

**COUNCIL OF UNIT OWNERS OF  
KING FARM CONDOMINIUM, INC.**

**POLICY RESOLUTION NO. 23-01**

**Regulating Installation and Use of Electric Vehicle Charging Equipment**

**WHEREAS**, Section 2.2.4 of the Bylaws of the Council of Unit Owners of King Farm Condominium, Inc., (hereinafter, “the Council”) states that the Board of Directors (“Board”) shall have all the powers and duties necessary to govern and administer the affairs of the Council;

**WHEREAS**, Section 2.4.10(b)(xiii) of the Bylaws further empowers the Board to make and amend rules and regulations as the Board deems appropriate;

**WHEREAS**, there are forty-three (43) Parking Units within the King Farm Condominium (“Condominium”), which are the parking garages that are privately owned and deeded to individual owners;

**WHEREAS**, Section 6.4 of the Bylaws prohibits unit owners from making any structural modification or alteration with their units without prior written approval of the Board and in accordance with the Bylaws;

**WHEREAS**, the Board has determined that some members of the Association may desire to install electric vehicle charging equipment in their Parking Units;

**WHEREAS**, Section 11-111.4 of the Maryland Condominium Act (the Act) provides unit owners with the right to install electric vehicle recharging equipment for the unit owner’s personal use in the unit owner’s Parking Unit specifically designated for use by the unit owner, subject to installation, use, removal, and payment considerations, as determined by the Board; and

**WHEREAS**, the Board has determined that it is in the best interest of the Association to adopt a policy governing the process and requirements for a unit owner to apply for, receive, install, operate, and maintain an electric vehicle charging equipment in the unit owner’s Parking Unit.

**NOW THEREFORE**, the Board adopts the following policy governing electric vehicle charging equipment installations and use in a privately owned Parking Unit:

**I. APPLICATION AND REVIEW PROCESS**

**A. Definitions.**

1. “Electric vehicle” means any vehicle that operates, either partially or exclusively, on electrical energy, including 100% battery-powered electric vehicle and plug-in hybrid electric vehicles.

2. “Electric vehicle recharging equipment” or “electric vehicle charging station” means property that is used for recharging motor vehicles propelled by electricity.

**B. Application for Approval.** Any unit owner who wishes to install electric vehicle charging equipment in the owner’s Parking Unit must complete the Association’s Electric Vehicle Charging Equipment Application Form, attached to this Resolution. Owners may not install or use electric vehicle charging equipment/stations in the common area parking spaces, which are not privately owned or exclusively assigned to an individual owner.

In addition to the Association’s Electric Vehicle Charging Equipment Application Form, the unit owner must provide the following documents:

1. **Plans, Drawings, and Manufacturer Guidelines.** Detailed plans and drawings for installation of the electric vehicle charging equipment prepared by a licensed and registered electrical contractor or engineer familiar with the installation and core requirements of electric vehicle charging equipment. The plans and drawings shall show the dimensions, placement, and external appearance of the electric vehicle charging equipment. The unit owner shall also provide specifications on the make and model of the electric vehicle charging equipment and its electrical requirements. The unit owner shall also provide a copy of the manufacturer guidelines, installation and operation instructions, and any other manufacturer-provided information associated with charger photos of the proposed device/equipment. **Only Level 1 (120 volt AC outlets) and Level 2 (240 volt AC outlets) charging equipment will be permitted in the Parking Units.**
2. **Contract.** A copy of the proposed contract with the company that will install the electric vehicle charging equipment. The company must be a licensed electrician or engineer familiar with the installation and core requirements of an electric vehicle charging equipment. The unit owner must provide the contractor with a copy of this Resolution. The contract must include terms:
  - i. requiring the contractor to restore any damaged or disturbed portion of the Condominium to its original condition; and
  - ii. requiring the contractor to defend, indemnify and hold harmless the Association and its directors, officers, employees, agents, members and contractors from and against any claim, injury or damages, direct or indirect, including costs and attorney’s fees, incurred (whether or not a lawsuit is initiated) as a result of the installation, maintenance, or use of the electric vehicle charging equipment.
3. **Contractor’s License.** A copy of the contractor’s license to conduct business in Montgomery County and the State of Maryland.

