

Draft 9 Provisions by Bucket

Version 5 — for the final Draft 9 documents ("FINAL FOR MEMBERSHIP APPROVAL," June 9–10, 2026); cross-checked against the full primary text of ORC Chapter 5312. Supersedes v4/v3.

This edition leads with what is genuinely new. Bucket 1 now contains the provisions that actually change owners' legal position — the new grants of Board authority that exist *only if* the community votes for them. That is the real substance of the vote. The statutory defaults (Bucket 2) and statutory requirements (Bucket 3) that follow apply, in whole or in part, whether or not Draft 9 passes. *Numbering note: earlier editions (v3/v4) listed these in the opposite order — what was "Bucket 3" there is "Bucket 1" here. The substance is unchanged.*

The master rule: ORC 5312.15

"This chapter shall be construed to establish a uniform framework for the operation and management of planned communities in this state and to supplement any planned community governing document that is in existence on the effective date of this chapter. 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 with respect to any provision of this chapter." — ORC 5312.15

The practical consequence: the 1984 Lake of the Woods Declaration and Bylaws control over Chapter 5312 where they specifically speak; Chapter 5312 fills gaps where they are silent. ORC 5312.02(C) adds that nothing in the chapter "invalidates any provision" of a document recorded before September 10, 2010. Together, Chapter 5312 generally *adds to* what the 1984 documents say rather than replacing them.

A **Bucket 1** item is a power Chapter 5312 explicitly conditions on the declaration providing for it — without a declaration amendment, the Board does not have it. A **Bucket 2** item is a statutory default that fills a 1984 gap. A **Bucket 3** item is one the Association owes to owners under state law even if the 1984 documents are silent.

Bucket 1	New Board authority — power requires declaration. Chapter 5312 grants the power only if the declaration provides for it. Adopting Draft 9 is a genuine expansion of Board authority. <i>This is what the vote actually decides.</i>
Bucket 2	Statutory default / gap-filler. ORC 5312 supplies a rule unless the declaration or bylaws provide otherwise. The 1984 documents control in a specific conflict (5312.15).
Bucket 3	Statutorily required. Applies regardless of what the declaration says — and regardless of how the vote goes. Restating in Draft 9 adds no new legal obligation.

Method: every row cross-read against ORC 5312.01–5312.16 (there is no 5312.17+). Draft 9 citations refer to the June 9–10, 2026 "FINAL FOR MEMBERSHIP APPROVAL" versions. Where the statute conditions a Board power on the declaration ("in accordance with the declaration," "as the declaration provides"), the row is in Bucket 1.

BUCKET 1 — New Board Authority (Power Requires Declaration) — What You Are Really Voting On

These are the powers the Board does **not** have under the 1984 documents and that Chapter 5312 conditions on the declaration providing them. Each is a genuine expansion of Board authority if Draft 9 is adopted — **this bucket is the real substance of the vote**. Everything in Buckets 2 and 3 below applies, in whole or in part, whether or not Draft 9 passes.

Provision	Draft 9 Cite	ORC 5312 Cite	Practical Effect
Power to levy common-expense assessments under the new structure	Decl. Art. VIII, §§1–3, pp. 32–34	5312.10(C)(1)	"The board may not charge assessments ... unless the declaration provides for or contemplates" them. Replacing the 1984 scope-anchored system requires this amendment vote. DRAFT 9 pairs the Board's power with a 20%/yr increase cap and a member majority's right to raise or lower the annual assessment — checks Draft 6 lacked.
Enforcement assessments (fines) for violations	Decl. Art. XII, §2, p. 45	5312.06(D)(10)(c); 5312.11(A)(1)	Must be "in accordance with the declaration." Without express declaration authority, the Board cannot fine.
Rule-making beyond common-element maintenance (conduct, nuisance, lifestyle)	Bylaws Art. IV, §10(f), p. 24; Decl. Art. XII	5312.06(D)(5)	Broader rule-making requires declaration authorization.
Suspension of privileges for non-dues reasons	Decl. Art. XII, §4, p. 46	5312.06(D)(15) (delinquency only)	Broader suspension requires the declaration to create the power.
Architectural review: silence = denial	Decl. Art. V, §2, p. 25	Not addressed by ORC	Entirely a declaration choice. 1984: silence = approval. Draft 9 keeps the reversal and adds a mandatory reconsideration step before court.
Broad "nuisance"/conduct standards (embarrassment, annoyance, discomfort)	Decl. Art. IV, §3(o), p. 17	Not addressed by ORC	Subjective standards live entirely in the declaration. Unchanged from Draft 6.
Leasing restrictions (12-month minimum, filing, eviction power)	Decl. Art. IV, §3(k), pp. 13–15	Not addressed by ORC	Enforceable only if adopted in the declaration.

