

SENATE BILL 822

N1

9lr1388

By: **Senator Lam**

Introduced and read first time: February 4, 2019

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Installation and Use of Electric Vehicle Recharging Equipment**

3 FOR the purpose of providing that certain provisions of a recorded covenant or restriction,
4 a declaration, or the bylaws or rules of a condominium or homeowners association
5 are void and unenforceable; establishing certain requirements and procedures
6 relating to an application to the governing body of a condominium or homeowners
7 association to install or use electric vehicle recharging equipment; requiring certain
8 owners of electric vehicle recharging equipment to be responsible for certain costs
9 and disclosures; requiring a unit owner or lot owner to obtain certain permits or
10 approval required for electric vehicle recharging equipment; requiring the governing
11 body of a condominium or homeowners association to authorize the installation of
12 electric vehicle recharging equipment for the exclusive use of a unit owner or lot
13 owner in certain areas under certain circumstances; authorizing the governing body
14 of a condominium or homeowners association to install electric vehicle recharging
15 equipment in certain areas and to develop reasonable rules for use of the equipment;
16 authorizing the governing body of a condominium or homeowners association to
17 create new parking spaces under certain circumstances; authorizing the governing
18 body of a condominium or homeowners association to evaluate energy management
19 components of electrical vehicle charging technologies under certain circumstances;
20 providing that a governing body of a condominium or homeowners association that
21 willfully violates this Act shall be liable to a certain owner for certain damages and
22 attorney's fees, under certain circumstances; establishing a certain State policy;
23 providing for the application of certain provisions of this Act; defining certain terms;
24 and generally relating to the installation and use of electric vehicle recharging
25 equipment in certain condominiums and developments.

26 BY adding to
27 Article – Real Property
28 Section 11–111.4 and 11B–111.8
29 Annotated Code of Maryland
30 (2015 Replacement Volume and 2018 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
2 That the Laws of Maryland read as follows:

3 **Article – Real Property**

4 **11-111.4.**

5 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
6 INDICATED.

7 (2) “ELECTRIC VEHICLE RECHARGING EQUIPMENT” MEANS
8 PROPERTY IN THE STATE THAT IS USED FOR RECHARGING MOTOR VEHICLES
9 PROPELLED BY ELECTRICITY.

10 (3) “REASONABLE RESTRICTIONS” MEANS RESTRICTIONS THAT DO
11 NOT SIGNIFICANTLY INCREASE THE COST OF ELECTRIC VEHICLE RECHARGING
12 EQUIPMENT OR SIGNIFICANTLY DECREASE THE EFFICIENCY OR SPECIFIED
13 PERFORMANCE OF THE ELECTRIC VEHICLE RECHARGING EQUIPMENT.

14 (B) IT IS THE POLICY OF THE STATE TO PROMOTE, ENCOURAGE, AND
15 REMOVE OBSTACLES TO THE USE OF ELECTRIC VEHICLE RECHARGING EQUIPMENT.

16 (C) THIS SECTION DOES NOT APPLY TO PROVISIONS THAT IMPOSE
17 REASONABLE RESTRICTIONS ON ELECTRIC VEHICLE RECHARGING EQUIPMENT.

18 (D) A RECORDED COVENANT OR RESTRICTION, A PROVISION IN A
19 DECLARATION, OR A PROVISION IN THE BYLAWS OR RULES OF A CONDOMINIUM IS
20 VOID AND UNENFORCEABLE IF THE COVENANT, RESTRICTION, OR PROVISION:

21 (1) IS IN CONFLICT WITH THE PROVISIONS OF THIS SECTION; OR

22 (2) EFFECTIVELY PROHIBITS OR UNREASONABLY RESTRICTS THE
23 INSTALLATION OR USE OF ELECTRIC VEHICLE RECHARGING EQUIPMENT IN A UNIT
24 OWNER’S DEEDED PARKING SPACE OR A PARKING SPACE IN AN OWNER’S EXCLUSIVE
25 USE LIMITED COMMON ELEMENT.