4. **Contractor's Certificate of Insurance.** A copy of the contractor's certificate of insurance. The Association shall be named as an additional insured on the contractor's commercial liability and automobile insurance policies.

**C. Review and Approval.**

1. **Review.** Following receipt of a complete Electric Vehicle Charging Equipment Application Form, the Board will review the application. An application must be complete in order for it to be considered. If the Association deems it necessary to engage consultants, technicians or other professionals to adequately review the application, the costs thereof shall be the obligation of the unit owner, but the unit owner will receive notice of the need and must consent to the costs. Within 60 days of receipt of a complete application, the Board shall send written notice to the applicant of its decision to approve or deny the application, unless the delay is the result of a reasonable request for additional information. The Board shall also have the right to establish conditions on any approval of an application.
2. **Approval.** The Board shall not approve any application for electric vehicle charging equipment that does not comply with the requirements of this Resolution. If approved, electric vehicle charging equipment must be installed in strict conformance with the terms of the Board's decision and this Resolution. Any deviation requires additional approval by the Board. The unit owner's contractor shall complete the installation of the electric vehicle charging equipment within ninety (90) days of the date of the Association's notice of approval of the application. If the installation or equipment requires access to the common elements, the unit owner will be granted a non-exclusive license (a limited right), not coupled with an interest, for three (3) years from the date of the approval over the common elements necessary for the installation of equipment or for the supply of electricity to any electric vehicle recharging equipment, as shown on the approved application. Such license shall automatically renew for additional three (3)-year terms unless otherwise terminated in writing by the Association or the unit owner. Such license is conditioned on the unit owner's adherence to applicable law, the approval, and this Resolution, and may be revoked at any time if the owner fails to so comply.
3. **Denial.** The Board may deny an application if the proposed installation unreasonably impedes the normal use of an area outside the unit owner's Parking Unit or if the proposed installation is not reasonably possible. This includes installations that would impede access to another parking space/unit or require any equipment to be stored in/across a walkway, stairway, sidewalk, drive lane, or similar path. The Board reserves the right to, at any time, withdraw its approval for any violations of applicable law, the terms of approval or this Resolution, the Condominium Instruments, or other rules and regulations of the Association pertaining to the installation and operation of

the electric vehicle charging equipment or use of the Condominium.

## **II. RULES GOVERNING THE INSTALLATION AND OPERATION OF ELECTRIC VEHICLE CHARGING EQUIPMENT**

- A. Installation Requirements.** An EVCS shall be used by the owner for his/her personal use, or by others only with the owner's consent. No EVCS installed in an assigned common area space may be used for commercial purposes or by the general public. The unit owner shall pay for all costs of installation, maintenance, operation and use of the electric vehicle charging equipment. The installation shall be performed as follows:
1. The unit owner shall procure all required licenses, permits and approvals at the unit owner's sole cost and expense. The unit owner shall provide the Association with a copy of all permits prior to commencing installation.
  2. The unit owner shall pay for all costs of installation, including any additional required systems, devices and materials, including, but not limited to, electrical boards, panels, interfaces, energy management systems, wiring or submeters.
  3. The unit owner shall pay all costs associated with restoring any portion of the Condominium to its original condition following completion of the installation.
  4. The unit owner shall pay for all costs of damage/restoration to the electric vehicle recharging equipment or any portion of the Condominium resulting from the maintenance, repair, removal, or replacement of the electric vehicle recharging equipment.
  5. Charging equipment installations must comply with local, state, and national codes and regulations, and be completed by a licensed electrical contractor.
  6. The installation shall comply with applicable building codes and recognized safety standards of Montgomery County and the State of Maryland.
  7. The installation shall comply with the Association's architectural standards.
  8. All work shall be completed in a ~~workmanlike~~ professional manner and in accordance with industry standards. Representatives of the Association may, but are not obligated to, make routine inspections.
  9. General maintenance for charging infrastructure includes storing charging cables securely, checking parts periodically, and keeping the equipment clean, and inspections must be performed regularly by a properly licensed contractor at the unit owner's cost.

