

Draft 9 — Plain-English Guide

What Draft 9 proposes as new Board authority (the real substance of the vote), what would not change unless we vote, and what has already changed under Ohio law regardless of the vote.

Updated July 11, 2026 for the final Draft 9 documents ("FINAL FOR MEMBERSHIP APPROVAL," June 9–10, 2026). Supersedes the Draft 6 edition. Where Draft 9 changed something from Draft 6, the row says so.

How to read this guide

Section	What it covers	What it means for you
Section 1 Proposed New Authority	Not required by Ohio law. The statute says the Board has these powers only if the declaration grants them.	This is what you are really voting on. If the community rejects Draft 9, the Board does not get these powers. Adopting Draft 9 is a real expansion of Board authority.
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).	Nothing changes unless we vote to change it. The current rule shown is what governs today.
Section 3 Already Changed	Ohio law (ORC Chapter 5312) already requires these rules. They apply right now, whether we adopt Draft 9 or not.	Rejecting Draft 9 does not stop them. Adopting Draft 9 mostly just restates them on the page — these are not reasons to vote either way.

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 gaps. That is why so many Draft 9 changes are not "compliance with law" — they are new rules the community would have to agree to.

Section 1 — Proposed New Authority: What You Are Really Voting On (NOT Required by Ohio Law, NOT in Our 1984 Documents)

Start here — this section is the real substance of the vote. Every item is neither required by ORC 5312 nor currently granted by the 1984 documents. Where the statute speaks, it conditions these powers on the declaration expressly granting them — and the 1984 documents do not. These are new. If Draft 9 is not adopted, the Board does not get these powers and today's 1984 limits continue to apply.

Proposed change (Draft 9)	What 1984 documents say now	What Ohio law says	Effect if adopted
Replace the 1984 assessment structure: Board sets the annual assessment by budget DRAFT 9 with a 20%/yr cap on Board increases and a member majority able to raise or lower it	\$50/yr anchored to a defined scope of work (Exhibit "A"); changes require member action under the Bylaws	ORC 5312.10(C)(1) — the Board may not charge assessments unless the declaration provides for them	Expansion with new checks. Draft 6 had no cap and no member vote; Draft 9 adds both. Still a change from 1984's scope-anchored system — the community must decide.
Power to fine (enforcement assessments)	Court-based enforcement only	ORC 5312.11(A)(1) — fines only "in accordance with the declaration"	Expansion. New fine authority requires declaration adoption.
Board rule-making beyond common elements (conduct, nuisance, lifestyle)	Limited rule-making	ORC 5312.06(D)(5) — broader rules only "as the declaration provides"	Expansion.
Architectural review: silence becomes denial (30-day clock) + mandatory reconsideration before court DRAFT 9	1984 default: silence = approval	Not addressed by ORC — a declaration choice	Reversal with burden shift. A Board that misses the clock produces a denial; owners chase responses, then must seek reconsideration before suing.
Broad "nuisance" standards (embarrassment, annoyance, discomfort)	Objective "nuisances and noxious or offensive activities"	Not addressed by ORC	Expansion. Subjective standards broaden enforcement discretion. Unchanged from Draft 6.
Leasing restrictions (12-month minimum, filing, eviction power)	None	Not addressed by ORC	Expansion/change.
30-day owner-information reporting duty DRAFT 9: owners only	No corollary	Not statutory	New duty. Draft 6 also demanded occupant/tenant contact details; Draft 9 narrows to owners.

Self-help entry beyond imminent-risk emergencies	Emergency-focused	ORC 5312.06(D)(13) — statute authorizes entry only for "imminent risk"	Expansion. Note: Draft 9 requires 48-hour notice for non-emergency entry (Art. X, §6) and written notice before cure work.
Post-completion architectural inspection	—	Not statutory	New inspection right.
Minimum dwelling size eliminated CORRECTED	2,200–2,400 sq. ft. by building type (4 types)	Not statutory	Change to a use restriction. The Draft 6 edition of this guide reported a 1,800 sq. ft. minimum; re-verification found <i>no</i> minimum in either draft. 1984's minimums control unless the community votes.
Special assessments without member approval — and targetable at specific lots DRAFT 9	Member action required to change assessment scope	ORC 5312.10 — declaration-dependent	Expansion. Draft 9 adds "ratably or specifically by some or all" — lot-targeted specials become possible.
Perpetual covenant term	No express duration mechanics	Not addressed by 5312; ORC 5301.49 relates	Declaration choice.

