

Draft 6 — Plain-English Guide

What has **already changed** under Ohio law, what would **not change unless we vote**, and what Draft 6 **proposes as new Board authority**.

How to read this guide

Section 1 Already Changed

Ohio law (ORC Chapter 5312) already requires these rules. They apply to our community **right now**, whether we adopt Draft 6 or not. Rejecting Draft 6 does not stop them. Adopting Draft 6 mostly just restates them on the page.

Section 2 No Change Unless We Vote

Ohio law supplies a default, but our 1984 Declaration and Bylaws **control where they specifically speak** (ORC 5312.15). For these items, nothing changes unless we vote to change it. The current rule shown is what governs today.

Section 3 Proposed New Authority

These are **not required** by Ohio law. The statute specifically says the Board has these powers only if the declaration grants them. If the community rejects Draft 6, the Board does not get these powers. Adopting Draft 6 is a real expansion of Board authority.

The one rule behind everything

"In the event of a specific conflict between this chapter and express requirements or restrictions in such a governing document, **the governing document shall control**. This chapter shall control if any governing document is silent ..." — ORC 5312.15

In plain English: our 1984 documents **win** against the 2010 Ohio law wherever they specifically speak. The state law only fills in gaps. That is why so many Draft 6 changes are **not** compliance with law — they are new rules the community would have to agree to.

Section 1 — Already Changed by Ohio Law (in effect since 2010)

These rules apply to Lake of the Woods **today**. They operate by state law regardless of what our 1984 documents say or don't say. Rejecting Draft 6 does not change them.

Topic	What our 1984 Documents Say	What Ohio Law Now Requires (in effect since 2010)	Can we vote against this?
Automatic assessment lien on the Lot (any amount unpaid >10 days)	Decl. Art. VIII §4 provides for a lien.	ORC 5312.12 — lien arises automatically, is filed with the county recorder, runs 5 years, foreclosable like a mortgage; priority after real-estate taxes and earlier first mortgages.	No. Statutory lien operates by law. Declaration cannot eliminate it.
Mandatory insurance coverage	(Association practice)	ORC 5312.06(B) — property, liability, directors-and-officers, and fidelity/crime coverage are all mandatory.	No. These four coverages are required by statute.
Open meetings and advance notice to Owners	Bylaws Art. II	ORC 5312.04(C), 5312.09 — mandatory annual meeting, notice requirements, open-meeting rules.	No. Open-meeting rules are statutory floors.
Owner right to examine books, records, minutes	Bylaws Art. VIII §3	ORC 5312.07 — statutory access right. Reasonable procedures allowed (times, fees); five statutory exclusions (>5 yrs old, personnel, attorney-client, pending contracts, other-Owner enforcement).	No. The right is statutory; the declaration can set reasonable procedures but cannot eliminate access.
Mandatory interest on past-due assessments	Decl. Art. VIII §5	ORC 5312.10(B) — Board <i>shall</i> charge interest at a rate the Board sets within any legal maximum.	No. Charging interest is mandatory; the rate is discretionary.
Due-process procedure before any fine or damage charge	Decl. Art. IX; Bylaws Art. VII	ORC 5312.11(C)-(D) — pre-notice, 10 days to request hearing, 7 days' notice of hearing, no charge levied before the hearing, written result within 30 days.	No. Minimum due process cannot be waived. The declaration may add protections but not remove them.
Any Owner can personally sue to enforce the documents (not just the Association)	(not restated)	ORC 5312.13 — individual Owners have a statutory cause of action, with reasonable attorney's fees shifted to the losing side.	No. This is a statutory right of each Owner.
Reserves in the annual budget	Bylaws Art. V	ORC 5312.06(A)(1) — annual budget must include reserves to replace capital items, unless a majority of Owners votes in writing <i>each year</i> to waive them.	Conditional. Reserves are the statutory default; an annual written majority waiver is allowed.