10. No charging equipment shall be placed in a manner such that it blocks or crosses the path of another vehicle, drive aisles, or any pedestrian walkway, or such that the charging equipment may present a tripping hazard, may be driven over, or may otherwise interfere with the ingress, egress, or movement of any vehicle or pedestrian.
11. When not in use, all plugs, cords, cables, etc. shall be neatly stored in such a manner to avoid a hazard or blight.
12. A 120 volt or 240 volt dedicated outlet must be used for the electric vehicle charging equipment. The outlet must not be accessible by others, whether by virtue of its location inside the garage unit, by a lock cover, or secured digital access, as applicable.
13. The failure to properly maintain the electric vehicle charging equipment, including the required insurance, may result in the revocation of the license, in addition to other enforcement remedies as described in Section III below.

- B. Individual Metering.** The use of common outlets for the charging of electric vehicles is prohibited. Residents who are found to be using common outlets for the charging of their electric vehicles shall be found in violation of this Resolution and will be assessed the expenses incurred by the Association for the unauthorized use of the common outlets for such purposes. The unit owner must separately meter, at the unit owner's sole expense, the utilities associated with the electric vehicle charging equipment and pay the cost of electricity and other associated utilities, including, without limitation, the monthly charges as shown on the submeter. Notwithstanding the foregoing, the Association does not guarantee available electrical service at all times. The Association is not liable for interruptions in utility service.
- C. Insurance.** The unit owner shall obtain and maintain insurance covering claims and defenses of claims related to the installation, maintenance, operation and use of the electric vehicle charging equipment. The Association shall be made an additional insured on the policy at the owner's expense. The unit owner shall provide the Association with a copy of a certificate of insurance evidencing such coverage prior to commencing installation. Such certificate of insurance shall name the Association as an additional insured on the unit owner's insurance policy for any claim related to the installation, maintenance, operation or use of the electric vehicle charging equipment, and shall require the insurer to notify the Association of any termination, lapse, material changes, or non-renewal of coverage. A current copy of the certificate of insurance must be submitted to the Association after every renewal period.
- D. Indemnification.** The unit owner shall indemnify and hold harmless the Association and its directors, officers, employees, agents, members and contractors from all liability, including reasonable attorneys' fees incurred by the Association resulting from a claim, arising out of the installation, maintenance,


operation or use of the electric vehicle charge equipment. The unit owner shall also indemnify and hold the Association harmless from any claim made by a contractor or supplier engaged by unit owner for the purpose of installation or operation of the electric vehicle charging equipment.

- E. Safety.** The unit owner installs, operates, maintains, and uses the electric vehicle charging equipment at the unit owner's risk. The unit owner is responsible for the proper use of the electric vehicle charging equipment. Electric vehicle engines must be turned off while connected to charging equipment. The presence of open gasoline, motor oil and other hazardous, explosive or flammable materials are strictly prohibited within 50 feet of designated charging equipment.
- F. Association's Disclaimer.** The Association shall not be liable or responsible for any damage to a person, vehicle, or any other property caused by or arising from the electric vehicle charging equipment, its installation, use, and operation, nor shall the Association be liable for any damage to the electric vehicle charging equipment under any circumstances, including, but not limited to, any damage that may arise from a contractor's operation of a vehicle or other equipment during the performance of services on the Condominium property. Neither the Association, its directors, officer, employees, agents, nor any other unit owner shall be considered a bailee of any personal property stored on the Property, including the electric vehicle and the charging equipment.
- G. Removal.** If the unit owner decides to remove the electric vehicle charging equipment, the Association must be notified in writing prior to the removal. The unit owner shall pay for the cost of removal of the electric vehicle charging equipment and restoration of any portion of the Condominium. Any removal must be conducted by a licensed contractor.
- H. Reimbursement.** The unit owner shall reimburse the Association for any expenses attributable to the electric vehicle charging equipment, including the cost to the Association of any increased insurance premium. Such costs are due within fourteen (14) days' of the notice thereof from the Association.
- I. Transfers and Recordkeeping.** A copy of the Electric Vehicle Charging Equipment Application Form shall be maintained in the unit file. Any approval granted hereunder shall run with the title of the unit and shall also be maintained in the unit file. The unit owner shall provide a copy of any approval to any successor-in-interest in the unit. Unless otherwise terminated by the Association, the approval shall apply to, be binding upon and be enforceable by the representatives, successors-in-interest and assigns of the unit owner. The successor-in-interest of the unit must re-apply for any license over the common elements or will be required to have the electric vehicle charging equipment removed in accordance with Paragraph G above.

