

# Websites for Owners Associations: Helpful or Harmful?

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## The Benefits of an Association Website

Imagine that you've just been elected to your owners association's board of directors, and the membership is requesting the association to create its own website. The first question that needs to be answered is, "why do we want a website?" For a variety of reasons, the most common responses will be that (1) the website will be more convenient, and (2) the website will save the association time and money.

When properly implemented, maintained, and utilized, association websites can provide the following benefits:

- An online FAQ page that contains answers to questions most often asked by members or the board.
- Online access to the association's governing documents such as the association's articles of incorporation, its bylaws, its rules and regulations, and the restrictive covenants that govern the community.
- Online community calendars and directories which can include e-mail addresses, physical addresses, and phone numbers for members.
- Online payment of association dues.
- Posting of board of director and membership meeting minutes.
- Classified advertising for association members.
- Electronic voting for association officers and directors. For example, in a board of directors' election, candidates could post their biographies as well as videos explaining their positions on a variety of issues. Members then could cast ballots from anywhere in the world (which is a great benefit for part-time residents). In some cases, using online voting can increase overall association voter turnout significantly.
- Polling of the members on issues important to the community.
- Message boards for use between members and the board of directors or among members to discuss pertinent or timely issues affecting the association. This free flow of information can prevent unnecessary community conflicts requiring costly resolution.
- Facilitation of community involvement by the membership.
- Generation of revenue by the sale of advertising space to local newspapers, restaurants (especially those that deliver), and vendors such as landscapers, plumbers, or exterminators.
- Increased security for the community by allowing use of Internet camera feeds to monitor pools and other amenities in the common areas including the front gate.
- Low cost marketing of homes and the community to potential buyers.

## More Trouble Than It's Worth?

While an owners association website can provide many benefits, there are some disadvantages to consider:

- In order for the website to have maximum efficiency and effectiveness, the information must be posted in a timely manner or the residents will abandon the website quickly. For example, meeting minutes should be accessible by the membership within a short period of time after any association meeting. However, many owners associations rely on volunteer members to maintain the association website, and prompt updating can fall victim to more pressing personal interests.
- While it is important to provide an avenue where members can air complaints, concerns, and grievances, keeping the board-to-member and member-to-member communications on any message board civil can be a challenge. Website chat rooms have the potential to allow mountains to grow out of mole hills and can divide a community. Hostile message board postings can escalate to political tugs-of-war if there is one unhappy owner who chooses to use postings as a method to create tension and dissension within the community. Dissension can build a head of steam as readers pass the online criticism along and add their own opinions. Often these situations are based on hurt feelings or disgruntled neighbors rather than legitimate concerns or complaints.
- In some cases, message board postings can lead to legal liability. Name calling or accusations can cross the line into defamation or slander.

Consequently, prior to implementing an association website, it is important for the association to develop a website policy addressing the maintenance of the website; the terms of service; and rules, regulations, and privacy policies. The association should disseminate the website policy to all members so there will be no confusion about what is and is not permitted with respect to use of the website. Otherwise, there could be a fine line between censorship and protection of members.

### **The Biggest No-No!**

The most important thing the association needs to avoid is the posting of a list of those members who are delinquent in the payment of their dues, as this may be a violation of the North Carolina Debt Collection Act ("NCDCA"). Under the NCDCA, the association is a "debt collector," the members are "consumers," and the assessments are "debts," which means the association must adhere to the provisions of the NCDCA when attempting to collect past due assessments. Releasing the names of members who are past due on their payment of assessments and of other required payments to the association, and the details of such past due payments, to the general membership as a mechanism to coerce delinquent members to bring their accounts current violates the NCDCA and can create legal liability.

### **Finding a Healthy Balance**

A website can be a powerful communication and administrative tool for owners associations allowing members to participate in community governance despite inconvenient schedules and distance, to pay their assessments online, and to receive community updates and notices of membership meetings and other events. However, if abused by the membership or board of directors, a website can become a vehicle which breeds hostility and dissension among the members. While a website can be useful, members as well as the association board of directors should not use it as a substitute for participating in community affairs and communicating in person, or as a failsafe way to comply with the North Carolina Planned Community Act and/or the North Carolina Condominium Act requirements, if applicable, for giving required notice of association actions and meetings. When it comes to an owners association website, one size does not fit all. It may take an association some trial and error to find the design, content, and services necessary to create an efficient and effective website that works for its community and its members.

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