26 (E) (1) IF APPROVAL IS REQUIRED FOR THE INSTALLATION OR USE OF
27 ELECTRIC VEHICLE RECHARGING EQUIPMENT IN A CONDOMINIUM, THE GOVERNING
28 BODY SHALL PROCESS AND REVIEW AN APPLICATION FOR APPROVAL IN THE SAME
29 MANNER AS AN APPLICATION FOR APPROVAL OF AN ARCHITECTURAL
30 MODIFICATION TO THE CONDOMINIUM.

31 (2) THE GOVERNING BODY MAY NOT WILLFULLY AVOID OR DELAY

1 PROCESSING AND REVIEWING AN APPLICATION FOR APPROVAL.

2 (3) THE APPROVAL OR DENIAL OF AN APPLICATION SHALL BE IN
3 WRITING.

4 (4) IF AN APPLICATION IS NOT DENIED IN WRITING WITHIN 60 DAYS
5 AFTER THE GOVERNING BODY RECEIVES THE APPLICATION, THE APPLICATION
6 SHALL BE DEEMED APPROVED UNLESS THE DELAY IS THE RESULT OF A
7 REASONABLE REQUEST FOR ADDITIONAL INFORMATION.

8 (F) (1) (I) A UNIT OWNER MAY NOT INSTALL ELECTRIC VEHICLE
9 RECHARGING EQUIPMENT IN A COMMON ELEMENT OR LIMITED COMMON ELEMENT
10 WITHOUT PRIOR APPROVAL FROM THE GOVERNING BODY.

11 (II) THE GOVERNING BODY SHALL APPROVE THE INSTALLATION
12 IF THE UNIT OWNER AGREES IN WRITING TO:

13 1. COMPLY WITH THE CONDOMINIUM'S
14 ARCHITECTURAL STANDARDS FOR THE INSTALLATION OF THE ELECTRIC VEHICLE
15 RECHARGING EQUIPMENT;

16 2. ENGAGE A LICENSED ELECTRICIAN TO INSTALL THE
17 ELECTRIC VEHICLE RECHARGING EQUIPMENT;

18 3. PAY FOR THE ELECTRICITY USAGE ASSOCIATED WITH
19 THE SEPARATELY METERED ELECTRIC VEHICLE RECHARGING EQUIPMENT; AND

20 4. CERTIFY THAT THE INSTALLED ELECTRIC VEHICLE
21 RECHARGING EQUIPMENT IS INTENDED FOR PERSONAL, NONCOMMERCIAL USE.

22 (2) THE OWNER AND EACH SUCCESSIVE OWNER OF THE ELECTRIC
23 VEHICLE RECHARGING EQUIPMENT SHALL BE RESPONSIBLE FOR:

24 (I) INSTALLATION COSTS FOR THE ELECTRIC VEHICLE
25 RECHARGING EQUIPMENT;

26 (II) COSTS FOR DAMAGE TO THE ELECTRIC VEHICLE
27 RECHARGING EQUIPMENT, COMMON ELEMENT, OR LIMITED COMMON ELEMENT
28 RESULTING FROM THE INSTALLATION, MAINTENANCE, REPAIR, REMOVAL,
29 OPERATION, OR REPLACEMENT OF THE ELECTRIC VEHICLE RECHARGING
30 EQUIPMENT;

31 (III) COSTS FOR THE MAINTENANCE, REPAIR, AND

1 REPLACEMENT OF THE ELECTRIC VEHICLE RECHARGING EQUIPMENT UNTIL IT HAS
2 BEEN REMOVED;

3 (IV) IF THE OWNER DECIDES TO REMOVE THE ELECTRIC
4 VEHICLE RECHARGING EQUIPMENT, COSTS FOR THE REMOVAL AND FOR THE
5 RESTORATION OF THE COMMON ELEMENT OR LIMITED COMMON ELEMENT AFTER
6 REMOVAL;

7 (V) THE COST OF ELECTRICITY ASSOCIATED WITH THE
8 ELECTRIC VEHICLE RECHARGING EQUIPMENT;

