

**(Policy Governing the Installation and Use of Charge Stations for Electric Vehicles)**

**WHEREAS**, the Declaration and Bylaws empower the Board of Directors to adopt and enforce rules and regulations regarding the use of the common areas and parking facilities; and

**WHEREAS**, The Declaration requires owners to submit plans and specifications to the Architectural Review Committee and then receive written approval from that Committee before undertaking any alteration to the common areas or to the exterior of any dwelling; and

**WHEREAS**, § 55.1-1823.1 of the Virginia Property Owners' Association Act authorizes the Board to establish reasonable restrictions concerning the number, size, place, and manner of placement or installation of charge stations for electric vehicles within the property owned by an owner, and it further authorizes the Board to prohibit or restrict the installation of charge stations within the common areas;

**WHEREAS**, the Board has determined it is in the best interest of the Association to establish a policy for installing, operating, and maintaining charge stations in both the common areas and within the lots.

**NOW THEREFORE**, be it resolved that the following policy pertaining to charge stations is hereby adopted:

**I. APPLICATION AND REVIEW PROCESS**

- A. No person shall install a charge station within a lot or the common areas except in strict accordance with the provisions of this Resolution.
  
- B. Any person who wishes to install a charge station must complete the Association's Architectural Application and submit it to the Association's Management Agent, along with detailed plans and drawings prepared by a licensed and registered electrical contractor or engineer familiar with installation and core requirements for charge stations. These plans must show the proposed location of the charge station. The applicant must also submit a catalog, brochure, illustrative, or some sort of pictorial that shows the appearance of the charge station and its components. The plans must also explain whether the proposed charge station will be either separately metered or connected to the owner's meter so that the benefitted owner will be charged directly for the cost of electricity, and, finally, the plans must also represent the installation of the charge station will comply with all applicable building code and safety requirements imposed by Fairfax County and/or the Commonwealth of Virginia.

- C. If the Association approves the application, the owner must have the contractor complete the installation of the charge station within six (6) months. If the installation is not completed within this timeframe, the Association will consider the application withdrawn and any approval to be rescinded. The owner must submit a new application for review and approval.

## **II. INSTALLATION LOCATION AND SPECIFICATIONS**

- A. All charge stations installed within a lot must be wall mounted. If affixed to the exterior of the dwelling, the owner must shield the visibility of the wall-mount. Owners must shield the charge station from view by landscaping. When charging an electric vehicle, it must be parked in the owner's assigned parking space. The use of cords to connect vehicles parked in the parking lot to such a charger may not cross pedestrian walkways creating trip hazards. The installation of freestanding charge stations within private lots is prohibited.
- B. Charging stations may not be set-up in parking spaces or other common areas. The electrical configurations and wiring for the charge station must be trenched underneath the sidewalk and owner's yard. The owner's contractor must install an in-ground electrical box to house the electrical cables/plug. All disturbed areas must be restored to the original condition.
- C. Since all assigned parking spaces are owned by the Association, the Board reserves the right to reassign parking spaces if circumstances dictate. The Association shall not bear liability for expenses incurred by an owner to install a charge station in a parking space that the Board ultimately needs to reassign.
- D. For the welfare and safety of the residents and visitors, the components of the charge station may not be installed over or draped across any drive aisles, parking spaces, curbs, sidewalks, or common grounds. All electrical components must be trenched underground, and safety locked.
- E. The size and height of the charge station must be appropriate for a residential installation. In no event may the station exceed the height of the windowsill.
- F. Charge stations must be of durable material, such as composite, shatterproof glass, or metal. Outlet connectors will be reviewed on a case- by-case basis. Applications for wall mounted units must depict the proposed location, size, and screening.

- G. The owner is responsible for obtaining all permits required by Fairfax County, and the Commonwealth of Virginia including electrical permitting required to bore under the sidewalks.
- H. At its sole prerogative, the Architectural Review Committee and Association may require the owner to enter a maintenance agreement as a condition of approval.

### **III. INSTALLATION AND REMOVAL REQUIREMENTS**

- A. Any owner who installs a charge station on an exterior wall must secure and maintain adequate insurance coverage against property damage, claims, and defenses of claims arising from the installation, maintenance, operation, or use of the charge station in an amount that is equal to or exceeds One Million Dollars (\$1,000,000.00). The Association must be named as an additional insured on the owner's insurance policy, and the owner must submit a copy of a certificate of insurance to the Board within fourteen (14) days after receiving approval to install the charge station. The owner has a continuing obligation to provide updated certificates of insurance upon renewal of coverage or change in carrier.
- B. The owner shall install, operate, and maintain the charge station pursuant to the manufacturer instructions and any laws governing the installation, operation, maintenance, use, and removal of the charge station.
- C. The owner shall be responsible for all utility costs associated with the operation of the charge station.
- D. The Owner shall be responsible for all costs associated with the installation, maintenance, repair, replacement, and removal of the charge station and any components that are placed in common areas. Additionally, the owner shall be responsible for all damages to the Association caused by the installation, maintenance, repair, replacement, or removal of the charge station and any components thereof.
- E. The owner shall defend, indemnify, and hold harmless the Association and its Board from and against any liability, claim, injury, or damages, direct or indirect, including costs and attorney's fees, incurred (regardless of whether a lawsuit is initiated) arising out of the installation, maintenance, operation, or use of the charge station.
- F. Owners shall install, maintain, operate, and use the charge station at his or her own risk; accordingly, the Association shall not be liable or responsible for any damage to a vehicle or any other property that may arise from the installation, maintenance, operation, or use of the charge station nor shall the Association be liable for any damage to the charge station or its

components under any circumstances, including, but not limited to, any damage that may arise from performance of services on the Association's property.

- G. Where a charge station installation will or potentially require access to neighboring properties a written agreement between the parties must be signed by the owner and adjoining or adjacent premises and submitted with the application to the Architectural Review Committee.
- H. The Association reserves the right to require the owner to remove any portion of the charge station from the common area at the owner's sole expense if the owner fails to comply with this policy or if, in the reasonable discretion of the Board, the charge station poses a safety threat to person or property. If an owner removes a charge station from the exterior of the lot or the common area, the owner must restore the area to its original condition.

#### **IV. ENFORCEMENT**

- A. Any violation of this Resolution is subject to the Association's enforcement remedies, including, but not limited to, the imposition of monetary penalties, suspending an owner's right to use the common facilities, filing suit for money damages, or seeking injunctive relief. If the Association takes enforcement action, the Association will seek recovery of its incurred legal fees and costs.
- B. Failure to remove a charge station from the common area when so required by the Association may result in the removal of the same by the Association and all costs and expenses related to the same shall be assessed to the owner's account, subject to collection in the same manner as assessments.

INTENTIONALLY  
BLANK