Bylaws changes worth knowing (also community choices, not law)

Proposed change (Draft 9 Bylaws)	Current rule (1984 Code of Regulations)	Effect if adopted
Member-called special meetings require 50% of voting power (42 of 84 lots); costs of member-called meetings fall on the callers	10 members may call a special meeting	Major increase in the bar for owners to convene a meeting. (The July 27, 2026 special meeting was called by 12 member households under the current rule — impossible under Draft 9.)
Proxies: holder must be a Member; 300-day maximum; unspecified proxies valid for one meeting DRAFT 9	Proxies broadly permitted	Restricts who can carry your vote and for how long (Draft 6 allowed any person, up to 5 years).
Contested elections: voting method chosen by majority present (show of hands, voice, division, or ballot); secret ballot only as fallback DRAFT 9	Not specified	No individual right to a secret ballot (Draft 6 required secret ballots in contested elections).
Election machinery: tellers, photo-ID check-in, provisional ballots, member-elected Committee of Counters, observers, audit, 30-day certification DRAFT 9	Not specified	Substantially more election structure and transparency.
Election disputes decided "final and binding" by the counting body DRAFT 9	Not specified	Same body counts votes and adjudicates disputes about them.

Board size 3, expandable to 5 by member majority DRAFT 9	3–7 trustees	Members regain some sizing power vs. Draft 6's fixed 3 — but 7 (the pending member initiative) would be impossible.
Director removal by members: majority of voting power, with or without cause	75% of voting power	Easier for owners to remove a director — an owner-favorable change.

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

For each item, state law provides a default rule, but because the 1984 Declaration or Bylaws speak to the topic, the 1984 documents control (ORC 5312.15). The right-hand column is what applies today and continues to apply unless we vote to change it.

Topic	What our 1984 documents say	Ohio law's default	What governs today
Amendment threshold	1984 documents specify their own thresholds (Declaration: majority of owners by signed instrument; Bylaws: 66⅔%)	ORC 5312.05(A) — 75% unless documents specify otherwise	The 1984 thresholds control.
Default Board powers	1984 Bylaws list specific powers	ORC 5312.06(D)(1)–(18) default list	The 1984 list where it speaks; statute fills gaps. No amendment needed for routine powers.
Suspension for delinquency (>30 days)	Similar concepts	ORC 5312.06(D)(15) — delinquency-only suspension	Already permitted today. Draft 9 protects delinquent members' votes in Director elections and bylaw amendments.
Damage assessments	1984 charge-back provisions	ORC 5312.11(A)(2)	Already in force under both.
Recovery of enforcement costs	—	ORC 5312.11(A)(3); 5312.13	Already in force.
Payment application order	—	ORC 5312.11(B) — interest, admin/enforcement, collection costs, oldest principal	Statutory order fills the gap; Draft 9 restates it.
Who maintains what	1984 allocates between Association and owner	ORC 5312.08 default	1984 allocation controls.
Assessment allocation formula	1984: equal per lot	ORC 5312.10(A)(2) — equal per-lot if silent	1984 formula controls.
Conveying a common element	(not addressed)	ORC 5312.09(A) — 75% approval default	Statutory default applies now.

Section 3 — Already Changed by Ohio Law (in effect since 2010, however you vote)

These rules apply to Lake of the Woods today, by state law, regardless of what our 1984 documents say. Rejecting Draft 9 does not change them.

Topic	What our 1984 documents say	What Ohio law now requires	Can we vote against this?
Automatic assessment lien on the Lot (any amount unpaid >10 days)	Basic lien concept	ORC 5312.12 — lien arises automatically, filed with the county recorder, runs 5 years, foreclosable like a mortgage; priority after taxes and earlier first mortgages	No. The statutory lien operates by law.
Mandatory insurance	(Association practice)	ORC 5312.06(B) — property, liability, D&O, and fidelity/crime coverage all mandatory	No.
Open meetings and notice	Bylaws (1984) Art. III	ORC 5312.04(C), 5312.09 — annual meeting, notice, open-meeting rules	No. Statutory floors.
Owner right to examine books and records	Limited	ORC 5312.07 — statutory access; reasonable procedures allowed; five statutory exclusions	No. Procedures yes, elimination no.
Interest on past-due assessments	—	ORC 5312.10(B) — Board shall charge interest at a Board-set rate	No. Mandatory; rate is discretionary.
Due process before any fine or damage charge	—	ORC 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	No. Minimums cannot be waived; the declaration may add protections.
Any owner can personally sue to enforce the documents	(not restated)	ORC 5312.13 — individual statutory cause of action with fee-shifting to the losing side	No.
Reserves in the annual budget	—	ORC 5312.06(A)(1) — budget must include reserves unless a majority of owners waives in writing each year	Conditional — annual written waiver only.
Nonprofit form and director fiduciary duties	(Articles of Incorporation)	ORC 5312.03(B) incorporates ORC Chapter 1702	No.