Topic	What our 1984 Documents Say	What Ohio Law Now Requires (in effect since 2010)	Can we vote against this?
Nonprofit-corporation form and director fiduciary duties	(Articles of Incorporation)	ORC 5312.03(B) incorporates ORC Chapter 1702 (Ohio nonprofit corporation law) — directors owe fiduciary duties of good faith and ordinary care.	No. Corporate form and director duties are fixed by statute.
Solar-energy-device baseline	(not in Draft 6)	ORC 5312.16 — Owner may install a solar device on their own dwelling, subject to reasonable size/place/manner rules and due process.	Limited. The declaration <i>can</i> prohibit solar devices entirely, but absent a specific prohibition the Owner has this right.
Void discriminatory covenants can be removed by Board vote alone	Decl. Art. IV (legacy covenants)	ORC 5312.05(C) — Board may remove facially discriminatory language by majority Board vote without a membership vote.	No. Federal and state civil-rights law independently voids these; the statute just gives the Board a clean-up tool.
Unanimous consent required to dissolve the community	Decl. Art. XIII	ORC 5312.05(B) — unanimous consent of all Owners required to terminate the planned community.	No. A statutory floor; cannot be lowered by declaration.

Section 2 — Ohio Law's Default, but Our 1984 Documents Control (No Change Unless We Vote)

For each item below, state law provides a default rule. But because our 1984 Declaration or Bylaws already speak to the topic, the 1984 documents **control** (ORC 5312.15). The current governing rule in the right-most column is what applies today and will continue to apply unless the community votes to change it.

Topic	What our 1984 Documents Say	Ohio Law's Default	What Governs Today (the rule in force)
Amendment threshold	Decl. Art. XIII, Bylaws Art. X — whatever threshold our 1984 documents specify.	ORC 5312.05(A) — 75% of voting power, unless documents specify otherwise.	Our 1984 threshold controls. Statutory default only kicks in if 1984 was silent.
Default Board powers (hire/fire professionals, contract, sue/defend, grant easements, emergency entry, invest funds, etc.)	Bylaws Art. V lists specific powers.	ORC 5312.06(D)(1)-(18) gives Board a list of default powers.	Either our Bylaws list controls where it speaks, or the statutory list fills any gap. No change needed for the Board to exercise these routine powers.
Suspension of voting rights & amenity access for delinquent Owners (delinquency only, >30 days)	Bylaws Art. III; Decl. Art. IX (similar concept).	ORC 5312.06(D)(15) directly authorizes this suspension — limited to delinquency.	Already permitted today by either the 1984 documents or the statute. No declaration amendment needed for delinquency-only suspension.
Damage assessments (cost of repairs caused by Owner, family, tenants, guests)	Decl. Art. VIII §3	ORC 5312.11(A)(2) authorizes recovery of repair costs, attorney's fees, court costs.	Already in force. Applies today under both the 1984 documents and the statute.
Recovery of enforcement costs	Decl. Art. IX	ORC 5312.11(A)(3); 5312.13 — attorney's fees and costs are collectible.	Already in force.
Payment application order (what an Owner's partial payment pays first)	Decl. Art. VIII	ORC 5312.11(B) — default order: interest, admin/enforcement, collection costs, oldest principal.	Our Declaration order controls where it speaks; statutory order fills any gap. Draft 6 restates the statutory order.
Who maintains what	Decl. Art. VII allocates between Association and Owner.	ORC 5312.08 default: Association for common elements, Owner for Lot/dwelling/utilities serving it.	Our Declaration allocation controls.
Assessment allocation formula	Decl. Art. VIII specifies allocation among Lots.	ORC 5312.10(A)(2) — equal per-Lot if documents are silent.	Our Declaration formula controls. Statutory equal-split is only a gap-filler.
Conveyance of a common element	(Not specifically addressed in Draft 6)	ORC 5312.09(A) default — 75% voting-power approval (unless documents provide otherwise).	Statutory default applies now, since 1984 documents don't specify. Would require 75% Owner vote if ever proposed.

