

# April 2018

## *Community Associations Newsletter*

### **Social Media – What are the kids using these days?**

**By: R.A. Hurley, Esq. and Joseph Shannon, Esq.**

It seems like a new social media tool or application is introduced to the public every day, and people are inundated with “likes”, “tweets”, “links”, and “pins”. Although Facebook, Twitter, LinkedIn, Pinterest<sup>1</sup> and their imitators are excellent tools for maintaining personal connections, their application to the community association sphere has been tough to grapple with. Associations have now been targeted with the introduction of Nextdoor<sup>1</sup>. This newsletter will help you decide if the use of social media is the right choice for your community.

#### **Benefits**

##### **Cost**

Most social media sites are free to use, both for the organizer (the association) and the end user (the resident). An association can set up a page without paying a vendor to create anything, and communicate with the membership via that online presence at no cost.

##### **Community Involvement**

Due to the rapid nature of social media communication, and the virtually ubiquitous push notifications constantly making our smart phones ring and vibrate, associations may find that the use of social media strengthens the association’s sense of community and fosters more intra-member interaction. Since most people use at least one social media application (studies have shown approximately 80% of adults in the United States use at least one social media site), engaging the community in social media forums and discussion boards is easy.

##### **Rapid Communication**

Because of the speed at which information can be disseminated using social media, important information such as weather events, emergencies, community notices, and reminders can reach the membership timely.

#### **Cautions**

##### **Which Site/Medium is Best?**

With the variety of options available, it is important for the association to not be overly ambitious by setting up accounts on

---

<sup>1</sup> Facebook, Twitter, LinkedIn, Pinterest, and Nextdoor are trademarks of their respective owners

multiple sites. If you decide that social media is appropriate for your community, test it with one site first and draft your policies to that effect.

### **Know your Audience**

Recent studies have shown 80% of adults use a social media site, but only 68% are on Facebook. 81% of millennials use Twitter at least once a day, but only 29% of overall social media users are on Twitter. So, by choosing one site or the other you may be leaving out a portion of your membership. If you are in a community that hasn't fully signed up for the digital age, pursuing a social media site may not be a worthwhile investment of time and resources.

### **Maintaining Control of the Site/Account**

Board members come and go, including whoever is initially tasked with creating and monitoring the social media site. It is extremely important to set up the account so that the Board can communicate with the media provider and have the authority to delete or edit content on the account and change access passwords; otherwise one individual could control the content and access to the site. Additionally, any e-mail account that may be required to create the social media account should be one created solely for that purpose, or a general e-mail for the board of directors. Under no circumstances should the personal e-mail of a board or committee member responsible for populating and administering the site be used to create it.

### **Monitoring**

Once the social media application is being utilized, someone will have to continually monitor the content. Although social

networks usually have terms of use for their sites, which include procedures for removing illegal or improper content and postings, those procedures are usually only triggered once the site is notified of the problem. And the last few years have demonstrated that the most popular sites, such as Twitter and Facebook, have been slow to respond to even the most high-profile examples of bad behavior. As such, the site will require someone to review activity frequently.

### **Negative Postings**

When the membership is permitted to post or tweet commentary on social media, there is a chance that such communications may be negative and critical of the (best case) administration and management of the association, or (worst case) of the individual members of the community. In some cases, the content of the post can be considered defamatory or libelous, or contain information which may be private or proprietary. As such, it is important for the association to have clear terms of use for the social media site and to monitor the content.

### **Ownership**

Because the association does not own the social media platform, there is no guarantee that the association will be able to use it indefinitely. If the provider is sold, goes out of business, or opts to remove the association's presence, the association has little recourse. As a result, the association should keep a backup of any content posted on social media.

### **Communication Requirements**

**3** Rees Broome, PC

The association should treat any communications provided through social media to the membership as being supplemental to, rather than a replacement for, any legally required notices.

**Content May be Admissible in Court**

The association should be aware that any postings/communications provided through the social media site may be considered "Business Records" of the association and therefore could be discoverable and used as evidence in court proceedings involving the association.

If you or your association has questions about whether social media use is appropriate for your community, please do not hesitate to contact one of our community association practice group attorneys.