

# *A Social Media Guide for HOA and Condo Associations*

An ebook from Comsource Management



James Scott, a senior fellow at the Institute for Critical Infrastructure Technology, stated, “In this digital age, we’re experiencing the weaponization of everything.”

This is a loaded and highly ambiguous statement, but it rings true, particularly for organizations in the digital space as part of their daily operation. By “weaponization of everything,” Scott is suggesting that the same technology that makes our lives immeasurably easier than those of people living just 20 years ago can also be used for harm.

*“In this digital age, we’re experiencing the weaponization of everything.”*

If you know the popular Netflix series, [Black Mirror](#), you know of what he speaks. Hackers taking control of laptop cameras, data theft, vulnerabilities created by the IoT (Internet of Things) are all examples of the weaponization of digital information, technology, and media.

This weaponization can also take on a simpler form. What we post, what we share, and how we share it can be used as a weapon against the sharer. Once information is in the digital space, our ability to control that information diminishes.

Think of it this way: An author writes a novel. She had a message she wanted to deliver to the audience through her words. She controls that message up until the point the book is published and made public. Once a reader brings his eyes and intellect to her novel, he makes the meaning. Her intended message and what's delivered are two wholly different things.

Social media is similar. Even when we're acting with good intentions, social media posts and activity can be weaponized if we aren't extremely careful and aware of unintended consequences.

HOAs and condo associations that are active on social media need to understand social media risks and take deliberate, systematic, and proactive steps to mitigate them.

To help your community navigate the complex world of social media, we created this guide that serves as a roadmap for maximizing the benefits of social media while reducing its risks.

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## ***Where To Start***

### ***Develop A Board Social Media Use Strategy***

Not all social media platforms are useful for every audience.

Determine your resident demographics and survey how they'd like to receive information. Facebook might be preferable to the majority of your residents, or perhaps Twitter is the platform of choice. You might even

discover that email or text are favored over social media for receiving information. The way boards communicate association and community information is changing rapidly.

By being strategic about which social media you use, what information fits best for each platform, and matching that with your resident's preferences, you can create a wonderful communication structure that enhances transparency, participation, and overall responsiveness to resident needs. To develop a strong social media strategy, do the following:

- Document and distribute the strategy to all board members for input, including the following:
  - » Develop a brief guide for how to use each platform and what types of information should be delivered via that format
  - » Develop a content calendar to maintain regular frequency
  - » Develop a policy for how you'll handle resident social media comments and questions; many communities allow and police comments, editing out inflammatory ones and leaving positive commentary
- Get buy in and approval from the board
  - » Everyone must agree in order to be accountable for the strategy and social media policy

## ***Develop A No-Go List Of Social Media Activities***

Where your strategy enables all of the wonderful communication benefits social media can bestow, a stringent list of restrictions for board member use of community social media accounts limits its risks.



What's placed on this list must be determined on a case-by-case basis for each community. That said, you must have documented restrictions that all board members read and understand to mitigate legal risks and posts that disrupt community harmony.

When it comes to personal social media use by board members or residents, controlling this activity is next to impossible. On the other hand, you can educate board members about how comments on their personal social media accounts can have real and dire consequences for their board position and for the community as a whole.

The legal dangers here are very real and often misunderstood by boards operating in the social media space.

Jack Hanson, a contributing writer to the [Huffington Post](#) and a property management expert said, "...unregulated social media communications in managed communities can cause inflamed neighborhood tensions, unforeseen insurance liabilities, and even lawsuits.

In addition, the social media airing of community issues can smear the reputation of a neighborhood and have an adverse effect on property values, which we can all agree is the very reason for having deed restricted communities in the first place. Simply put, HOA social media done wrong can defeat the very purpose of living in an association-managed community."

## ***Appoint Social Media Point People And Reviewers***

During the strategy development process, appoint a social media point person or people. Depending on how robust your social media plan is, you'll need a single person or a small team to handle this task on a consistent basis.

One person or a small team are the only board members that post to community sanctioned social media sites. This allows for increased control over your social media content and clear lines of accountability should something go wrong.

To create your social media team effectively, remember the following:

- Like blogs and other forms of public-facing content, social media posts need to be reviewed. Ensure you clearly assign board members as social media watchdogs, reviewing everything from grammar and tone to privacy issue breaches and appropriateness.
- If your team is large enough, separate the tasks of a social media creator from a social media editor to increase the effectiveness. If only one person handles these tasks, ensure the frequency of your posts takes this into consideration as to not overwhelm them with volume at the cost of accuracy.