Topic	What our 1984 Documents Say	Ohio Law's Default	What Governs Today (the rule in force)
Notice and procedural requirements for assessments	Decl. Art. VIII	ORC 5312.10 — procedural defaults.	1984 procedures control where they speak.

Section 3 — Proposed New Authority (NOT Required by Ohio Law, NOT in our 1984 Documents)

Every item in this section is neither required by ORC Chapter 5312 nor currently granted to the Board by our 1984 Declaration and Bylaws.

Where the statute speaks, it *conditions* these powers on the declaration expressly granting them — and our 1984 documents do not. Where the statute is silent, the choice is left entirely to the community.

In other words: these are **new**. They are not compliance with Ohio law, and they are not already on the books. If Draft 6 is **not** adopted, the Board does **not** get these powers, and today's 1984 limits continue to apply. The "What 1984 Documents Say Now" column below shows the current ceiling or default; the proposed Draft 6 provision would add to or replace that.

Proposed Change (Draft 6)	What 1984 Documents Say Now	What Ohio Law Says	Effect If Adopted
Remove any cap on regular assessments (Board sets amount without community-voted ceiling)	Decl. Art. VIII §§1-3 — existing cap on assessment amounts.	ORC 5312.10(C)(1) — "The board may not charge assessments for common expenses <i>unless the declaration provides for or contemplates the charging of such assessments.</i> "	Expansion. Changing or removing the 1984 cap requires a vote. Without Draft 6 passing, the existing cap stays.
Power to fine for violations of rules or covenants	Decl. Art. IX §2 — existing enforcement framework.	ORC 5312.11(A)(1) — enforcement assessments allowed only " <i>in accordance with the declaration.</i> "	Expansion. New violation categories, new fine amounts, or new triggers require declaration adoption.
Board power to adopt rules beyond common-element maintenance (conduct, noise, lifestyle, etc.)	Decl. Art. IV §5 — limited rule-making.	ORC 5312.06(D)(5) — rules beyond common-element maintenance only " <i>as the declaration provides.</i> "	Expansion. Broader Board rule-making authority only if the declaration authorizes it.
Architectural review — silence becomes denial (30-day clock)	Decl. Art. V §3 — 1984 default is silence = approval.	Not addressed by ORC. Default is entirely a declaration choice.	Reversal with significant burden shift. An efficient or lame-duck board missing the clock means a <i>denial</i> , and Owners are responsible for chasing responses.
Broader "nuisance" and conduct standards (embarrassment, annoyance, discomfort)	Decl. Art. IV §3(o) — existing language.	Not addressed by ORC. Conduct standards are entirely a declaration choice.	Expansion. Subjective standards broaden enforcement discretion.
Leasing restrictions (minimum term, owner-occupancy, lease filing, tenant conduct)	Decl. Art. IV §3 — existing language.	Not addressed by ORC. Must be in the declaration; may also interact with individual deed rights.	Expansion/change. Any change must be adopted by the community.
30-day occupant reporting duty	Decl. Art. IV §3(u) — no current corollary.	Not statutory.	New Owner duty. Only if Draft 6 passes.

Proposed Change (Draft 6)	What 1984 Documents Say Now	What Ohio Law Says	Effect If Adopted
Self-help entry outside imminent-risk emergencies	Decl. Art. VII	ORC 5312.06(D)(13) — statute authorizes entry only for "imminent risk of damage or harm."	Expansion. Routine/enforcement entry beyond the statutory imminent-risk standard requires declaration authorization.
Post-completion architectural inspection	Decl. Art. V §4	Not statutory.	New inspection right. Only if community adopts.
Minimum dwelling size reduced (1,800 sq ft vs. 1984's 2,200-2,400)	Decl. Art. IV §2 — existing 1984 minimum.	Not statutory.	Change to a use restriction. 1984 minimum controls unless community votes.
Special assessments without member-approval threshold	Decl. Art. VIII §2	ORC 5312.10 — declaration-dependent.	Expansion. Member-approval requirement survives only if the declaration keeps it.
Covenant term / automatic-renewal mechanics	Decl. Art. XIII	Not addressed by 5312; ORC 5301.49 relates.	Declaration choice. Community decides.