Solar-device baseline	—	ORC 5312.16 — owner may install solar on their dwelling <i>or another location within their lot</i> , subject to reasonable size/place/manner rules, absent a specific prohibition. (Draft 9's express solar permission is roof-only — see Section 1.)	Limited — only a specific prohibition displaces it.
Board may remove void discriminatory covenants	(legacy covenants)	ORC 5312.05(C) — majority Board vote suffices	No. Civil-rights law voids them independently.
Unanimous consent to dissolve the community	—	ORC 5312.05(B)	No. Statutory floor.

What the community can and cannot vote on

Cannot be voted away	These apply by operation of Ohio law: the assessment lien (5312.12); mandatory insurance (5312.06(B)); due-process minimums before fines (5312.11(C)–(D)); records inspection (5312.07); any owner's right to sue (5312.13); mandatory interest on arrears (5312.10(B)); unanimous consent to dissolve (5312.05(B)); open/annual meeting rules (5312.04(C), 5312.09); non-discrimination law.
Can be voted to change or keep	Assessment structure and caps (5312.10(C) leaves this to the declaration — Draft 9 proposes Board budgeting + 20% cap + member override); fining power and amounts (5312.11(A)(1)); breadth of Board rule-making (5312.06(D)(5)); architectural-review defaults (silence = approval vs. denial); leasing restrictions; minimum dwelling size and other use restrictions; broader suspension powers; special-meeting thresholds; proxy and election rules; the amendment threshold itself.
Can be waived only year-by-year	Reserves in the annual budget (5312.06(A)(1)): required by default; waivable by written majority vote for the current fiscal year only.

Two common questions

"Could we vote against the liens?" No. The assessment lien under ORC 5312.12 arises by operation of law once an owner is more than ten days delinquent, regardless of the declaration. What the community can decide is the underlying rules that determine how assessments accrue: the structure, the cap, the budget, and whether the Board can fine at all. Those are declaration-level choices (Section 3).

"Is adopting Draft 9 required to comply with Ohio law?" No. Section 3 items already apply whether Draft 9 passes or not. Section 2 items are governed by the 1984 documents where they speak. Section 1 items are new grants of authority that the statute deliberately leaves to the community — they are not compliance, they are a choice. (Supporters may still argue an update is *useful* — for clarity, consolidation, and modern procedures. That is a judgment for each owner, distinct from legal necessity.)

Important caveats: this is a plain-English companion to the bucket analysis (draft9-buckets.pdf), not a substitute for reading the statute or the Draft 9 text. Prepared by neighbors, not attorneys; informational only and not legal advice. Sources: ORC Chapter 5312 (5312.01–5312.16, full text); 1984 Declaration and Bylaws; Draft 9 Declaration and Bylaws ("FINAL FOR MEMBERSHIP APPROVAL," June 9–10, 2026); Board red-lines 9B/9C. Prepared by neighbors for Lake of the Woods homeowners • Akron, Ohio • July 11, 2026.

Draft 9 — Whole-Document View

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

The bucket and plain-English analyses group provisions by their legal source. This view groups them by their protective effect on owners: existing 1984 protections being removed, and new powers granted without protective limits.

Protections REMOVED — 1984 provisions that Draft 9 takes away or loosens

Existing protection	What 1984 says	What Draft 9 changes
Assessment anchored to a defined scope	\$50/yr tied to Exhibit "A" scope of work; changes require member action	Replaced by Board budgeting. Mitigated relative to Draft 6 by the 20%/yr cap and member override, but the scope anchor is gone.
Special assessments constrained	Member action required to change assessment scope	Board may levy specials without a member vote — and may target "some or all" owners (new in Draft 9).
Silence-as-approval on architectural review	30-day silence deemed approval	Reversed — silence deemed denial; plus a mandatory reconsideration step before court (new in Draft 9).
Minimum dwelling size	2,200–2,400 sq. ft. by building type	Eliminated entirely — no minimum in Draft 9. <i>(Corrected from the Draft 6 edition, which reported 1,800 sq. ft.)</i>
Narrow, enumerated rule-making	Rule-making largely limited to common elements and enumerated topics	Broadened to conduct, nuisance, and lifestyle rules and "orders."
Emergency-focused entry	Entry tied to specific developer functions and emergencies	Routine and enforcement entry authorized (48-hour notice applies outside emergencies; "ongoing/recurring situation" exception).
Finite use-restriction list	~12 enumerated restrictions	30+ restrictions including subjective nuisance standards.
Leasing freedom	Light restrictions	12-month minimum terms, recording/filing duties, Association eviction power.
10-member special-meeting right	10 members can call a special meeting	50% of voting power required; member-called meeting costs fall on the callers.
Durable, flexible proxies	Proxies broadly permitted	Member-only holders; 300-day cap; single-meeting default (new in Draft 9).
75%-threshold protection against removal of directors	75% to remove	Majority may remove — cuts both ways: easier for owners to remove directors, and easier for a majority faction to do the same.

