promoted by the Federal Housing Administration during the New Deal. The United States Supreme Court held in 1948 that such covenants were not legally enforceable (Vose, 1959).

Homeowners' associations with responsibility for common property spread further after the federal mortgage insurance system revised its rules to include condominiums and cooperatives in 1962 and the states subsequently passed legislation creating a standard legal framework for condominium ownership (Van Weese, 1987).[4] The number of condominium and planned development homeowners' associations expanded dramatically in the 1970s as a response to nationwide economic, demographic and fiscal developments. This was an integral part of more widely known changes in housing: Dramatic inflation in housing costs compared to income culminated in the first decline in homeownership rates since the depression of the 1930s, and demographic changes brought smaller average households with fewer children. In response, developers greatly increased production of townhouse units and low-rise apartment buildings whose shared walls and green spaces reduce the cost per unit (Dingemans, 1975).

The spread of associations was also accelerated by the fiscal problems of local governments caused by economic stagnation, reductions in federal transfers to localities and tax limitations. Localities can minimize the fiscal impact of new developments, including those of detached housing, by requiring the developer to provide privately owned infrastructure such as streets, street lighting, visitor parking, water and sewer lines, and parks and playgrounds and to establish homeowners' associations with responsibility for ongoing maintenance (Longhini and Mosena, 1979; Dowden, 1980).

[4] Developments can be organized as condominiums, planned developments or cooperatives. In condominiums, each owner owns his or her own unit and an undivided share in the common property, which is managed by the homeowners' association. In planned developments, each owner owns his or her own unit and the association, in which each owner is a voting member, owns the common property. In the cooperative, all property is common and owners hold an exclusive right to the use of a particular unit. In the United States, apartment buildings are usually organized as condominiums, developments of detached houses as planned developments, and both forms are widely used for townhouse developments, but any legal form may accompany any dwelling type. Cooperatives never won widespread acceptance outside of New York City, since American homebuyers and lending institutions have been more receptive to condominiums and planned developments, which are structured as forms of individual homeownership, despite the owners' virtually identical rights and obligations in condominiums, planned developments and cooperatives.

Finally, the effects of economic and demographic changes include the gentrification of some central city neighborhoods, as higher income people displace lower income residents of areas with easy access to expanding downtown financial and service districts. Conversion of apartment buildings from rental to condominium ownership and construction of new condominium apartments serve the new residents' desires for homeownership by creating common ownership of apartment buildings, which must now be managed by an association rather than a landlord.

Plausible estimates of the number of common interest developments run as high as 100,000, twice the number of local governmental bodies, and at least 30,000 associations exist in California and Florida alone.[5] In major metropolitan areas such as Los Angeles, San Diego and San Jose, the large majority of all new housing is now part of a common interest development. They come in all price ranges and vary in size from under ten units to thousands of units, with the median size in California under 50 units (Barton and Silverman, 1987). Overall, they account for at least 15 percent of all United States housing starts in the 1980s (U.S. Construction Reports, Series 20, 1987). With a typical board of 5 people, there are in the neighborhood of 500,000 people serving on the governing boards of these associations, as well as millions of residents.

Common interest developments alter individualistic notions of ownership in significant ways. Instead of purchasing sole rights to a household and surrounding area, the household shares ownership with other purchasers of all or part of the residential buildings, of infrastructure such as roads, sewers or parks, of recreational facilities such as pools and community centers and of lawns, hillsides and other open spaces. Thus, ownership can no longer be viewed solely as a private matter

[5] There are an estimated 13,000 to 16,000 condominium and planned development homeowners' associations in California (Barton and Silverman, 1987) and 13,000 registered condominium associations in Florida with an unknown number of planned developments (Alex Knight, Bureau Chief, Bureau of Condominiums, State of Florida, interview, June 22, 1987).

since it is shared with others the purchaser neither chooses nor often even knows. Instead, although individual homeowners can choose to amend their property deeds to purchase or construct common land or facilities, most common interest developments are established by the developer in either new or converted housing before anyone even purchases a unit.