What the community can and cannot vote on

Cannot be voted away

These apply to LOW by operation of Ohio law and cannot be removed by a community vote:

- The assessment lien under ORC 5312.12 (automatic, runs 5 years, priority rules)
- Mandatory insurance (ORC 5312.06(B)): property, liability, D&O, fidelity
- Due-process minimums before any fine (ORC 5312.11(C)-(D))
- Owner inspection of books and records (ORC 5312.07)
- Any Owner's right to sue to enforce (ORC 5312.13)
- Mandatory interest on past-due assessments (ORC 5312.10(B))
- Unanimous consent to dissolve (ORC 5312.05(B))
- Open-meeting and annual-meeting rules (ORC 5312.04(C); 5312.09)
- Non-discrimination compliance (ORC 5312.04(G); ORC 4112; Fair Housing Act)

Can be voted to change or keep

These are default rules that the 1984 documents already speak to, or that Draft 6 is asking the community to adopt. The community decides:

- Assessment caps and amounts (ORC 5312.10(C) leaves this to the declaration)
- Whether the Board can fine for violations and at what amounts (5312.11(A)(1))
- How broad Board rule-making is (5312.06(D)(5))
- Architectural-review defaults (silence = approval vs. denial)
- Leasing restrictions
- Minimum dwelling size and other use restrictions
- Broader suspension powers (beyond delinquency)
- Amendment threshold itself (1984 documents' threshold controls unless voted)

Can be waived only year-by-year

One statutory item sits in the middle: reserves in the annual budget (ORC 5312.06(A)(1)). The default is that reserves are required; the community can waive them by a written majority vote, but only for the current fiscal year. No permanent waiver is available.

Answering a common question: "Could we vote against the liens?"

No. The assessment lien under ORC 5312.12 is automatic — it arises by operation of law once an Owner is more than ten days delinquent, regardless of what the declaration says. What the community *can* decide is the underlying rules that determine when and how assessments accrue in the first place: the cap, the budget, the rate, and whether the Board has rule-making and fining power at all. Those are all declaration-level choices (Section 3 above).

A second common question: "Is adopting Draft 6 required to comply with Ohio law?"

No. Section 1 items already apply whether Draft 6 passes or not. Section 2 items are governed by the 1984 documents where they speak, and by the statutory default where 1984 is silent. Section 3 items are new grants of Board authority that the statute deliberately leaves to the community — they are not compliance, they are a choice.

Important caveats. • This is a plain-English companion to the longer bucket analysis (*draft6-buckets.pdf*), not a substitute for reading the statute or the Draft 6 text. • Prepared by neighbors, not attorneys; informational only and not legal advice. • Sources: ORC Chapter 5312 (sections 5312.01 through 5312.16, full text); 1984 Declaration and Bylaws; Draft 6 dated 22 March 2026.

Prepared by neighbors for Lake of the Woods homeowners • Akron, Ohio • Cross-read against primary ORC text

Draft 6 — Whole-Document View

Protections **removed** from the 1984 documents, and protections **omitted** across the entire rewrite.

The framing

The bucket and plain-English analyses group Draft 6 provisions by their legal source. This view groups them by their **protective effect on Owners**. Two columns of gaps tend to combine: existing 1984 protections being removed, and new powers granted without protective limits. This PDF catalogs both across the full Draft 6 text, not only the lien-exposure subset.