## ***Engage The Community***

If you're prepared to take on the risks posed to your HOA or condo association through social media, you certainly want to reap the benefits that come along with them.

This is, unfortunately, not as easy as it seems.

Just because you have social media pages, a strategy, and a no-go policy doesn't mean you'll effectively engage your residents.

Engagement requires consistency and content variety.

- You need to engage your residents with content that matters to them when they want it and how they want it.
- A strong engagement approach projects social media content that occurs on regular intervals and is a strong blend of administrative (meeting dates, road closures, votes, and policy updates) and social (resident accomplishments, birthdays, parties, events, and photos) content.
- The key is to deliver a variety of compelling and useful content. This creates understanding among your residents about what social media platforms to join and to monitor on a regular basis. It creates an expectation that mailings, a hard copy newsletter, telephone calls, closed circuit TVs, or email are no longer useful when it comes to staying in the loop..
- Another important aspect of engaging your residents while mitigating social media risk is creating rules surrounding resident membership and subsequent use of the HOA or condo association's social media pages. It's imperative that your board seek legal counsel to develop effective terms of service that must be agreed to by residents as part of their membership and which protect the community from many legal risks.



## *Understand The Law*

You and your fellow board members must take control of social media sooner rather than later, if you don't have an existing strategy and policy. Lacking and taking control both involve legal risks that you need to be aware of. Taking control puts you in a better position to protect your community, although, as we just mentioned, there are risks nonetheless.

When you're ready to reign in social media use at your community, it's well worth the time and money to engage your legal counsel for advice on your risks and how to create policies that reduce them. Understanding the law, its scope, and the ramifications of social media misuse will empower you and your fellow board members to create a highly effective policy.

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# *Key Risk Areas For Associations*

## *Copyright & Trademark Infringement*

Let's say you assign a board member a social media post written on behalf of the association or community. This individual writes the post, and then wants to add images to it. Since you don't have a stock photo account or existing policy regarding image use, the board member uses Google Images, finds three nice photos that fit this post, downloads them, and uses them on the association Facebook Page.

For a while all is fine, but then you receive notification from the image owner's lawyers that your association has violated copyright law by using images without permission. A cease-and-desist letter from a lawyer is the first sign of trouble.



This small example is typically remedied by pulling down the images quickly and indicating to the lawyer that this has been done.

However, it doesn't always go as smoothly, and larger associations with more robust social media activity are at greater risk. It's also important to note that copyright infringement can occur even for posts made several years earlier.

According to the [University of Tennessee's social media policy](#), "Penalties for copyright infringement include civil and criminal penalties. In general, anyone found liable for civil copyright infringement may be ordered to pay either actual damages or 'statutory' damages affixed at not less than \$750 and not more than \$30,000 per work infringed. For 'willful' infringement, a court may award up to \$150,000 per work infringed."

*"A cease-and-desist letter from a lawyer is the first sign of trouble."*

Innocent social media posts or online content can have serious consequences. Your board needs a policy to govern social media activity.

Trademark infringement is also a risk. Using a corporate or product logo without permission also gets you in hot water. What's more, using copy without attribution of the source, while more difficult to detect, also poses risks for association boards without a documented social media policy.

## **Solutions:**

- Create a clear social media policy that includes rules for the reuse of online information, including images and researched information.
- Sign up for a stock photography account and provide members who handling social media access to these images. This removes this risk altogether, as you're purchasing the rights to image use via the stock photo company.

## ***Defamation & Libel***

ECHO, an organization serving community associations, defines defamation "...as the act of injuring someone's reputation by communicating false information about that person to a third person or persons. The communication or publication to a third person can be oral, written, or in any other form of fixed expression, such as a cartoon or caricature. Defamation can take one of two forms: libel or slander."

On social media, the higher risk is libel. This is a highly complex legal matter, and you and your fellow board members need to be aware that everything posted on the Internet via social media or other means will exist in perpetuity and can be used against individuals and your board as evidence in defamation cases.