Common interest developments next differ because of the presence of a mandatory homeowners' association with the power to set rules, determine the use and upkeep of the common property, and tax the homeowners through regular and special assessments. The rules, generally called conditions, covenants and restrictions, govern the use of common property (controlling parking for example) and also regulate uses of individual property in what is often great detail. They may, for example, mandate carpets to reduce noise, restrict the presence of children or pets, and determine the color of drapes or screen doors (Scavo, 1979; Poliakoff, 1980; Price and Shiner, 1982). Assessments are collected from each owner to pay for maintenance and provide services such as lawn care or security. Owners who do not pay are subject to liens against their property and even foreclosure and loss of ownership. All of these functions are handled by an owners' association whose governing board is generally selected on the basis of one vote per unit owned.

The structure of the common interest development then allows private ownership to include detailed control over neighborhood activities. But in extending the homeowners' control over the surrounding building or neighborhood, it extends the neighboring homeowners' control over the home as well. In protecting private life, the common interest development brings public life within the framework of private ownership.

Private Understandings of Public Life[6]

In common interest developments, then, the public aspects of property ownership are not obscured by their location in an external body. Instead, the governmental body is a private association, jointly owned and controlled by the homeowners. Owners directly confront the fact that their rights to common property are shared with others, that there are limitations to these rights and that these limitations are posed not by an external body but by themselves. But owners first understand the common interest development as a neighborhood in which they have purchased a home. They further equate private property ownership with protection of private life, not creation of an arena for public decision-making. They do not readily distinguish between private life and private ownership, since, in their understanding, the purpose of private ownership is to protect private life. Thus, instead of perceiving the common interest development as a government, they see the association as an expanded set of services and facilities they have purchased and its rules as a protection of their rights to a community with a certain standard of upkeep and behavior. Owners and residents then apply two private models in understanding the nature of the governing board and the association as a whole: the property management business and the neighborly community. A new homeowner in one association, for example, was surprised and incensed to discover that the association was run by "bunch of amateurs," the board, rather than by a property management company. She believed, incorrectly, that in other states there were no boards, and that the services of a property management company came along with the purchase of a condominium. Or, the following board president was typical in critiquing previous

[6] The following discussion is based on a mail survey of board presidents of 579 associations in California, case studies of 12 associations in Northern California, interviews with industry professionals and attendance at eight conferences of practitioners and association board members. In all, we conducted 50 depth interviews with association owners and residents and 20 such interviews with professionals, and, in the 12 case study associations, attended the board meetings and read association documents and newsletters if they had them. See Barton and Silverman (1987) for further details.

boards for misusing the neighborly model instead of properly using the property management one.

> As I've seen, homeowner associations consist of many members who trivialize board issues with subjectivity based on neighbors they either like or dislike. This is a lack of professionalism.

Both models, the property management company and the friendly neighborhood, limited the capacity of the board.

Most board members as well as the managers who assist them understand their job as that of property management. They, in turn, apply the values of efficiency and fiscal prudence in resolving association problems and determining policy. Thus, one board might put its very small contracts out to bid in order to save money, another spend a great deal of time comparing the costs and expected life of various signs for their swimming pool. This rationalized approach sees all problems as possessing one correct solution, derivable from its methodology correctly applied. It sometimes fails, even in its own terms, when fiscal prudence overwhelms common sense. Thus, several boards spent over 30 minutes debating whether to move their funds to another savings institution with a marginally higher interest rate when the difference amounted to, at best, only a few dollars.

But the problems facing boards often were not resolvable by determination of the most efficacious and cost-saving course. Boards first had to face decisions about the allocation of rights of use, decisions that enlarged some members' rights at the expense of others. Thus, for example, one association was embroiled in a debate over the allocation of the limited number of dock slips. Should the absentee owners, who constituted 40 percent of the association's membership, have rights to use them or should residence also be a criteria? Another association had to decide whether to build a childrens' play area. Parents desired it; many without young children did not.

Boards also had to enforce the set of obligations members owed to each other and to the association. While owners usually welcomed the guarantee that the larger community would be maintained to uniform standards, they often did not understand how this would set restrictions on their own rights to do as they pleased with their property. Indeed, "their" property was sometimes broadly construed to include commonly owned land and facilities. Upper-floor owners cut sky-lights through their ceilings, ignoring the fact that buildings' roofs belonged to the association; another owner posted a for-sale sign on common property.

Finally, boards had to engage in complex negotiations over the allocation of rights and obligations between the membership and the association. In one association, the governing documents allocated responsibility to the membership for the individual units and to the association for the walkway in front of the units. The crack between the two was not covered; yet this was where leaks occurred. Another association had to contend with the problems created by pipes shared between units. When the pipes backed up, it was often impossible to determine which unit, if any, was at fault. The homeowners thought the association should be responsible for repairs; the board could not come to an agreement.

