

## **Liberty Lakes Homeowners Association**

P.O. Box 1714  
Powell, Ohio 43065

Melanie Farkas - President  
Audrey Denk - VP  
Rick Karr - Treasurer  
Daryl Halvacs - Secretary  
Breck Brown - Trustee  
David Hawse - Trustee

**August 2022**

### **Information about the 2022 Liberty Lakes HOA Restrict Covenants vote:**

#### **What are restrictive covenants?**

- A restrictive covenant is a binding legal agreement that limits what you can do with your property. In general, these covenants are set forth in a declaration of restrictive covenants and are essentially incorporated into any deed for property covered by such declaration. Many declarations also establish homeowners associations (HOAs) for the neighborhood. Thus, when you buy a home that is subject to a declaration of restrictive covenants, you agree to those restrictions. In general, HOAs use restrictive covenants as a way to maintain property values, keep uniformity in home appearance and standards, and generally prohibit things that many homeowners would not want in their neighborhood.

#### **Why do they need to change?**

- The restrictive covenants for the Liberty Lakes subdivision has three versions, one for each of the three phases of our neighborhood when it was built between 1996-2000. The three documents are slightly different and the HOA Board of Trustees, in consultation with a group of residents, wants our entire neighborhood to be governed by the same rules.
- The original documents were written 20+ years ago and the Board of Trustees feels the need to update them to align with advancements in technology and the way people live today. Airbnb and VRBO didn't exist when the Liberty Lakes restrictive covenants were written!
- The proposed new declaration will also consolidate the covenants into a single instrument that will apply to the entirety of Liberty Lakes, instead of having three slightly different declarations that govern three separate phases of Liberty Lakes. These three versions exist because Liberty Lakes was built in three phases between 1996 and 2000.
- Changes give the HOA the ability to better carry out the neighborhood's rules and make repairs and improvements where and when needed.

#### **Who decided what to change?**

- A committee of neighbors spent months researching and discussing potential changes to the covenants. Most changes were at the request of residents or in response to repeated complaints on a particular issue. The Board of Trustees approved the substance of the proposed changes, which were then reviewed and drafted by the HOA's legal counsel.



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- Thank you to the members of the Covenants Committee: Betsy Smith, Audrey Denk, Daryl Halvac and Tim Tanis.

### What is changing?

- In most cases, language was added to be more specific about what is allowed and what is not allowed. For example, wording was added to the section on pools to allow inflatable pools.
- New sections:
  - General property maintenance
  - Children's toys & equipment
  - Storage tanks
  - Public land usage (land owned by LLHOA)
  - Rental properties

### Why restrict rental properties?

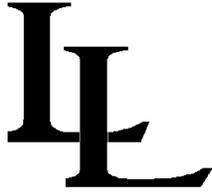
- Many neighbors requested this be added to our covenants.
- Based on recommendations from the HOA's legal counsel and to protect all of our properties' values, we added a section that:
  - Prohibits leasing, subject to an exception for existing leases
  - Allows leases that were effective on or before the covenants' approval date to be grandfathered in, but only for the duration of the lease. Any such lease cannot be renewed or extended unless and to the extent such extension or renewal rights are already part of such leases.
  - Bans AirBNB or VRBO or short-term type rentals.
  - Includes that hardship or family exceptions can be granted by the Board of Trustees. The goal is to protect our neighborhood, not to restrict someone who perhaps had to move for a job but hopes to move back eventually.

### What was changed in the section on annual dues?

- This section was changed to allow the Board of Trustees to increase annual dues by no more than 20% each year. A 20% increase to our current dues (\$250) would be \$300. The previous covenants stated it could increase by 10%.
- Our dues have been \$250 per year since 2012 despite steady increases in costs and an increase is necessary soon to cover regular maintenance costs.

### Will the HOA become more punitive for covenants violations?

- The current Board of Trustees plans to continue our "neighborly approach" to handling violations and fielding complaints. We all want to keep our neighborhood beautiful and



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safe and the Board of Trustees has no desire to be punitive or overbearing, and it will always exercise reasonable discretion.

### How will we vote?

- Neighbors are receiving an email with information on the new covenants and how to vote. One vote is allowed per household.
- Neighbors must vote to approve the entire document with all changes. The “vote” will be in the form of a simple document, to be signed by a member of each household that wants to approve, that states the Consolidated, Amended, and Restated Declaration of Subdivision Restrictive Covenants is approved. This is because the current covenants require any amendment to be by a “written instrument executed by at least 75%” of the current owners. Therefore, in order to avoid any subsequent challenge, a “yes” vote will be in the form of a signed written instrument.
- If at least 75% approval is received, the covenants will be filed with the county recorder's office and become official. Note that approval requires at least 75% of all households in each phase to approve the change, and not just 75% of those who vote or 75% of the entirety of Liberty Lakes. For example, if only 70% of the households in phase 1 vote to approve, but 90% of the households in each of phase 2 and phase 3 vote to approve, the new covenants will not be applicable to the phase 1 households (the currently existing covenants will continue to apply).
- An email will be sent out to tell the neighbors the outcome.

### Questions? Contact the following board members:

- Melanie Farkas, [melaniejfarkas@gmail.com](mailto:melaniejfarkas@gmail.com)
- Audrey Denk: [adenk@columbus.rr.com](mailto:adenk@columbus.rr.com)
- Daryl Halvac: [DHalvac@thelashlounge.com](mailto:DHalvac@thelashlounge.com)