

If Draft 9 Passes: What You Lose, What You Gain

Written for a homeowner seeking balance, not a side.

Measured against what you have *today* — the 1984 documents plus existing Ohio law. Losses first, then trade-offs, then gains. Every row cites its source. Judgment is unavoidable in this format: methodology and caveats are on the last page.

✗ What you LOSE (compared with today)

Loss	Today's rule	Where (Draft 9)
Freedom from HOA fines — the Board gains the power to fine violations and place foreclosure-backed liens on your home; today it must persuade a court	Court-based enforcement only	Decl. Art. XII, §2, p. 45
Member control of the assessment scheme — the Board sets the budget and may raise the assessment up to 20%/yr without your vote; special assessments need no member vote at all and can be aimed at specific lots	Assessment tied to a defined scope; changes require member action	Decl. Art. VIII, §1, pp. 32–33; Art. II, §2(a) (7), p. 3
Your veto over certain future changes — the Board may adopt "Special Amendments" in seven categories without any owner vote, using a power of attorney you are deemed to grant	Amendments require signed instruments from a majority of owners	Decl. Art. XI, §2, pp. 42–43
Silence means yes on your building plans — if the Board ignores your application for 30 days, it becomes a denial, and you must ask the same Board to reconsider before you may sue	Board silence for 30 days = automatic approval	Decl. Art. V, §2, p. 25
Low-risk access to court — lose a challenge to an amendment or an assessment lien and you owe the prevailing parties' attorney fees, plus an enforcement assessment	Ordinary American rule: each side pays its own fees	Decl. Art. XI, §3, p. 43; Art. VIII, §6, p. 35
The 10-member special meeting — calling a member meeting will require owners of 42 lots (50%), who also bear the meeting's costs	Any 10 members (how the July 27, 2026 meeting was called)	Bylaws Art. III, §4(b), p. 12
Freedom from entry — the Association may enter your lot to inspect and to cure violations at your expense (48-hour notice except emergencies and "recurring situations")	No comparable general power	Decl. Art. XII, §§1, 3, pp. 44–45; Art. X, §6, p. 41
A guaranteed secret ballot — the voting method is chosen by the majority present, and election disputes are decided "final and binding" by the same body that counts the votes	Not specified today (no machinery either)	Bylaws Art. IV, §5, pp. 18–20
Proxy freedom — proxy holders must be members and proxies expire in 300 days	Anyone may hold your proxy ("need not be a member"); no duration cap	Bylaws Art. III, §3(a), p. 9; 1984 Bylaws §4
The neighborhood's size floor — 1984's 2,200–2,400 sq. ft. minimums by building type disappear entirely; nothing in Draft 9 prevents much smaller new construction if the Board approves it	2,200–2,400 sq. ft. by building type	1984 Decl. Art. I, §A; Draft 9: no provision

An objective nuisance standard — "nuisances and noxious or offensive activities" becomes anything that "causes or tends to cause embarrassment, discomfort, annoyance"	Objective 1984 standard	Decl. Art. IV, §3(o), p. 17
Statutory breathing room for solar — Ohio law (since 2022) lets you install solar on your dwelling <i>or elsewhere on your lot</i> unless the declaration specifically prohibits it, subject to reasonable size/place/manner rules. Draft 9 expressly permits <i>roof-mounted</i> systems only, with prior written Board approval — pushing ground-mounted arrays into the general silence-equals-denial approval regime and leaving portable panels unaddressed (subject to future Board rules). Whether Draft 9's roof-only permission can lawfully displace the statutory right for ground arrays is an open legal question	ORC 5312.16(A): install "on the owner's dwelling unit or other location within the owner's lot"; 1984 is silent (no specific prohibition)	Decl. Art. IV, §3(y), pp. 21–22; Art. V, §2, p. 25; ORC 5312.16
Freedom from shared-infrastructure bills — you must maintain, repair, and <i>replace</i> storm-water drainage on your lot even where it serves multiple lots, and the Board's cost-allocation decision is final	No comparable owner duty	Decl. Art. VII, §1, pp. 29–30; Art. VI, §4, p. 28
Everyday flexibilities — holiday lights only from the Monday of Thanksgiving week to Jan. 10; no flashing or color-changing lights ever; no commercial vehicle overnight; drone limits; a 7-condition home-office regime; and pool ambiguity — Draft 9 permits in-/above-ground pools with prior written approval but deletes Draft 6's "portable" category, leaving kiddie pools either unregulated or unpermitted, at the Board's interpretation	None of these restrictions exist	Decl. Art. IV, §3(l), (cc), (c), (r), (z)
Board size headroom — capped at 5; today's rules allow up to 7 (the pending member initiative seeks 7)	3 to 7 trustees	Bylaws Art. IV, §1, pp. 15–16
Full membership rights while behind on dues — "Good Standing" ties amenity use, Board eligibility, and most voting to being current within 30 days (votes in Director elections and on bylaw amendments are protected)	No Good Standing concept	Decl. Art. II, §2(n), p. 5; Bylaws Art. IV, §10(i), p. 25



DEPENDS ON YOUR PRIORITIES — restrictions on you that are also protections from your neighbors