## **Solution:**

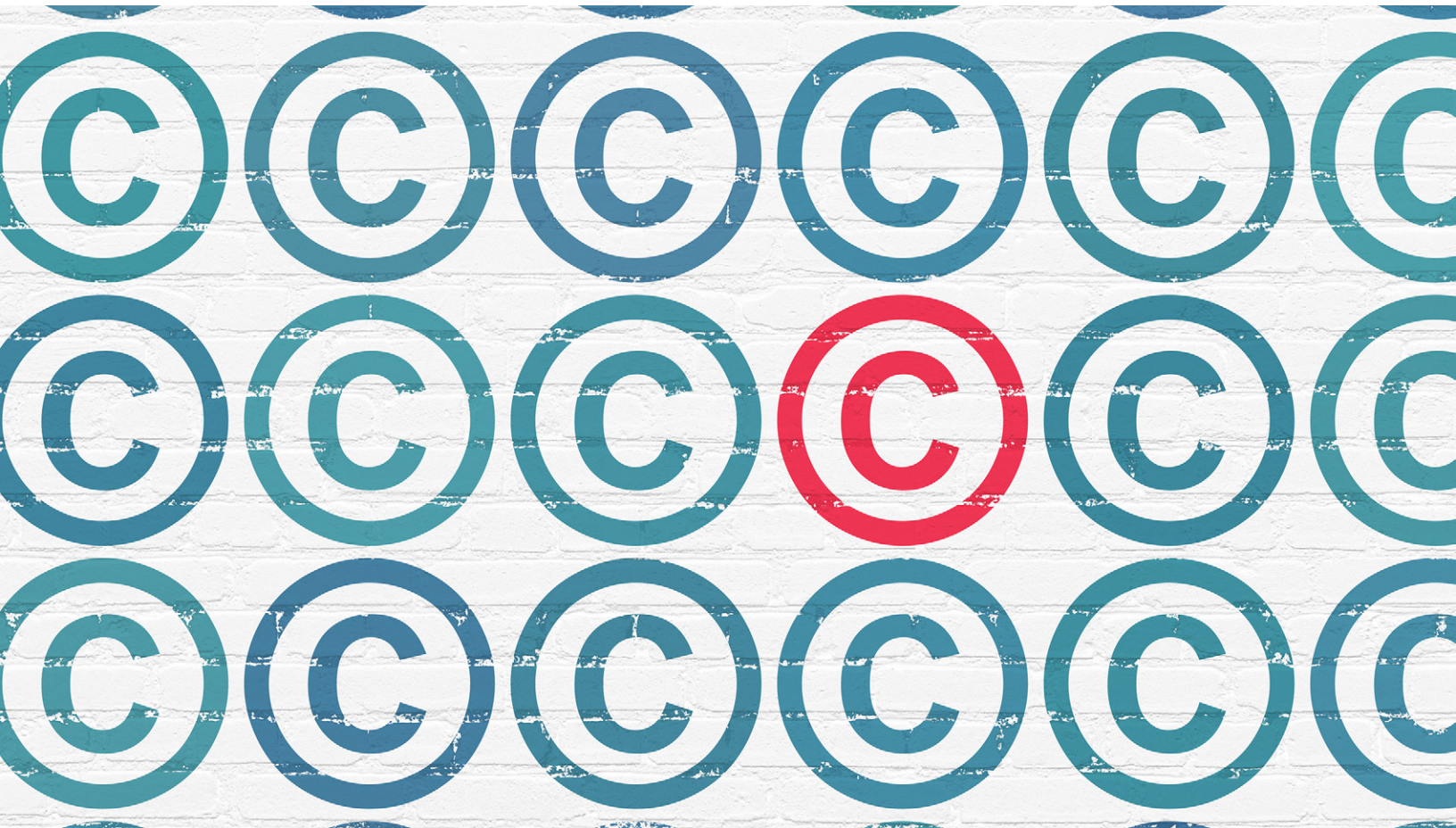
- This is an intensely complex issue with many subtleties and layers of possibility. The safest solution is to prohibit any board member or official association commentary about residents or their behavior online. Stick to information sharing; disseminating facts; and impersonal, innocuous content.

- Consult legal counsel during the social media policy development process in order to align your rules and regulations with the risks and law.

## *Trade Names*

According to the website [U.S. Legal](#), “Business names are not by themselves a trademark. The name that a business uses to identify itself is called a ‘trade name.’ This is the name used on its stock certificates, bank accounts, invoices, and letterhead.”

