

The Villages, Public Hearing
August 16, 2019

My name is Wayne Anderson. I live, with my lovely wife Bonnie and our parrot, at 2439 Ansley Path, Village of Tamarind Grove.

This is my third appearance before the Board on the matter of lawn ornaments and anonymous complaints.

Twice before I pleaded my case here, to no hope and to no avail. But the Community Standards department “strongly” advised me to appear today at this Public Hearing. So, here I am. And once again, I tell my story.

We moved here in December 2017. Soon after, I noticed nearly every homeowner displayed a few colorful lawn ornaments. I liked the practice. And, I decided to do the same.

So, I put out a colorful spinning parrot and little white cross, given to me at church.

Then in January 2019, a representative from Community Standards knocked on my door. I was told that an anonymous person complained about my lawn ornaments, and that I had to remove them, as they were in violation of the Declaration of Restrictions (“Deed”), Section 2.16,

which states: “Lawn ornaments are prohibited, except for seasons displays, not exceeding thirty (30) day duration.”

Community Standards later wrote that my cross and parrot were a concern to: “The health, safety, welfare and aesthetic standards of our community...”

Our health and safety? Seriously?

OK, my real parrot may bite. But my lawn parrot just joyfully spins in the wind and is no threat to anyone’s health or safety—or whatever.

Furthermore, The Villages then invoked the law saying to avoid any “further legal action” remove the cross and parrot.

I responded that everyone displayed lawn ornaments. So why must I remove mine? Because someone anonymously complained.

Recently, from The Villages public computer logs and phone records, I contacted the number listed of the alleged person who complained. He assured me he never complained. I also did this for two of my neighbors. The alleged complainant also said he did not complain.

So, the assertion that these complaints about lawn ornaments were actually made are now colored in reasonable doubt.

The Villages also brought up the law. So, let's look at the law, especially three legal issues: Selective enforcement, Reasonableness and Harassment.

Selective enforcement. This is a no-no. Selective enforcement is where you cite Wayne Anderson for his lawn ornaments while, as one Villages officer said, "Every yard is in violation of the deed restrictions." And those homeowners are not cited for the same offense. This is Selective Enforcement.

The Florida Supreme Court unanimously ruled in the case of White Egret Condominium, Inc. v. Franklin that homeowner associations not allowed to administer in "selectively enforcing" their rules. The high court further said HOAs cannot enforce their rules in an "arbitrary or discriminatory" manner.

Reasonableness. The Villages is allowed under Florida law to create "reasonable restrictions" for "public improvements." Note, the restrictions have to be reasonable and for improvements.

The Fourth Court of Appeals in Hidden Harbour Estates, Inc. v. Norman, ruled a homeowner's association is "not at liberty to adopt...rules bearing no relationship to the health, happiness and enjoyment of life" of the homeowners.

How does this Florida appellate court define health, happiness and enjoyment of life? They said: "[W]e believe the test is reasonableness...If a rule is reasonable the association can adopt it; if not, it cannot."

So, is it really reasonable to ban a small cross of peace from our yards? Or, has any yard in The Villages ever become so overrun with lawn ornaments that Section 2.16 is valid? I suggest The Villages amend Section 2.16 to comply with the courts.

Harassment. It is illegal to harass someone openly or anonymously under Florida statute §784.048(1)(a): "Harass means to engage in a course of conduct directed at a specific person that causes substantial emotional distress in such person and serves no legitimate purpose."

This law applies to those harassing, and it can be argued to those facilitating the harassment. The Villages' anonymous-complaint process is inherently flawed and a possible candidate for facilitating those harassing others.

Why? Because, The Villages takes no effort to ask names or questions to determine if a caller is legitimately calling in to complain about a cross or if they are really calling in to harass Christians; or if it's a race call, calling in to harass African Americans; or if it's an sexual-orientation call, calling in to harass Gay people, etc. This kind of harassment is illegal!

In brief, I have laid out the plain law and legal theories as to why a lawn ornament is not a threat to the health, safety, welfare and aesthetic standards of our community. And why this anonymous-complaining procedure, which everybody hates, is a problem.

In conclusion, if The Villages wants to continue this ordeal with state mediation under §720.311, that's fine. But you can skip that process and change the Deed.

Here's a reasonable idea. Reasonably limit the number of lawn ornaments displayed to say, three. Don't continue with unreasonable regulations.

You strongly advised me to attend today. Now, I strongly ask you to work for the homeowners and fix Section 2.16 and let's get back to living happily in "Florida's Friendliest Hometown."