### **III. MISCELLANEOUS**

- A. Enforcement.** The Board shall have the right, but not the obligation, to enforce the provisions of this Resolution by any legal remedy available to the Association as authorized by the Act, its Condominium Instruments, or other applicable law, including, but not limited to, revoking a license, exercising self-help remedies, towing vehicles, disconnecting vehicles from charging equipment and/or disconnecting the power supply to the applicable charging equipment, imposing monetary sanctions subject to Section 11-113 of the Act and the Association's Enforcement Resolution, and assessing all costs or fees (including attorney's fees) incurred by the Association. Nothing in this Resolution is intended to limit the Association's enforcement remedies. Failure to enforce this Resolution shall not be deemed a waiver of the right to do so in the future.
- B. Severability and Amendments.** If any term of this Resolution is to any extent illegal, otherwise invalid, or incapable of being enforced, such term shall be excluded to the extent of such invalidity or unenforceability; all other terms hereof shall remain in full force and effect; and, to the extent permitted and possible, the invalid or unenforceable term shall be deemed replaced by a term that is valid and enforceable and that comes closest to expressing the intention of such invalid or unenforceable term. The Board reserves the right to amend this Resolution, as it deems appropriate.
- C. Adopted and Effective Date.** This Resolution was adopted pursuant to the Bylaws and Section 11-111 of the Maryland Condominium Act. This Resolution was adopted this 24th day of July, 2023 by the Board of Directors. The effective date of this resolution is July 24, 2023.

**Council of Unit Owners of  
King Farm Condominium, Inc.**

By   
Name: Susan Sellers  
Title: President

**COUNCIL OF UNIT OWNERS OF KING FARM CONDOMINIUM, INC.**  
**ELECTRIC VEHICLE CHARGING EQUIPMENT APPLICATION FORM**

Please complete out Parts I, II and III in their entirety and include all supporting material.

**Part I: Applicant Information:**

Name of Unit Owner(s): \_\_\_\_\_ Date: \_\_\_\_\_  
Unit Number and Address: \_\_\_\_\_  
Parking Unit #: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_

**Part II: Contractor Information:**

Name of Licensed Contractor: \_\_\_\_\_  
Point of Contact/Supervisor: \_\_\_\_\_  
Address: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_

Supporting Documentation:

- Plans, Drawings, and Manufacturer Guidelines/Info
- Copy of Contract meeting the Association's requirements
- Contractor's License
- Contractor's Certificate of Insurance

**Part III: Signatures: *Please sign and date below.***

By signing below, I/we agree to all terms and conditions of approval and the requirements of Resolution No. \_\_\_ which is made a part of and incorporated herein by reference. I/we are responsible for compliance with all local, state, federal laws related to the installation of our electric vehicle charging equipment. I/We are responsible for obtaining all necessary permits prior to commencement of installation. No work shall commence until written approval from the Association has been received by me/us. I/We indemnify the Association in accordance with and as detailed in Resolution No. \_\_\_. This request is subject to restrictions by the covenants and a review process as established by the Board of Directors in Resolution No. \_\_\_. Variations from the terms of approval are prohibited. I/We need to resubmit another application for approval if I/we intend to vary from the terms of any approval that I/we receive.

Name: \_\_\_\_\_ Date: \_\_\_\_\_  
Name: \_\_\_\_\_ Date: \_\_\_\_\_

**Part IV: Submission:**



**Submit Completed Application:**

1. In-person or by first-class mail to: Council of Unit Owners of King Farm Condominium, Inc., c/o Abaris Realty, Inc., 7811 Montrose Road, Suite 110, Potomac, MD 20854; or
2. By email to: [aproctor@abarisrealty.com](mailto:aproctor@abarisrealty.com).

**For Association Use Only:**

Date Complete Application Received for Review: \_\_\_\_\_

Received By: \_\_\_\_\_

*Note: Final Approval/Disapproval to be rendered within 45 days from receipt by management of a complete application.*

- Final Approval as requested
- Final approval subject to the following conditions/modifications. (See Comments)
- Disapproved for the following reasons: (See Comments)

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Follow-up to Unit Owner:**

- Written notice of decision sent within 60 days
- Copies of permits received prior to commencement of installation
- Copy of Certificate of Insurance received prior to commencement of installation
- Other: \_\_\_\_\_