Much of the work of the board, then, involved decisions with no single correct answer and certainly no answer that could be rationally derived from principles of efficient management. But boards' focus on private models limited their capacity to understand this.

Boards' understanding of the full nature of their association was also limited because of their reliance upon a particular private model of neighborliness in describing relations among the membership. By neighborliness, they meant sociable relations among like-minded individuals who naturally agreed on the appropriate use of space. But, at best only 19 percent of the associations had a substantial number of friends and even the best of friends and most homogeneous of populations can disagree.[7]

> It [the association] certainly ruined some friendships among the original owners -- particularly re those who planned a short stay and quick increase in equity versus us who wanted to make this our home.

Disagreements were particularly inevitable given the diversity of ownership status, stage in life-cycle, and ethnicity.[8] Diversity brought with it different interests as, for example, absentee owners desired low costs and resident owners capital improvements. Diversity also brought with it conflicts over acceptable norms for the use of common and individual space. One association was embroiled in a debate over the age when children would be allowed in the jacuzzi, several others over the behavior of their foreign residents who followed sometimes different customs. There was further evidence that similar behaviors were more likely to evoke resentment and conflict when they were enacted by someone perceived as different. A neighbor would complain about the teenagers of renters but not of owners. It is indicative that board presidents were more disenchanted with association life when their association had greater diversity of ownership, stage in life-cycle and ethnicity (Silverman and Barton, 1988). In part, this may reflect their simple prejudices but it clearly shows the increased level of disagreement and the resulting increased difficulty in governing the association.

The private models of property management and neighborliness were insufficient. The boards largely saw their relationship with the membership as that of a property manager and a good neighbor, wanting to keep everyone happy and not waste their money. But, the duties of the board, in truth, involved setting and

[7] The estimate of friendship is a very crude one based on board president's estimate of the nature of relations among the membership in their association.

[8] Only 21 percent of the associations in California report no rentals, and 14 percent of the associations report a majority of rentals. In 32 percent of the associations in California no ethnic group (including Caucasians) constitutes more than 75 percent of the inhabitants. In 71 percent of the associations no single household type (young households without children, households with children, older households without children) comprise more than 75 percent of the residents.

enforcing rules governing the rights and obligations of the membership, functions normally assigned to external government bodies. Boards often did not recognize the legitimacy of the public aspects of their role. While they were certainly aware of the need to listen to members' arguments, they were more influenced by the fear of lawsuits than by the notion that compromise was an inherent part of what they did. Thus, a board might back down from a decision to construct a tool shed for fear of being sued by an angry member, another discuss first the likelihood of being sued by the membership before discussing earthquake insurance. Even in those rare cases when boards did argue for general public rights, they seemed to have a hard time creating a language which would outweigh the need for efficiency and fiscal prudence. In the association with shared pipes, one board member kept repeating that the association should pay for repairs. Her only argument, however, was that it was unfair to charge high assessments and to tell the membership that the pipes did not belong to them, but then to refuse to pay. She was overruled by the head of their management company and other board members who argued that it would cost too much.

The boards' views were reinforced by those of the membership which looked largely at the sphere of rights associated with property and not at the interdependence which resulted from shared ownership and residence. Members typically saw the association as a set of services they had purchased and not as a collective enterprise. Indeed, they did not even recognize other owners as business partners (Walker, 1984). Instead they saw the board as, on the one hand, responsible for maintaining the association but, on the other hand, as a set of homeowners with unfair powers over their neighbors. Participation in the actual governance was typically low (See Silverman and Barton, 1987a for a fuller discussion of the reasons for this). Just as citizens often resent the actions of local government, particularly when it restricts their use of their property, so too did the owners resent the actions of the board. Forty-four percent of the boards reported they had been personally harassed or threatened with a lawsuit by a member in the past year alone. Board members were even physically threatened. The man with the for-sale sign carried it into the board meeting and threatened to hit them with it. Residents of several other associations reacted to their car being towed by threatening the board president with bodily harm.

The boards and their management companies labeled these conflicts as "people problems" and saw them as interfering with the real work of running the association.[9] They did not see disagreements over the appropriate use of space as normal but instead as obstructive and ill-informed.

> Mostly no one cares about what we are doing until it doesn't suit them. Then they become an annoying, misinformed pain.