If your community association doesn’t have a legally registered trade name, your board is at risk and isn’t fully protected under the law. Without a legal trade name, others can post on social media under your name or a similar name without facing the strongest legal ramifications. Registering your association with an official trade name that cannot be used by others without facing a serious penalty protects your community association’s online reputation.



## **Solution:**

- Your association is a business and must be treated like one legally. If your association doesn't have a legal trade name, apply for one as soon as possible.

## ***Privacy Violations***

CAonline defines private information as, "This (private) content includes, but is not limited to, banking and account information for electronic assessment payments by owners, the owner's account history, and other personally identifiable information like social security numbers, vehicle license plate numbers, birthdays, private telephone numbers, and an owner's age."

Revealing private resident or board member information has serious legal consequences for your association and community well being.

## **Solution:**

- Privacy law is complex and multi-faceted. The first line of defense is a documented policy aligned with legal regulations with the help of counsel
- Use common sense. Most private information is fairly obvious, so when in doubt don't post

Social media provides benefits and risks to every community association. In order to adopt social media into your association communication program, risk must be governed and reduced for its benefits to take root.

You board members cannot operate on social media without a policy and proper training.

The legal risks for unregulated social media activity are significant. The public relations fallout from privacy infringements, copyright violations, defamation, harassment, and myriad other risks justify the time and budget expense required for creating and maintaining an association and resident social media governance policy.

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## ***Social Media Tips For Board Members***

Sometimes a simple approach works best to offset complex challenges like navigating social media. Let's take a look at some simple approaches to social media that protect your association's brand and its board members from risk:

### ***1. Stick To The Facts***

Use social media for fact sharing, including meeting dates, event information, road closures, and the like. Stay away from opinions and editorializing, steer clear of politics, and deploy social media innocuously and for information sharing only.

What are the some facts to post?

- Weather alerts
- Event information
- Lost pet notices
- Meeting dates & times

- Holiday notices
- Parking & towing notices
- Construction announcements & updates



## ***2. Don't Get Personal***

Before you post on the community website or on your personal page, remember always that you're a representative of the association, regardless if you're "on duty." Before hitting send or share, ask yourself if you'd say the same thing in a face-to-face interaction. Before asking that question, avoid getting personal with a fellow board member or a resident. If a conflict exists, talk to the person directly to resolve the issue or go through the proper channels to handle the dispute. Social media is never the forum to get personal, particularly if you're an acting board member.

### ***3. Keep It Private***

When in doubt, don't post it. If you're unsure if a social media post violates privacy laws, don't post it.

Financial information, healthcare data, and personal information are off limits when it comes to social media. Ensure that your social media policy includes specific details on privacy matters and risks, and consult your attorney for advice on how to shape this policy.

### ***4. Remember That The Internet Is Forever***

While the Internet seems like it moves at the speed of light and is impermanent, that's not the case. What you watch, post, and share online exists forever and can come back to haunt you and your association.

Whether it's as innocent as an old image you used without permission or an email disparaging a resident that goes viral in the community, remember this tip: social media posts are forever.

Think of this scenario. A board member gets upset with another board member and goes on a Facebook rant. An hour later, the board member that posted the rant realizes their error and pulls the post down. No one saw the post, right? Wrong.

Resident A saw the post, and being tech-savvy, took a screenshot of the Facebook post and puts the file in their back pocket in case they need it.

As tensions rise for other issues at hand, Resident A pulls the file and shares it with the entire community at a tense board meeting.

The Internet is forever. When in doubt, don't post.

Social media activity is fraught with risk for homeowners and condo associations. Another hard truth is that HOA and condo communities need to be proactive and face the challenge head on. Board members can no longer afford to bury their head in the sand. Doing so either creates greater risk or pushes the community further behind more progressive community's that are looking toward the future.

At Comsource, we've seen and done it all when it comes to community management. We help communities get out from under the burden of managing everything, so they can do what they do best. Comsource gives HOA and condo board members the help they need to get out of the weeds. Whether it's finance, communications, on-site community management, or planning, we get you where you want to go.

And yes, social media is part of the tapestry, and it's not going away. We can help with that, too.

Communicating with your residents and community at large via social media platforms is a big positive. Digital communication will play a larger role for your community as younger residents move in. Engaging your community via Twitter or Instagram will soon be the expectation not the exception, and those HOA and condo associations that adapt and master social media best practices first will be those that last and thrive.



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