

Save Your Sanity

Resist Engaging with HOA Residents on Social Media

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In the digital age, social media platforms have become popular tools for communication with homeowner associations. Practically every association has a Facebook page, or something similar. It's easy to post community events, holiday parties, security alerts, and general information that keeps residents informed. What could be the problem? While social media offers convenience and connectivity for its readers, it also poses risks and challenges for homeowner association (HOA) management companies and their employees. This article seeks to explain why HOA management companies should refrain from engaging with and responding to social media comments posted by residents for the following reasons:

- potential legal issues
- the risk of personal and professional boundary violations
- the potential for escalation of conflicts
- the threat of defamation and liability

Convenience to a Fault

Social media's convenience can be misleading for HOA management. While it facilitates rapid information dissemination, relying on it for official communication can lead to serious legal issues. Comments or notifications on social media do not constitute legal written notice. For instance, if an HOA management company issues a written warning concerning a violation of bylaws via social media, it would not be recognized as legitimate in court. Official notices must still be sent through traditional methods, such as mail, to ensure legal validity. Therefore, HOA management companies should avoid using social media as a primary means of communication for important matters to prevent legal complications.

Easily Associated with Personal Pages

Social media platforms thrive on connectivity, which can blur the lines between personal and professional interactions. When board members or HOA officials engage on the association's social media page using their personal accounts, they inadvertently link their personal lives to their official roles. This connectivity increases the scrutiny on their personal social media activity, as board members are held to higher standards of accountability both publicly and privately. Inflammatory comments or unprofessional behavior on personal pages can undermine their respectability and the HOA's credibility. To mitigate this risk, HOAs should avoid having their management or board members engage with social media comments, thereby maintaining clear boundaries between personal and professional identities.

The Inflammatory Nature of Social Media

Social media is notorious for its potential to host negative or inappropriate commentary. Even with the best intentions, an HOA's social media page can become a battleground for grievances. Publicly responding to critical comments can exacerbate conflicts and lead to breaches of fiduciary duties. The HOA's statements on social media can be construed as official positions, potentially harming the HOA's legal standing. Engaging in disputes online can escalate tensions and result in public relations disasters. To avoid these pitfalls, HOA management companies should refrain from engaging with comments

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on social media and instead handle grievances through more private and controlled channels.

Legal Risks and Liability

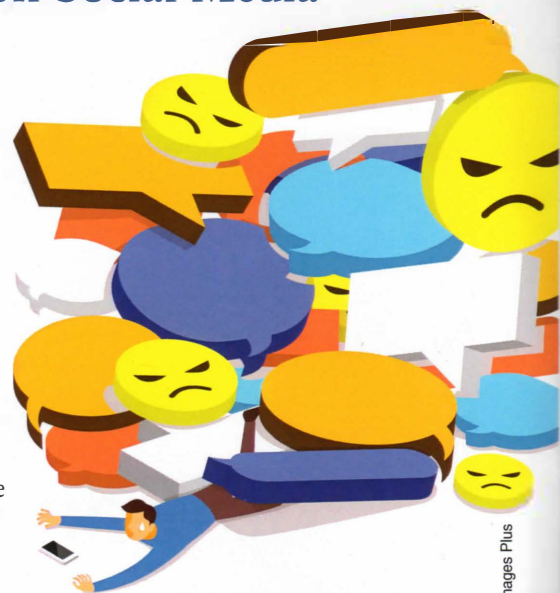
Comments on social media can expose HOA management companies to legal risks, including defamation and harassment claims. While the law regarding online defamation is still evolving, it is possible for an HOA or its agent to be held liable for defamatory comments posted by members on its social media page. Moreover, allowing harassing or defamatory comments to remain on the page can lead to additional legal challenges. The HOA would be responsible for promptly removing inappropriate content to mitigate these risks. Given the unpredictable nature of social media interactions, it is prudent for HOAs to avoid the potential for liability by not engaging with or monitoring social media comments extensively.

Inaccessibility for All Members

Not all HOA members use social media, making it an unreliable platform for disseminating important updates or notifications. Relying solely on social media for communication can exclude members who do not have access to or choose not to use these platforms. This exclusion can lead to claims of inadequate communication and transparency, further complicating the HOA's management and member relations. To ensure inclusive and effective communication, HOAs should use traditional methods alongside any digital platforms, but not depend on social media as the primary means of engagement.

Conclusion

While social media offers potential benefits for community-building and real-time communication, the risks and challenges it poses for HOA management companies outweigh these advantages. Legal issues, personal and professional boundary concerns, the potential for conflict escalation, and the risk of defamation and liability are significant drawbacks. Additionally, the exclusion of non-social media users further complicates its use as a primary communication tool. Therefore, it is advisable for HOA management companies to refrain from engaging with social media posts, focusing instead on more controlled and legally sound methods of communication and dispute resolution. By doing so, HOAs can maintain professionalism, protect their legal interests, and ensure effective and inclusive communication with all members. ■



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