Provision	What you give up	What you get	Where
Rental restrictions (12-month minimum written leases; no Airbnb/VRBO or event-venue use; HOA may evict violating tenants)	The right to rent your own home short-term or flexibly; a potential income source	Protection against investor-owned short-term-rental houses next door; a tool against genuinely disruptive tenancies	Decl. Art. IV, §3(k), pp. 13–15
Occupancy limit (2 persons per bedroom; under-3s excluded)	Flexibility for large or multi-generational households	Protection against overcrowding next door (note: blanket 2-per-bedroom rules carry Fair Housing Act risk)	Decl. Art. IV, §3(p), p. 18
Sex-offender residency ban	—	A community protection — with unsettled Fair Housing Act exposure if challenged	Decl. Art. IV, §3(q), p. 18
Lighting and holiday-decoration rules	Your own year-round or animated displays	A shield against a neighbor's	Decl. Art. IV, §3(l), p. 16
Maintenance enforcement machinery (notices, cure-and-bill, liens)	The same machinery can be pointed at you	A real remedy when a neglected property next door drags down your value — today's only remedy is a lawsuit	Decl. Art. VII; Art. XII
Director & officer indemnification and insurance	You pay the premiums and advanced defense costs through assessments	Easier to recruit neighbors to serve on a volunteer Board	Bylaws Art. VI, pp. 31–33

✓ What you GAIN (compared with today)

Gain	Today's rule	Where (Draft 9)
An election you can watch and verify — sign-in tellers, provisional ballots, a 3-member vote-counting committee <i>elected by the members</i> , candidate observers, a post-election audit, and certified results within 30 days	1984 documents have essentially none of this	Bylaws Art. III, §3(c)–(h), pp. 9–11
Easier removal of a director — a majority of the voting power, with or without cause	75% of voting power	Bylaws Art. IV, §8, p. 23; 1984 Bylaws removal §
Conflict-of-interest rules for directors, with disclosure requirements	None	Bylaws Art. IV, §9, pp. 23–24
More board meetings — at least quarterly	At least two per year	Bylaws Art. IV, §6, p. 21; 1984 Bylaws §5
Sign rights 1984 denies you — political/election signs (45 days before an election), school signs, security-system and invisible-fence signs, all up to 10 sq. ft.	1984 allows only "For Sale" and builder signs during construction	Decl. Art. IV, §3(x), pp. 20–21; 1984 Decl. §7, p. 5
Written reasons when your plans are denied (and for conditional approvals)	No such right	Decl. Art. V, §3, p. 26
Decorative wire-mesh fencing becomes possible with Board approval	All wire fences flatly banned	Decl. Art. IV, §3(d), p. 11; 1984 Decl. §11, p. 7
A single, modern, readable rulebook aligned with current Ohio law — the 1984 set is fragmented (the original bylaws were lost and re-recorded by affidavit in 2020) and predates the governing statute by 26 years	1984-era documents + statute layered on top	Whole documents
Board expandable to five by simple member vote (no document amendment needed) — but see the size cap in the losses table	Changing board size uses 1984-era procedures	Bylaws Art. IV, §1, pp. 15–16

Already yours either way (gray — not part of the decision)

Don't count these in the decision — Ohio law (ORC Chapter 5312) provides them whether Draft 9 passes or fails: the automatic assessment lien; due process (notice and a hearing) before any fine or damage charge; your right to examine the Association's books and records; your personal right to sue to enforce the documents; mandatory Association insurance; reserves in the annual budget (waivable annually by member vote); and the unanimous-consent requirement to dissolve the community.

How this was prepared — and its limits. Sorting changes into "gain" and "lose" involves judgment, and the goal of this table should be stated plainly: **it is structured from the standpoint of a homeowner seeking balance, not a side** — an owner who wants *both* meaningful homeowner protections *and* a functional HOA, and who would count a change as a gain or a loss on that basis alone, not on whether it helps or hurts any position in the current debate. Reasonable neighbors will weigh individual rows differently, which is why every row cites the source document so you can judge for yourself. Items that restrict you but also protect you from your neighbors are in their own "depends on your priorities" table rather than being counted either way. The tables run losses first, then trade-offs, then gains.

One practical note. Draft 9 lets the Bylaws and the Declaration pass or fail *separately*. Most of the governance gains above (elections, removal, conflicts, meetings) live in the **Bylaws**; most of the new enforcement, assessment, and property-restriction powers live in the **Declaration**. You are entitled to weigh — and vote — each document on its own merits. But note the trade runs both ways: the special-meeting threshold and proxy limits are also in the Bylaws. [Bylaws Art. II, §§4–5, p. 8; Decl. Art. XIV, §§12–13, p. 51]

Prepared July 12, 2026, by neighbors, for Lake of the Woods homeowners. Stated goal: reflect the standpoint of a homeowner seeking balance, not a side — an owner who values both homeowner protections and a functional HOA. Judgment calls are unavoidable in a gains/losses format; every row cites its source (Draft 9 "FINAL FOR MEMBERSHIP APPROVAL" documents, June 9–10, 2026; 1984 Declaration and Bylaws; ORC Chapter 5312) so you can verify and re-weigh for yourself. Companion documents: Legal Comparison Report, Plain-English Guide, Provisions by Bucket, Home Office Rules Breakdown, Water Management Analysis (all Draft 9 editions). Informational only; not legal advice.