

# HOA Named as a Defendant After Owner Shoots Teen who Knocked on the Wrong Door

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An HOA has been named as a defendant in a lawsuit filed in the aftermath of last year's tragic shooting of a Black teen by a White homeowner. But we're wondering what the HOA did wrong. Was there any realistic way for the HOA to have prevented what happened?

## A Heartbreaking Story

It was in April 2023 that Ralph Yarl rang the doorbell of a home in Missouri. The then 16-year-old had arrived at the home to pick up his younger siblings, but it turned out to be the wrong home. The owner shot Yarl in the head and arm. A year later, Yarl is still recovering, and [CNN reports](#) that his family says the possibility of brain damage still exists.

The homeowner, Andrew Lester, reportedly told police the night of the shooting that he saw the teen pulling on the door handle and was "scared to death." He said nothing to Yarl before shooting through the glass door. Yarl claims he never pulled on the door handle.

Yarl's mother has sued Lester and the Highland Acres Homes Association, where Lester owns a home, accusing both of "careless and negligent conduct." The lawsuit alleges, according to CNN, that the HOA "was aware of or should have been aware of defendant Andrew Lester's propensity for violence, access to dangerous weapons, and racial animus."

## HOA at Fault?

The question for our experts is whether the lawsuit against the HOA could succeed—in other words, is there something HOAs are supposed to do to prevent this type of terrible incident? What power do HOAs have to achieve that?

[Todd J. Billy](#), CCAL, an attorney at Sandberg Phoenix in St. Louis, who is licensed in Missouri and Illinois and has more than 1,000 active condo and HOA clients, hasn't reviewed the complaint against the HOA. "It's my understanding that the plaintiff is asserting a negligence claim," he says. "Under Missouri law, they have to tie the action of the association to some duty that was breached. Since Missouri doesn't have a statute specific to HOAs, this might come down to what the [declaration](#) says."

Whatever the law is in Missouri, this lawsuit worries and disappoints our experts. "Associations can't control homeowners," says [Elina Gilbert](#), a shareholder at Altitude Community Law in Lakewood, Colo., who has specialized in community association law for 24 years.

[Brad van Rooyen](#), CPMS, the founder and senior member of Florida-based HomeRiver Group and its national specialist for community association management, which oversees more than 230 associations throughout Florida, is particularly troubled by the allegation involving the HOA's alleged knowledge of the owner's alleged racial animus.

"There's nothing the HOA could do, nor is it in the association's purview to dictate how owners live their life and what type of individual lives in their community and their values," he says. "What's the difference between someone out there trying to spread the gospel and this owner's alleged beliefs when, either way, the HOA can't tell homeowners what to believe in."

What if an HOA had gotten notice that this homeowner had previously wielded his gun at an angry neighbor? Would that make a difference in the analysis of whether this HOA was liable? "No, we're not the police," says Gilbert. "What's the association going to do in that scenario? It's not equipped to handle that type of situation."

"If a client came to me to discuss a problem like that, I'd advise that board that, if they weren't there to witness the incident, there's little sense even in a board member calling the police," she adds. "It would have to be the actual victim who calls the police."

### **More HOAs Getting Hit with Suits**

Van Rooyen has personally seen HOAs named as defendants under the "sue everybody and hope for a settlement" tactic.

"We're seeing an uptick in lawsuits in which the HOA is being named," he says. "We had one where a [dog bit a child](#) in the neighborhood. Not once did the HOA get notified there was a vicious dog, that a dog got free, or that a dog was roaming the streets. How is that the association's fault? Had we known there was a complaint of a vicious dog, and the HOA didn't take appropriate steps to address the situation, I could see a claim."

"In this situation with a gun, I don't see how the association has any control over what efforts a homeowner took to project themselves," he adds. "Especially since, according to the news reports, this was a complete overreaction by the homeowner."

"What's most likely happening is that whoever this plaintiff has to represent them is throwing everything they've got at everybody," suggests van Rooyen. "They're suing the homeowner, the association, probably the gun manufacturer, and probably the person who sold the gun to the owner. They're looking to get [insurance settlements](#)."

Gilbert agrees, saying this has almost become a cost of doing business today. "I think this is one of those situations where plaintiffs name everyone possible in the lawsuit," she says. "It's ridiculous."

The sad news is that this tactic often works for those plaintiffs. "The insurance company will say to itself, 'It'll cost us \$1 million to defend, so let's pay \$100,000 to make them go away,'" says van Rooyen.

"This is a horrific situation," he adds. "You shouldn't have to worry that if you knock on the wrong door, you're going to get shot. But it's also completely ludicrous to think the association is in any way responsible for the actions of this homeowner. The HOA is only responsible for what's included in [its responsibilities](#) in the [governing documents](#)."