Protections REMOVED — existing 1984 provisions that Draft 6 takes away or loosens

Existing Protection	What 1984 Says	What Draft 6 Changes
Assessment cap	Decl. Art. VIII §§1-3 — cap on annual common-expense assessments.	Removed. Board may set amounts by annual budget without a ceiling.
Special-assessment approval step	1984 conditions significant specials on a declaration-specified approval.	Removed. Special assessments may be imposed without member threshold.
Silence-as-approval on architectural review	Decl. Art. V §3 — 30-day silence was deemed approval .	Reversed. Silence now deemed denial ; burden is on the Owner/requestor to chase a timely written response during the 30-day window.
Higher minimum dwelling size	Decl. Art. IV §2 — 2,200-2,400 sq ft minimum.	Lowered to 1,800 sq ft. Changes the character protection that the original minimum provided.
Narrow, enumerated rule-making scope	1984 rule-making largely limited to common-element maintenance and specific enumerated topics.	Broadened. Board may adopt rules covering conduct, nuisance, lifestyle, and other subjective standards.
Emergency-only self-help entry	1984 limits Association entry on a Lot to actual emergencies.	Broadened. Draft 6 authorizes routine and enforcement-related entry beyond imminent-risk emergencies.
Defined, narrow list of use restrictions	1984 use restrictions in Decl. Art. IV are a finite enumerated list.	Expanded. Draft 6 adds subjective "nuisance," annoyance, and discomfort standards to enforceable conduct categories.
Leasing freedom	1984 imposes comparatively light restrictions on leasing.	Tightened. Draft 6 adds minimum lease term, owner-occupancy expectations, filing/reporting duties, and tenant-conduct rules.

Existing Protection	What 1984 Says	What Draft 6 Changes
Limited Owner reporting duties	1984 does not obligate Owners to report routine occupancy changes.	Added. Draft 6 requires 30-day occupant reporting, a new standing duty backed by the enforcement regime.

Protections OMITTED — available limits the community could install, but Draft 6 does not include

Available Protection	What Draft 6 Does (or Doesn't)	What Declaration Could Say
Term limits on directors	Draft 6 does not limit how many consecutive terms a director may serve.	Declaration/bylaws could cap consecutive terms (e.g., 2 terms of 2 years) with a rotation requirement.
Recall procedure for directors	Draft 6 does not include a member-initiated recall mechanism with a defined petition threshold.	Declaration could specify a petition-and-vote recall process available to Owners between elections.
Mandatory annual budget ratification	Draft 6 does not require the membership to ratify the annual budget.	Declaration could require that an annual budget above a stated growth rate be ratified by a membership majority.
Member right to request a special meeting	Draft 6 defers to statutory defaults; no special petition-based rights are added.	Declaration could set a clear, low-threshold petition path to convene a special meeting on any topic.
Transparency standards above 5312.07	Draft 6 does not add records-access rights beyond the statutory minimum.	Declaration could expand Owner inspection rights (reasonable-time access, fixed copy fees, digital-format access, publication of contracts above a threshold).
Cap on individual fines	Draft 6 does not cap fine amounts per violation or cumulatively.	Declaration could set a maximum per violation and an annual cumulative cap.
Finite list of fineable violations	Fineable conduct is open-ended.	Declaration could enumerate fineable categories and exclude all others.
Mandatory cure period before fines	Draft 6 relies on the statutory minimum.	Declaration could require a 14- or 30-day cure window before any first-instance fine.
Membership vote for new rule categories	Rule creation delegated entirely to the Board.	Declaration could require membership approval before new fineable-violation categories are created.
Periodic rule sunset / reaffirmation	Draft 6 does not require rules to be re-ratified periodically.	Declaration could sunset rules every 3-5 years absent reaffirmation.
Loser-pays when the Association loses	Statute is one-way in favor of the Association; Draft 6 does not shift back.	Declaration could add two-way fee shifting for Association-initiated suits.
Mandatory pre-suit mediation	No alternative dispute resolution step is required.	Declaration could require good-faith mediation before any Association-initiated lawsuit.

