



Managing Social Media

August 5, 2021

You are currently muted but will have an opportunity to ask questions at the conclusion of the presentation.

*Thank you for attending.
The seminar will begin shortly.*

Housekeeping

- In order to have clear audio, all participants except the host will be MUTED until the Q&A session begins
- Please hold your questions until the Q&A session
- You may use the chat feature during the Q&A session to ask questions
- We will conclude at 7:00 pm



Websites

- Public vs. Private Sections—*very important*
- Question: what is appropriate for general public viewing?
 - Example: Governing documents (which are already public records)
- Question: what is inappropriate for general public viewing?
 - Financials
 - Violations
 - Personal data
 - Banking information
 - Other
- Solution: login credentials required for accessing anything the general public shouldn't/doesn't need to see
- Examples:
 - Pinnacle: <https://www.pinnaclehoaky.org/home/>
 - Masterson Station: <https://www.mastersonstation.org/home/>
 - Firebrook Estates: <https://www.firebrook.net/default.php>



Social Media

- Purpose?
 - Good: disseminate information, keep members updated, low cost
 - Bad: rumors, troublemakers, disinformation, the “Trojan Horse” (i.e., people see bogus information posted to the HOA social media account and mistakenly assume it is legit)
- Do you have it? If you don’t, do you *need* it?
 - You don’t “need” social media—it’s a choice (even in 2021).
 - You can always set up an account as the “official” account to reserve the name *even if you don’t plan to use it actively*.
- Who do you trust to run it?
 - If you’ve been on Facebook or Twitter, you know what this means
 - Good judgment is paramount
- Slander, libel, defamation, etc.
 - The Board or the Association can, under certain circumstances, be liable for defamatory statements
 - Restraint is necessary
- Is it a net-benefit to the neighborhood?
 - If social media is causing more consternation than it brings in benefits, don’t fool with it



Best Practices

- Keep “private” information offline, or at least behind a login requirement
- Keep posting one-way only (Board posts, Members read)
 - There is zero reason to host a bulletin board, chatroom, forum, etc. for general discussion
 - You can set up an email dedicated to member questions or feedback
 - Don’t invite nonsense, and don’t host nonsense
- Avoid shaming violators or delinquent owners by posting the “naughty roll”
 - There can be defamation and fair credit law issues
- Be consistent: don’t give some members special privileges unless everyone has them
- Put one person primarily in charge of the website/social media and have postings cleared through them
 - Example: if a member wants to advertise their home for sale or a garage sale or barbeque, have them submit the details to the website manager to put into a neutral, appropriate listing
- Consider adopting an Acceptable Use Policy
 - Outline what is/isn’t acceptable on your channels and then enforce it accordingly
 - Considerations: harassment, violent or obscene comments, pornography, copyrighted materials, defamatory comments, personal/political/religious/other messages, advertisements, etc.

Best Practices

- Monitor Google and social media sites for “unauthorized” neighborhood accounts
 - Example: a group of owners forms a Facebook group in the name of the HOA and it appears to others to be the “official” HOA Facebook group, but they’re posting misinformation or causing confusion.
 - Communicate to your members whether you have an official website or social media account and if so, how to access them.
 - Let them know “unauthorized” or “unofficial” accounts do not speak for nor bind the Association.
- Review your insurance policies to see if social media liability is covered
 - This could be part of, or in addition to, your Directors & Officers liability coverage (which you should also have).
- Never—*ever*—use social media to “settle a score” with disgruntled owners
 - Nothing on the internet ever disappears—a message sent in the heat of the moment can live on forever and do considerable damage to the HOA’s reputation in the community.
- It is better to have no online presence than to have one that you cannot control, or which causes you more problems than it is worth
 - You are volunteers, after all!



The Best Practice

- Don't get roped into taking sides in neighborhood drama
 - The HOA doesn't always have to be involved just because it occurs in the neighborhood
 - Example: Neighbor A grills during summertime; Neighbor B says he is sensitive to smoke and it exacerbates his coughing problems. Neighbor B never talks to Neighbor A, but goes to the Board and demands the Board issue a violation because the grilling is a "nuisance".
 - *Is this even a violation?*
 - Remember the HOA's role and think carefully about wading into anything that's really just a neighbor dispute
- Remember this saying:

**"Not my circus,
not my monkeys!"**



A Cautionary Tale

- *Former HOA board members in Gilbert's Val Vista Lakes sue fellow residents, claiming defamation, October 23, 2020:*

<https://www.azcentral.com/story/news/local/gilbert/2020/10/23/former-hoa-board-members-val-vista-lakes-gilbert-sue-fellow-residents-defamation/3735281001/>

- A group of homeowners accused HOA directors of malfeasance
- Three former board members of a Gilbert, AZ homeowners association sued residents for defamation
- The lawsuit named 20 HOA residents for “defamatory, harassing, and otherwise violative conduct” against three former board leaders
- The lawsuit also included 13 unnamed spouses and up to 15 not-yet-identified potential defendants



A Cautionary Tale

- The complaint states that the directors were recalled through a “hate and disinformation campaign” and that residents engaged in “unlawful conduct that quite reasonably served to terrorize” the former board members
- Residents launched the recall effort to remove 2 directors from the board after about 10 residents received threatening legal letters in January because of their social media speech surrounding the board election
- The HOA attorney threatened to fine residents up to \$250 per day over social media posts
- The lawsuit quotes and describes specific social media posts that the former board members deemed defamatory, harassing or false. These include comments claiming that they hid board business from residents, engaged in voter fraud at the HOA election, damaged home values, acted in proxy with the LDS Church, sought personal gain through the board, racked up legal costs for the community and violated residents' First Amendment rights.
- **LESSON: DON'T BE THE ASSOCIATION THAT ENDS UP IN THE NEWSPAPER!**

Q & A