Protections OMITTED — limits the community could install, but Draft 9 does not include

Available protection	What Draft 9 does (or doesn't)	What the declaration could say
Term limits on directors	No limit on consecutive terms	Cap consecutive terms with rotation.
Member-initiated recall procedure	Members may remove by majority at a meeting — but calling a member meeting requires 50% of voting power	A petition-based recall path with an achievable threshold.
Budget ratification	No membership ratification of the annual budget	Require ratification above a stated growth rate. (Draft 9's 20% cap partially addresses this.)
Achievable special-meeting path	50% of voting power	A lower petition threshold (e.g., 10–25%).
Transparency above ORC 5312.07	Statutory minimum, plus Board rules that may address owner privacy	Expanded inspection rights, fixed copy fees, digital access, publication of large contracts.
Cap on individual fines	No per-violation or cumulative cap	Set maximums.
Finite list of fineable violations	Open-ended	Enumerate fineable categories.
Mandatory cure period before fines	Statutory minimum only (ORC 5312.11(C)–(D) hearing process)	A 14–30 day cure window before first-instance fines.
Membership vote for new rule categories	Rule creation delegated to the Board	Require member approval for new fineable categories.
Periodic rule sunset	No re-ratification requirement	Sunset rules every 3–5 years absent reaffirmation.
Two-way fee shifting	Fee-shifting favors the Association; Draft 9 broadens it (each prevailing party in amendment challenges; lien-challenge counterclaims)	Symmetric fee-shifting, or limit to frivolous suits.
Pre-suit mediation	None required (architectural decisions get Board reconsideration — by the same Board)	Good-faith mediation before Association-initiated suits.
Cap on recoverable attorney's fees	No cap on fees rolled into assessments and liens	Dollar caps or court-approval requirements.
Silence-as-approval default	Reversed (silence = denial)	Keep 1984's default, putting the timeliness burden on the Board.

Independent appeal body	Reconsideration goes to the same Board; election disputes decided "final and binding" by the counting body	A separate appeal channel (membership vote or independent arbiter).
Guaranteed secret ballot	Method chosen by majority present; secret ballot only as fallback	Guarantee secret ballots in contested elections (as Draft 6 did).
Reserve-study publication	Not required	Annual publication to owners.
Objective nuisance standard	Subjective (embarrassment, annoyance, discomfort)	Tie nuisance to measurable impacts.
Supermajority for power-expanding amendments	One majority threshold for all amendments	Higher threshold for amendments expanding Board authority.
Periodic community review	None	Formal review and vote every 5–10 years.

Resolved since the Draft 6 edition. Five items flagged in the Draft 6 edition of this view were addressed in Draft 9 and are no longer listed as removals or omissions: (1) the "adverse in litigation" Good Standing clause is deleted; (2) a member majority may now raise or lower the annual assessment, and Board increases are capped at 20%/yr; (3) home-schooling is expressly protected in the home-office rules; (4) fishing is no longer banned on the lake; (5) the Board-defined "Community Standard" is removed throughout. Draft 9 also narrows the reporting duty to owners only and drops the home-office "sight, sound, or smell" test.

Corrections from the Draft 6 edition of this view: two earlier "omitted" rows were inaccurate and are withdrawn. The drafts *do* require 48-hour advance notice for non-emergency entry (Art. X, §6) — the remaining gap is the breadth of the emergency/"ongoing or recurring situation" exceptions. And the drafts *do* require a written statement of grounds when plans are disapproved or conditionally approved (Art. V, §3) — the remaining gap is that a deemed denial by silence produces no reasons at all.

How to read these tables together

Reasonable people will disagree about which protections are essential. These tables are not recommendations — they are the menu of options available when the documents were written, plus the 1984 provisions the rewrite modifies. A fair reading of Draft 9: it moves several real steps toward owners compared with Draft 6 (assessment checks, litigation rights, election machinery, home-schooling, deleting the "Community Standard"), while preserving the rewrite's overall direction — fewer 1984-style limits on Board authority, and few of the protective limits the statute invites declarations to supply. Individual provisions may have good reasons behind them; the pattern is what owners should weigh.

Not in scope: the legal validity of any individual provision; whether any language violates Ohio law, federal law, or deed restrictions; or the merits of any Board decision.

Companion to the bucket analysis and plain-English guide (Draft 9 editions). Prepared by neighbors, not attorneys; informational only and not legal advice. Sources: 1984 Declaration and Bylaws; Draft 9 (June 9–10, 2026 final) Declaration and Bylaws; ORC Chapter 5312 (full primary text). The "omitted" list is non-exhaustive. Prepared for Lake of the Woods homeowners • Akron, Ohio.