[231882] McGowan MPA\_Email Policies for Community Associations\_ebook (JM)

Developing an Email Communication Policy for Your HOA

# Why do HOAs Need an Email Communication Policy?

Email is a fast, effective, and budget-friendly method of communication for HOAs. There is no need for printing flyers, leaflets, handouts, or letters; simply send the needed message right to the homeowner’s inbox. However, email is not a risk-free form of communication. Legislation has cropped up in several states that limit what an HOA board can and cannot communicate over email. Additionally, email creates a permanent, public written record that can be subpoenaed by opposing counsel during litigation.

Beyond the legal implications, an unprofessional email risks upsetting homeowners and weakening the bonds of your community. Common sense is not enough to fully mitigate the risk of liability or community discord. HOA board members should take steps to codify their email policy in the community association bylaws. This e-book will walk through the steps involved in crafting such a document.

# What Goes into an E-mail Communication Policy?

## Identify precisely how your association uses email

#### Legal restrictions

Email can be an incredibly informative and speedy method of keeping your homeowners’ in the loop about changes in your community. However, the casual nature of email makes it easy to slip up and offend someone or even inadvertently violate the law.

Legislation may limit what can be discussed by HOA board members via email. Generally speaking, the HOA board should avoid:

* Deciding on spending, community projects, or community maintenance projects by email. Such decisions are meant to be made at a homeowner-accessible board meeting.
* Influencing other board members on community decisions.
* Sharing sensitive data.

Look up local laws on HOA governance and cite that legislation in your bylaws for reference.

Once your board has established the legal baseline, think through what types of emails your HOA will send:

* How often should the HOA send email messages, and for what purposes? Remember that everyone has a busy schedule and limited time to read emails.
* What topics are permissible in an HOA email?
  + Should homeowners receive a violation notice via email, written notice, or both?
  + Can a homeowner submit a maintenance request by email?
* Who is authorized to send emails on behalf of the HOA? What sort of oversight is in place to ensure quality control?

### Email best practices

Maintaining a professional tone in all email communications is paramount. To do so, outline your HOA's approach to email etiquette and hygiene.

#### Etiquette

**Set expectations.**

Use email to set realistic expectations for homeowners, board members, vendors, and the management company. If an issue raised by a homeowner requires a board vote, let the homeowner know that the problem may not be settled right away and is pending a public board meeting. Consider setting up an autoresponder every time an email comes in, letting the writer know that the board has received the email and that a response will arrive within 24 to 48 hours.

**Define communication standards.**

Set a tone of professionalism in HOA emails that avoid the following:

* Long subject lines
* Lengthy blocks of text
* Jokes and humor
* Memes, GIFs, emojis, and slang such as LOL
* Aggressive formatting choices like ALL CAPS or **bold**

A well-written email includes concise, proofread text that maintains professionalism. Spelling and grammar programs can aid in keeping emails error-free. Reading aloud or running the message through a text-to-speech program is also an excellent way to catch errors that would otherwise go unnoticed. It may be a good idea for multiple board members to review an email before sending it, especially if the entire community will read it.

#### Hygiene

In addition to style considerations, your HOA will want to practice good email hygiene to ensure the smooth flow of communication.

**Don’t use personal email.**

While technically, using an HOA-specific email account is not a legal requirement, using a personal or business email address for HOA business is not advisable. In the case of litigation, all your personal or work emails could become discoverable by an attorney who would potentially have access to years' worth of private email. Additionally, it's cleaner for record keeping and discontinuing an email address once a board member retires.

**Respond promptly.**

Strive to respond to an email within 24 to 48 hours, even if it's just to let a sender know that the issue raised will take more time. Homeowners want to feel like they are being heard, and the management company may need to schedule things well in advance. Set up an out-of-office autoresponder on holidays or other occasions when the board cannot check the inbox.

**Remove old email addresses from your database.**

When homeowners move away, take them off the email list. This step saves them a nuisance and closes a security gap for the HOA. Create an unsubscribe option so that homeowners can opt out of HOA emails.

**Check your email regularly.**

Inboxes can quickly become overrun by unread messages. Checking an inbox at least once daily is a proactive way of keeping urgent requests from slipping through the cracks. Also, utilize a good spam blocker and opt out of unwanted email subscriptions to keep junk mail to a minimum.