As will later be discussed, there was a good deal of truth to the board's position -- although the board itself was partially to blame -- but the attitude was also a direct outgrowth of an outlook that could not understand that disagreements were inevitable, that owners possessed possessed different interests as well as strong expectations about their rights to determine the use of common and individual property and that continuing negotiations over property rights, a normal process in the larger governmental sphere, were also normal within the private government. Instead, boards personalized the conflict, blaming those who did not share their views for bad faith and focusing on the personalities of the disruptive members. One board president used the phrase "bozo," another called members of a previous board "nazis."

In fact, boards typically lacked a language which would permit them to see such differences except as personality conflicts. They saw the association as part of

[9] A standard industry practice is to call them the three P's: people, pets, and parking.

the private world and used the accompanying private models. Because of this dual emphasis upon efficient property management as the basis for decision making and sociableness as the basis for relationships, those who disagreed with the board were, on the one hand viewed as obstructive to rational policy, and on the other hand, as going against a community spirit by not acting in friendly ways.

This general focus then had two results. Because the membership usually had little knowledge of board activities, those who did oppose the board's policies were often seen as cranks as their typically solitary and, as they were ignored, increasingly strident voices were seen as interfering with the community. But boards, themselves, were always open to charges of partisanship among a membership that did not possess a model of community which transcended individual relations among the membership. The aforementioned board included friends of some of the absentee owners who wished dock slips. When slips were offered to non-residents, the board was angrily accused of favoritism. Complaints elsewhere sometimes focused on what were perceived to be uneven enforcement policies, with friends of the board being allowed to get away with rule violations.

General practices actually intensified the associations' problems. Common interest developments typically were marketed as "carefree living," not as community enterprises or self-governing neighborhoods. Buyers, as indeed often the realtors themselves, were poorly informed about common interest developments. Ignorance was perpetuated by boards and managers who did not see education as part of property management and therefore took little action to inform new residents about the nature of the community. Half of the associations did not give any new member any literature at all, three-quarters did not meet with new owners.

Members involvement was also not seen as a part of property management since it brought about the increased likelihood of disagreement and got in the way of the getting things done. Thus, the boards often conducted their business in a manner designed to exclude others, a practice which made the board meetings go more quickly and smoothly but bred distrust among the membership. Although most association documents forbid closed meetings except for exceptional circumstances, boards sometimes overused the form to avoid what they saw to be the disruptive effects of member presence. In one extreme case, the board did not even bother to meet, relying on phone calls.

Boards then most generally took a paternalistic stance towards the membership, thinking it to be ill-informed and therefore unable to constructively contribute. The membership reinforced their convictions by expecting a high level of services and participating only when they felt their rights had been violated.

The actions of the board and membership were grounded in cultural beliefs that saw government as a distant body that protected individual property rights but not as an entity that was a part of their day-to-day lives and that could best work with the support and participation of residents and members.

For common interest developments to be able to effectively exercise their public functions, there would need to be an educated and participating membership, one that recognized the public aspects of property ownership, the obligations owed to people they neither chose nor even necessarily liked, and the inevitability of conflicts over definitions of division of rights and obligations. Generally, our data showed that associations that more closely resembled this model had fewer problems. Thus, for example, associations that personally educated their membership had a higher rate of participation and residents of associations where more members participated were better understanding of their obligations (Barton and Silverman, 1987). One of the case study associations possessed several board members who clearly understood the public functions of the board. They overcame what might have been a completely disruptive split over a large special assessment by engaging in an intensive education of the membership and by inviting the leader of the opposition to serve first on a committee and then to run for the board with their backing (Silverman and Barton, 1987b).

The Problem of Private Government

The common interest association violates widespread assumptions in American culture about the nature of the public and private domains. Its structure should makes clear the public aspects of privately owned property and the obligation to the larger community which property ownership entails, but it does not. Shared property creates barriers and hostility, rather than supporting an emphasis on mutual obligations and negotiation over the meaning of the common good. Owners treat the association as an external body which is assigned the function of property maintenance and resented when it interferes with what they see to be their rights as property owners. Boards misunderstand their role to be solely that of property management and generally act in ways that avoids participation. Both behaviors stem from general understandings of property rights and of the proper role and location of government. Thus, the common interest development makes clear the difficulties that can be created by extending notions of private choice into the public domain of interdependence.