Owner-information reporting duty	Decl. Art. IV, §3(u), p. 19	Not statutory	New standing duty. DRAFT 9 narrows it to owners' information — Draft 6 also required occupant/tenant contact details.
Self-help entry beyond imminent risk	Decl. Art. VII, §2; Art. X, §6, p. 41; Art. XII, §§1, 3	5312.06(D) (13) (imminent risk only)	Routine/enforcement entry requires declaration authorization. Draft 9 carries forward 48-hour notice for non-emergency entry under Art. X, §6.
Post-completion architectural inspection	Decl. Art. V, §4 (violations/inspection), p. 27	Not statutory	Only through the declaration.
Minimum dwelling size eliminated	Draft 9: no provision (1984: Art. I, §A.1–A.2 — 2,200–2,400 sq. ft. by type)	Not statutory	A pure use-restriction change. CORRECTED The v3 (Draft 6) edition described this as a reduction to 1,800 sq. ft.; full-text re-verification found <i>no</i> square-footage minimum in Draft 6 or Draft 9 — the 1984 minimums are removed entirely.
Special assessments without a member-approval threshold — and now targetable	Decl. Art. II, §2(a)(7), p. 3; Art. VIII	5312.10 (declaration-dependent)	The special-assessment procedure is whatever the declaration says. DRAFT 9 adds that specials may be paid "ratably or specifically by some or all" owners — allowing lot-targeted levies.
Covenant term / renewal mechanics (perpetual)	Decl. Art. XIV, §3, p. 49	Not addressed; ORC 5301.49 relates	Declaration choice.

BUCKET 2 — Statutory Default / Gap-Filler

These apply when the 1984 documents are silent; where the 1984 documents specifically provide otherwise, the 1984 documents control (ORC 5312.15). Draft 9 generally adopts these defaults expressly.

Provision	Draft 9 Cite	ORC 5312 Cite	Practical Effect
75% owner consent to amend — unless documents specify otherwise	Decl. Art. XI (majority specified)	5312.05(A)	Statutory default; a document-specified threshold controls.
Unanimous consent to terminate the community	—	5312.05(B)	Mandatory floor; cannot be lowered.
Amendments effective on recording	Decl. Art. XI; Bylaws §10	5312.05(D)	Recording cannot be waived.
Default Board powers (hire/fire, contract, sue/defend, easements, emergency entry, invest)	Bylaws Art. IV, §10, pp. 24–27	5312.06(D) (1)–(18)	Default powers; declaration may limit or expand.
Suspension of voting/amenities for >30-day delinquency	Bylaws Art. IV, §10(i), p. 25	5312.06(D) (15)	Delinquency-based suspension is a statutory default — but limited to delinquency. DRAFT 9 expressly preserves delinquent members' votes in Director elections and bylaw amendments.
Damage assessments (owner-caused repair costs)	Decl. Art. VII, §3, p. 31	5312.11(A) (2)	Directly authorized by statute.
Recovery of enforcement costs and fees	Decl. Art. XII, §2, p. 45	5312.11(A) (3); 5312.13	Collectible under statute.
Payment-application order	Decl. Art. VIII, §3, p. 34	5312.11(B)	Interest → admin/enforcement → collection costs → oldest principal; documents may vary the order.
Maintenance allocation (Association: common elements; owner: lot/dwelling)	Decl. Art. VI–VII	5312.08	Default allocation; declaration controls where it speaks.
Equal per-lot allocation if documents silent	Decl. Art. VIII, §1	5312.10(A) (2)	Gap-filler only.

75% approval to convey a common element	Bylaws Art. VII, §3, p. 34 (real property transactions require member-majority approval)	5312.09(A)	Statutory default floor.
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BUCKET 3 — Statutorily Required (Applies However You Vote)

These duties apply to the Association today under Chapter 5312 regardless of the 1984 documents — and regardless of how the vote goes. Restating them in Draft 9 changes nothing in legal effect. When any of these is described as a reason to adopt Draft 9, remember: rejecting Draft 9 does not remove them.

