

**AUDUBON SQUARE COMMUNITY ASSOCIATION, INC.**  
**REGULATIONS AND PROCEDURES REGARDING**  
**ELECTRIC VEHICLE RECHARGING STATIONS**

**WHEREAS**, Article VII of the Association's Declaration provides that no improvements or structures shall be commenced, directed, placed, moved, altered, or maintained upon the Property, nor shall any exterior addition to or change or alteration be made until complete plans and specifications showing the location, nature, shape, height, material, color, type of construction and any other proposed form of change shall be submitted to and approved in writing as to safety, harmony of external design, color and location in relation to surrounding structures and topography and conformity with the design concept for the community by an Architectural and Environmental Control Committee ("Committee") designated by the Board of Directors ("Board");

**WHEREAS**, Article IV, Section 1 of the Declaration provides that each member's right and easement of enjoyment to the Common Areas and community facilities is subject to the Association's right to assign up to two (2) parking spaces within the Common Area parking areas to certain Lot(s);

**WHEREAS**, Section 11B-111.8 of the Maryland Homeowners Association Act ("Act") allows for the installation or use of electric vehicle recharging equipment in a lot owner's deeded parking space or parking space that is specifically designated for use by the particular owner, and provides that if approval is required for the installation or use of electric vehicle recharging equipment in a development, the governing body shall process and review an application for approval in the same manner as an application for approval of an architectural modification to a dwelling; and

**WHEREAS**, the Board believes it is in the best interests of the Association to adopt certain regulations and procedures regarding the application, installation, maintenance, operation, repair, and removal of electric vehicle recharging stations on Lots within the Association in accordance with the Act.

**NOW, THEREFORE BE IT RESOLVED** that the following regulations and procedures are hereby adopted:

**I. APPLICATION FOR INSTALLATION OF ELECTRIC VEHICLE RECHARGING STATIONS**

- A. Prior to installing any electric vehicle supply equipment ("EVRE") on the exterior of the Lot or the Association's Common Area, the Owner shall apply, in writing, and obtain approval from the Board. The Board will approve or deny the application in writing within 60 days after it receives the application.
- B. The application must comply with this Resolution and consist of schematics/plans of the exact location, scope of work and installation plan (including, without limitation, electrical wiring plans) for the proposed EYRE. The application must meet the following requirements:
  1. Demonstrate that the installation of the EYRE shall not unreasonably impede the normal use of the roads, sidewalks, and Association

Common Areas in the vicinity of such EYRE;

2. Identify the qualified, licensed, and insured contractor(s) who shall install the EYRE (the "EYRE Contractor");
  3. Contain a certification by the requesting Owner that:
    - a. The installation, maintenance, operation, repair, and removal of the EYRE shall comply with all relevant building codes and safety standards, including, without limitation, Maryland law and the Code and Regulations of Montgomery County, Maryland, and specifications and instructions of the manufacturer of the EYRE;
    - b. Owner shall comply with this Resolution, and the Association's Architectural Guidelines in connection with the installation, maintenance, operation, repair, and removal of the EYRE;
  4. Demonstrate that the EYRE wiring, if extending onto the Common Area, shall be installed underground, at sufficient depth so that it is not visible.
  5. Demonstrate that electricity from the Owner's home shall be the sole power source to the EYRE.
  6. Include copies of any necessary permits required by the State of Maryland and/or Montgomery County, Maryland, and, if necessary, the electricity provider in connection with the installation and operation of the EYRE. However, if any jurisdiction issuing permits requires proof of Association approval before issuing permits, the Owner shall submit a copy of any application(s) for such permits, and, upon receiving such permits, promptly provide copies of such to the Association.
  7. Include a certificate of insurance which covers the EYRE and names the Association as an additional insured on the policy.
- C. To the extent reasonably possible, (a) if there is a garage on such Owner's Lot, the EYRE should be installed within such garage; or (b) if there is no garage or it is not reasonably possible to install the EYRE in the garage, the EYRE should be installed at the "top" of the driveway close to the home within the Lot. Owners should only apply to install an EYRE in another location other than as described herein if (a) such Owner has a deeded parking space or reserved parking space in such location, and (b) the installation of an EYRE in such location does not unreasonably impede the normal use of the surrounding area
- D. If any portion of the EYRE or its wiring extends onto Association Common Area, an Owner requesting approval to install an EYRE must execute a license agreement. The license agreement will be on a form approved by the Board substantially in the form of Exhibit **A** attached to this Resolution.