**Use automation when possible.**

Turn on out-of-office and maintenance reminders when appropriate. Also, consider using an email program to schedule important emails in advance.

# How to approach emails between different parties

The law in some states limits the types of communication that HOA board members can appropriately send between various parties.

## Board members and property management

Most times, emails between a property manager or management firm fall under the management company's responsibility. In other words, these are not considered part of HOA records, and owners can't request to view them. These emails are still discoverable, but a lawyer might have to subpoena the management firm rather than the HOA.

## Between board members

With a few critical exceptions, HOA board members should never conduct business by email. Any decision affecting the board or the community should be made at a public meeting. The exceptions to the rule include:

* When the HOA must conduct an emergency meeting
* When the HOA sends emails to building managers or contractors
* Scheduling meeting dates and times
* Emailing legal counsel

As always, consult local legislation and your HOA legal counsel to confirm relevant laws in your area.

## Between the Board and Homeowners

These emails are the least limited legally. That's why it's essential to set expectations and firm guidelines for homeowners and the board. Additionally, your board must train to respond professionally if a homeowner sends an angry email.

**An important caveat to keep in mind:** It is illegal to try to influence board members to vote on specific decisions via email. This point includes using third-party intermediaries such as a building manager or residents. In other words, don't ask homeowners to try to influence one of your board member peers by email.

# What about Social Media?

For the most part, guidelines that apply to email also apply to social media posts and messaging. If your HOA is active on social media or desires to be, monitoring social media activity closely is vital. Various platforms offer opportunities to engage with homeowners and create a greater sense of community. Adding a social media section to your bylaws may make sense.

Here are a few things to keep in mind:

* Keep board member accounts and the HOA accounts separate, and clarify which posts represent the HOA and which are personal opinions.
* Establish admin control and oversight to ensure that posts maintain the communication guidelines.
* Monitor the comments to prevent arguments and bullying. Block trolls and ban hostile users.

# Training Your Members

It is not good enough to add an email policy to your HOA bylaws and then forget about it. The board must actively train new members and update existing members on policy revisions.

Additionally, all board members must schedule regular training to keep up with the latest cybercrime, including spam, phishing, and social engineering schemes. HOAs are a prime target of email fraud due to the sensitive information they retain about their homeowners.

To learn more about mitigating the risk of a data breach, read [4 Tips to Prepare for a Community Association Cyberattack and Data Breach](https://www.mcgowanprograms.com/blog/community-associations-and-cyberattacks/).

# Bonus: Examples of Good Email Communications from HOA Boards

When used correctly and maintaining best practices, email communications from the HOA board help foster a greater sense of community. Some ideas for email content include:

* Introduction and welcome to the community for new residents
* Notices or reminders
* Responses to resident requests
* Community events and news
* Board meeting schedule
* Community rules and regulations
* Safety information
* Calls for resident feedback or volunteers

# Assessing HOA Insurance Coverage

Email is a valuable resource for HOA boards to create a greater sense of community and efficiently evaluate the community's needs. As long as your board follows the practices outlined in this e-book and local legislation, your community association board of directors will mitigate the risks of utilizing email.

However, even the best-laid plans sometimes go awry. In the course of updating your bylaws on email communication, it's an ideal time to evaluate your HOA insurance coverage. MPA has a variety of insurance offerings specific to the real estate and HOA world that provide beneficial coverage, no matter what life throws at you. Our HOA products include:

* Single-family HOA coverage
* D&O coverage for board members
* Cyber liability
* HOA crime liability

For over 50 years, [McGowan Program Administrators (MPA)](https://www.mcgowanprograms.com/) has served the real estate, restaurant, and entertainment industries as part of the McGowan Group. Our experts are ready to answer your questions regarding HOA insurance and liability. [Get in touch](https://www.mcgowanprograms.com/contact-us/) to learn more.

McGowan Program Administrators

20595 Lorain Road, Fairview Park, OH 44126  
Paul Marshall | Managing Director | Crisis Risk / Active Shooter / Workplace Violence  
Email: pmarshall@mcgowanprograms.com | Phone: 937-241-6423

www.McGowanPrograms.com

© Copyright 2022 The McGowan Companies