Available Protection	What Draft 6 Does (or Doesn't)	What Declaration Could Say
Cap on recoverable attorney's fees	Draft 6 does not cap fees that can be rolled into assessments and liens.	Declaration could cap attorney's-fee assessments at a stated dollar amount per case or require court approval.
Silence-as-approval default kept in place	Draft 6 reverses this; silence now equals denial.	Declaration could keep 1984's silence-as-approval default, placing the accountability for timely response on the Board rather than the Owner.
Written reasons required for denial	Draft 6 does not require specific reasons when denying an architectural request.	Declaration could require a written, reasoned denial citing the specific guideline or covenant at issue, with appeal rights.
Appeal body separate from the deciding body	Draft 6 does not require separation between decision and appeal.	Declaration could create a separate appeal channel (Board, membership vote, or independent arbitrator) for architectural denials.
Cap on annual assessment increases	Draft 6 removes the cap entirely.	Declaration could set a maximum annual increase (e.g., CPI + 5%) absent a membership override vote.
Member approval threshold for special assessments	Draft 6 drops the member threshold.	Declaration could require a membership-majority vote for any special assessment above a stated dollar amount.
Reserve-study publication	Draft 6 does not require disclosure of the reserve study supporting reserve contributions.	Declaration could require annual publication of the reserve study to Owners.
Narrow, objective nuisance standard	Draft 6 uses subjective standards (embarrassment, annoyance, discomfort).	Declaration could adopt an objective nuisance standard tied to measurable impacts (noise thresholds, observable conduct).
Self-help entry limited to imminent risk	Draft 6 authorizes routine and enforcement entry.	Declaration could confine entry to the statutory imminent-risk standard (5312.06(D)(13)) except by court order.
Notice to Owner before entry	Draft 6 does not require advance notice for non-emergency entry.	Declaration could require 48-72 hour advance written notice except in genuine emergencies.
Snapshot of amendment threshold	Draft 6 adopts the statutory or whatever-threshold language without explicit reaffirmation.	Declaration could explicitly fix the threshold higher than the statutory default (e.g., 75% or supermajority) to protect against thin-vote future amendments.
Supermajority requirement for certain amendments	Draft 6 treats all amendments under one threshold.	Declaration could require a higher supermajority for amendments that expand Board authority, raise caps, or alter enforcement scope.
Periodic community review	Draft 6 does not require periodic community review of the declaration.	Declaration could require a formal community review and vote every 5-10 years.

Available Protection	What Draft 6 Does (or Doesn't)	What Declaration Could Say
Owner-facing indemnification limits	Draft 6 does not cap Owner indemnification obligations to the Association.	Declaration could limit circumstances in which Owners can be required to indemnify the Association.

How to read these tables together

Reasonable people will disagree about which protections are essential, which are optional, and which are unnecessary. The tables above are not a list of recommendations — they are the **menu of options** that were on the table for the community when Draft 6 was being written, plus the 1984 provisions that Draft 6 modifies.

A fair reading of the overall pattern: Draft 6 tends to remove or loosen existing 1984 limits on Board authority, and tends not to install the kinds of protective limits the statute specifically invites the declaration to supply. Individual provisions may have good reasons behind them — efficiency, keeping pace with changing conditions, or simplifying governance. But stepping back across the full document, the direction is consistent rather than mixed.

What is NOT in scope here

This PDF does not address: the specific legal validity of any individual provision; whether any Draft 6 language violates Ohio law, federal law, or deed restrictions; or the merits of any particular Board decision. Some Draft 6 provisions also restate floors that remain in place regardless of the rewrite — those are already covered in *draft6-plain-english.pdf* Section 1.

Caveats. • Companion to the bucket analysis, plain-English guide, and lien-exposure PDFs. • Prepared by neighbors, not attorneys; informational only and not legal advice. • Sources: 1984 Declaration and Bylaws; Draft 6 (22 March 2026 clean); ORC Chapter 5312 (full primary text). • The "omitted" list is non-exhaustive; additional protective mechanisms exist in the comparative literature on planned-community governance.