But does involvement in common interest developments lead to larger public awareness? Writers from deTocqueville to the present day have argued that private associations of neighbors strengthen public life. Since the public dimension is so strong in common interest developments, they should support this contention but again, they do not. The result of bringing together the functions of local government, voluntary neighborhood associations, and private property management companies is to weaken public life, not strengthen it. Residents are ill-prepared to deal with public differences within a form of property ownership they associate with private life and personal freedom. Nor does the common interest development readily lend itself to creating ties to local government (Barton and Silverman, 1988). A few of the associations we looked at had a committee which reported on proposed local government activities that might affect their development. These committees were typically composed of one individual who was interested and got permission to constitute him or herself as a committee. In general, homeowner association boards avoided taking positions on local issues, feeling that since members had diverse views, it would not be appropriate and would cause conflict. The same lack of contact with broader associations and local government was also noted in a study of limited-equity cooperatives in New York City (Lawson, 1984).

The creation of an "involuntary association", what one board president called an "involunteering partnership" apparently has a depoliticizing effect. Local government is removed from the decision-making process in a number of areas and while this brings control closer to "the community", residents have difficulty dealing with the community conflict such control inevitably involves. Perhaps the spread of these involuntary associations will bring a corresponding learning process and spread a tradition of public involvement more widely throughout American society. But it is just as likely that they will simply strengthen the belief that community problems are basically private, the result of incompetent management or disrespect for neighbors rather than part of a public process of negotiating over community values.

How then is the common interest development to be understood? It is similar in many respects to voluntary neighborhood associations. Many voluntary neighborhood associations also focus primarily on the protection of the home and the property rights of homeowners (Silverman, 1983; Barton, 1985; 1987). Such voluntary associations are often composed of homeowners and other non-resident property owners. They deal with ambiguity in the delineation of homeowners' responsibilities, for example with areas such as parkways whose ownership is made complex by easements for sidewalks and utilities (Sklar and Ames, 1985). They serve as a channel for conflict over neighborhood standards of behavior, whether working to force some homeowners to clean up unslightly piles of junk, or prevent other homeowners from construction of in-law units, or supporting or opposing a particular location for a children's playground.

The essential difference between voluntary neighborhood associations and mandatory homeowners' associations is that public activity in a voluntary association involves a clearly public government. Indeed, to speak of public government seems redundant. It is this government which holds easements for public use of sidewalk and to which the neighborhood association appeals to enforce or to change heath and safety, building and zoning codes. It is a process of democratic government in which the voluntary association recruits volunteers to participate. This participation channels people into an explicitly public process based on citizenship, in which every resident many claim equal respect. Many neighborhood association leaders base their activities on concepts of citizens' rights rather than private property rights and thus include renters within the public they represent (Barton, 1985). In addition the indirect processes of representative democracy insulate people from direct clashes with others with whom they disagree. The focus of conflict is on a third party, the government authorities, rather than directly between neighbors. This helps enable people who share interdependence, to maintain civility between them.

But are the processes at work in common interest developments then different from those of local government, particularly in small communities? There too elected city councils work out the divisions of rights and obligations, a task that sometimes subjects them to abusive attacks in public meetings. There too the opposition can be stereotyped as cranks. There too the political process of negotiation and compromise can be lost amidst principles of scientific city management and slogans of good neighborliness, meaning unity of outlook, evoked to attempt resolution. In the absence of comparative research, we can only speculate, but we believe the tensions of common interest developments are far greater than those found in local government. The obligations of the association more directly affect the owners' use of their property and the "government" is composed of their peers who are not empowered with the same authority and enforcement apparatus as their counterparts in city government. Furthermore, the various parties are quite literally neighbors whose daily activities affect each other and whose presence is inescapable. In neighborhoods with common private property, it is more difficult to separate political conflict over individual rights and community obligations from relations between neighbors.

In truth, common interest developments are private governments. They are organizations in which private property ownership, instead of defining boundaries between people so that they can chose the terms of their relationships with others, instead establishes and defines a relationship between them. Thus individuals may have a choice to enter or leave the organization, but they cannot chose their relationships within it. Instead, the associated property owners establish uniform rules governing unchosen social relations and adjudicate resulting conflicts.[10] But, these public, political processes which are a part of private property ownership in a common interest development are hidden in cultural understandings of the meaning of homeownership.

[10] For a discussion of the concept of private government in the context of the business corporation, see Lustig, 1987..

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