Provision	Draft 9 Cite	ORC 5312 Cite	Practical Effect
Nonprofit corporate form under ORC 1702	(Articles of Incorporation)	5312.03(B)	Corporate form fixed by statute; director fiduciary duties flow from Chapter 1702.
Annual meeting of owners; notice	Bylaws Art. III	5312.04(C)	At least one owner meeting per year.
Annual budget with reserves (unless majority waives in writing each year)	Bylaws Art. VIII	5312.06(A)(1)	Reserves are the default; waiver is annual and written.
Property, liability, D&O, and fidelity insurance	Decl. Art. IX	5312.06(B)	All four coverages mandatory.
Books, records, minutes, owner list	Bylaws Art. VIII, §7, p. 38	5312.06(C)	Mandatory records; basis for inspection right.
Owner right to examine/copy records	Bylaws Art. VIII, §7, p. 38	5312.07	Right is statutory; reasonable procedures allowed, access cannot be eliminated.
Annual assessment levied from an annual budget	Decl. Art. VIII	5312.10(A)(3)	Board must levy the annual assessment at least annually.
Interest on past-due assessments	Decl. Art. VIII, §3, pp. 33–34	5312.10(B)	Charging interest is mandatory; rate is Board-set within legal limits.
Due process before any enforcement charge	Decl. Art. XII	5312.11(C)–(D)	Pre-notice, 10 days to request a hearing, 7 days' hearing notice, no charge before hearing, written result within 30 days.
Automatic assessment lien (unpaid >10 days)	Decl. Art. VIII, §4, p. 34	5312.12	Lien arises and is enforceable by law; priority after taxes and earlier first mortgages.
Any owner may sue to enforce the documents	(not restated)	5312.13	Individual statutory cause of action with fee-shifting.

Solar baseline	Decl. Art. IV, §3(y), pp. 21–22 (roof-mounted, prior written approval)	5312.16	Owner may install solar on the dwelling <i>or other location within the lot</i> , subject to reasonable size/place/manner rules, absent a specific prohibition. Draft 9's express permission is roof-only — whether that narrows the statutory right for ground-mounted arrays is an open question.
Anti-discrimination compliance; Board may remove void discriminatory covenants	Decl. Art. XI, §2(f), p. 43	5312.04(G); 5312.05(C)	Independent legal requirement; Board clean-up tool.

How to use this at the meeting or ballot

When any Draft 9 provision is described as "required by Ohio law" or "standard practice," three questions separate the buckets:

1. Does the statute condition the power on the declaration providing it ("in accordance with the declaration," "as the declaration provides")? If yes, it's **Bucket 1** — adopting Draft 9 is a genuine new grant of Board authority. This is the question that matters most.
2. Does ORC 5312 supply a default that fills a 1984 gap? If yes, it's **Bucket 2** — the question is whether Draft 9's version is better or worse than the default.
3. If Draft 9 is rejected, does the rule still apply tomorrow under ORC 5312? If yes (and 1984 is silent), it's **Bucket 3** — adoption adds nothing in legal effect.

Cautions and limits

- ORC 5312.15 is the controlling interpretive rule: where the 1984 documents specifically conflict with the chapter, the 1984 documents win.
- Some provisions sit between buckets; each row is placed where its dominant effect lies.
- Chapter 5312 interacts with ORC 1702 (nonprofits), 5301 (recording), and 4112 (civil rights).
- Draft 9 citations refer to the June 9–10, 2026 final versions. Prepared by neighbors, not attorneys; informational only, not legal advice.

v5 changes from v4: reordered and renumbered at community request so the genuine expansions of Board authority appear first as Bucket 1 (previously numbered Bucket 3), and the statutory requirements appear last as Bucket 3 (previously Bucket 1); substance unchanged. The Q&A page and Plain-English Guide were updated to match this numbering. **v4 changes from v3:** (1) updated throughout from Draft 6 (March 22, 2026) to the final Draft 9 documents (June 9–10, 2026), with all Draft citations re-verified against the final text; (2) assessment rows updated for Draft 9's 20% year-over-year cap and the member majority's power to raise or lower the annual assessment; (3) special-assessment row updated for Draft 9's "ratably or specifically" targeting language; (4) occupant-reporting row narrowed to owner-only reporting; (5) suspension row notes Draft 9's protected votes (Director elections, bylaw amendments); (6) dwelling-size row corrected — no square-footage minimum exists in either draft (v3 incorrectly reported 1,800 sq. ft.); (7) entry row

notes the 48-hour notice requirement in Art. X, §6. Sources: ORC Chapter 5312 (full text); 1984 Declaration and Bylaws; Draft 9 Declaration and Bylaws (final).