## **II. INSTALLATION OF ELECTRIC VEHICLE RECHARGING EQUIPMENT**

- A. After Board approval, the Owner shall hire the EVRE Contractor identified in such Owner's application, at the Owner's expense, to install the EVRE in accordance with the approved plans. Any EVRE Contractor hired by the Owner for work done on the property shall provide an insurance certificate naming the Association as an additional insured.
- B. The Owner shall not proceed with the installation of the EVRE without having first obtained all required licenses and permits and approval from the Board.
- C. The Owner shall ensure that the installation shall be performed only Monday-Friday during times and days acceptable to the Association, but no earlier than 9:00 AM and no later than 4:30 PM. and shall be performed in a manner so as to not unreasonably interfere with other Owners or residents within the Association. The Owner shall ensure that all access points within the parking and Common Areas of the Association shall remain open and accessible at all times during the installation activities. Only those materials and equipment being used directly for the installation shall be brought to the Association's property.
- D. After installation is complete. the Owner shall notify the Association of such and notify the Association if any governmental agency requires a post-installation inspection of the EVRE before operating the EVRE. and. if so, the date, time, and results of such post-installation inspection.

### **III. OPERATION OF ELECTRIC VEHICLE RECHARGING EQUIPMENT**

- A. Each Owner shall be responsible, at his/her sole expense, for all maintenance, repair and replacement of the EVRE, including maintaining the EVRE in an operable condition and in compliance with all State and local requirements and manufacturer's instructions, and so the EVRE maintains a good aesthetic appearance. The Owner shall also be responsible for any damage to the EVRE and/or surrounding area resulting from the installation, operation, repair, removal, or replacement of the EVRE.
- B. The Owner shall operate and have the EVRE inspected in accordance with State and local law and manufacturer's instructions
- C. In the event that Owner fails to maintain, repair or replace the EVRE as determined by the Association, the Association, at its option, after notice to the Owner and an opportunity to cure, may undertake the appropriate maintenance, repair or replacement, or the Association may terminate the license agreement, if any, and in which case the Owner shall be responsible for the payment to the Association for all costs incurred by the Association in performing any maintenance. repair or replacement of the EVRE under this paragraph, such costs being collectible in the same manner as assessments to the extent permitted by the Association's governing documents and Maryland law.
- D. If the Owner and the Association have entered into a license agreement in connection with EYRE, the license agreement shall provide that the Association may revoke the license and require the removal of the EYRE upon the sale of the Owner's Lot.

- E. If the Owner removes the EYRE, Owner shall conduct such removal and restore the area containing such EYRE to the condition that existed before the installation of the EYRE as well as any damage resulting from such removal at Owner's sole expense.
- F. The Owner shall pay for all electricity costs associated with the EYRE.
- G. The Owner shall maintain any permits or approvals required by the State of Maryland and Montgomery County, Maryland, related to the operation of the EYRE and shall promptly provide copies of such permits or approvals to the Association upon request.
- H. In connection with the operation of the EYRE, the Owner shall maintain a policy of insurance coverage for the EYRE, naming the Association as an additional insured on such policy, and provide a copy of such certificate of insurance to the Association. In addition, should the installation or operation of the EYRE increase the amount of the insurance premiums on any policy of insurance held by the Association, the Owner shall promptly reimburse the Association for the cost of such increased insurance premium(s) upon request.
- I. Owner shall notify any buyer of the EYRE. The Association reserves the right to include notice of any EYRE installed on or in connection with any Lot in any resale certificate for such Lot.

Approved June 20, 2023, by the Board of Directors  
Effective and Enforceable as of October 1, 2023