

Use of Technology by Community Associations

Written By **Justin M. Lewis** (jml@wardandsmith.com)

May 28, 2014



Technology makes most of our lives easier, and so it makes sense that community associations would choose to employ certain technological advances in the performance of their obligations. There are many possibilities for the use of technology in community associations. Two of the most common uses are community websites and electronic voting, both of which may be very beneficial to community associations.

Websites

Websites can be extremely helpful to a community association by providing members with easy access to:

- The association's governing documents such as the declaration, bylaws, articles of incorporation, rules and regulations, as well as architectural guidelines and other adopted policies and procedures.
- Minutes of member meetings and board meetings.
- Directories and calendars and other association events.

A website also can allow a board to survey its members before taking action or pursuing a formal vote of members to amend its governing documents or pursue a special assessment. Members also may pay assessments through a community website. Generally a website will allow a board of directors to provide its members with easy access to more information regarding the community and may create a more interactive and connected community.

Despite the many benefits of a community website, there are a few possible pitfalls that should be considered:

- Abuse of message boards by members and directors. People often have the courage to say things through emails or message boards that they would never say to a person in a face to face conversation. Directors also may find themselves feuding with members or another director on a forum which is open to all members.
- A poorly maintained website will frustrate members. If members rely on the website to provide timely information, the association should ensure that the information is accurate and provided in a timely manner.

When creating a community website, a community association should: (i) make sure the website will have adequate support to ensure the information is accurate and delivered to the members as promised, and (ii) establish a policy for use of the website. There is no way to avoid all the problems that may arise through use of a community website, but a clear policy established with the creation of the website and made available to the members can certainly prevent a few.

Electronic Voting

Technology also can be employed in the voting process. Voting is one of the most important functions of a

community association, but it is often difficult to get the necessary member participation to establish a quorum and to obtain the necessary approval for matters on which members are allowed to vote. The use of technology can increase member participation as follows:

- Instead of delivering a proxy by regular mail or hand delivery, members may submit a proxy by fax or by scanning and emailing the proxy to the board.
- Members also may cast written ballots electronically. If a community association chooses to vote by written ballot in lieu of holding a member meeting, the association may accept written ballots by mail (the traditional method), by fax, or by email (the written ballot must be scanned and included with the email).

Giving members options other than regular mail may result in more proxies to establish quorum for membership meetings and more votes to pass amendments and approve other association actions. The North Carolina Planned Community Act and Condominium Act both require approval by the owners of lots or units to which at least 67% of the votes are allocated in order to amend the declaration. It is almost impossible for some community associations to get this level of participation through traditional methods and for those associations, the use of technology may not just be beneficial, but absolutely necessary.

As we continue to rely on technology more and more in almost everything we do, we should expect to see community associations also increase their use of technology. If done so responsibly and with proper planning and consideration, the use of technology will allow community associations to increase member participation in association matters and promote the flow of information to members.

This post is not intended to give, and should not be relied upon for, legal advice in any particular circumstance or fact situation. No action should be taken in reliance upon the information contained in this post without obtaining the advice of an attorney. If you have questions concerning this post, please contact Justin M. Lewis at jml@wardandsmith.com.

--

© 2022 Ward and Smith, P.A. For further information regarding the issues described above, please contact Justin M. Lewis.

This article is not intended to give, and should not be relied upon for, legal advice in any particular circumstance or fact situation. No action should be taken in reliance upon the information contained in this article without obtaining the advice of an attorney.

We are your established legal network with offices in Asheville, Greenville, New Bern, Raleigh, and Wilmington, NC.