9 (VI) DISCLOSING TO PROSPECTIVE BUYERS THE EXISTENCE OF
10 ANY ELECTRIC VEHICLE RECHARGING EQUIPMENT OF THE OWNER AND THE
11 RESPONSIBILITIES OF THE OWNER UNDER THIS SECTION;

12 (VII) MAINTAINING A LIABILITY COVERAGE INSURANCE POLICY
13 IN THE AMOUNT OF \$1,000,000 THAT NAMES THE CONDOMINIUM AS AN ADDITIONAL
14 INSURED UNDER THE POLICY WITH A RIGHT TO NOTICE OF CANCELLATION;

15 (VIII) IF MULTIPLE OWNERS INSTALL ELECTRIC VEHICLE
16 RECHARGING EQUIPMENT REQUIRING ELECTRICAL CAPACITY UPGRADES, AN
17 APPROPRIATE SHARE OF COSTS FOR THE ELECTRICAL CAPACITY UPGRADES; AND

18 (IX) IF REQUIRED BY A GOVERNING BODY TO ADDRESS COSTS
19 BORNE BY THE CONDOMINIUM, A \$1,000 DEPOSIT FOR THE REMOVAL OF ELECTRIC
20 VEHICLE RECHARGING EQUIPMENT.

21 (G) A UNIT OWNER SHALL OBTAIN ANY PERMIT OR APPROVAL REQUIRED
22 FOR ELECTRIC VEHICLE RECHARGING EQUIPMENT THAT IS REQUIRED BY THE
23 COUNTY OR MUNICIPAL CORPORATION IN WHICH THE CONDOMINIUM IS LOCATED.

24 (H) (1) THE GOVERNING BODY MAY AUTHORIZE THE INSTALLATION OF
25 ELECTRIC VEHICLE RECHARGING EQUIPMENT FOR THE EXCLUSIVE USE OF A UNIT
26 OWNER IN A COMMON ELEMENT THAT IS NOT A LIMITED COMMON ELEMENT FOR THE
27 EXCLUSIVE USE OF THE UNIT OWNER ONLY IF INSTALLATION IN THE UNIT OWNER'S
28 DEEDED PARKING SPACE IS IMPOSSIBLE OR UNREASONABLY EXPENSIVE.

29 (2) IF THE GOVERNING BODY AUTHORIZES THE INSTALLATION OF
30 ELECTRIC VEHICLE RECHARGING EQUIPMENT UNDER THIS SUBSECTION:

31 (I) THE GOVERNING BODY SHALL ENTER INTO A LICENSE
32 AGREEMENT WITH THE UNIT OWNER FOR THE USE OF THE SPACE IN A COMMON
33 ELEMENT; AND

1 (II) THE UNIT OWNER SHALL COMPLY WITH THE
2 REQUIREMENTS OF SUBSECTION (F) OF THIS SECTION.

3 (I) (1) THE GOVERNING BODY MAY INSTALL ELECTRIC VEHICLE
4 RECHARGING EQUIPMENT IN THE COMMON ELEMENTS FOR THE USE OF ALL UNIT
5 OWNERS.

6 (2) IF THE GOVERNING BODY INSTALLS ELECTRIC VEHICLE
7 RECHARGING EQUIPMENT IN THE COMMON ELEMENTS FOR THE USE OF ALL UNIT
8 OWNERS, THE GOVERNING BODY SHALL DEVELOP REASONABLE RULES FOR USE OF
9 THE ELECTRIC VEHICLE RECHARGING EQUIPMENT.

10 (J) A GOVERNING BODY MAY CREATE A NEW PARKING SPACE WHERE ONE
11 DID NOT PREVIOUSLY EXIST TO FACILITATE THE INSTALLATION OF ELECTRIC
12 VEHICLE RECHARGING EQUIPMENT.

13 (K) IF MULTIPLE OWNERS INSTALL ELECTRIC VEHICLE RECHARGING
14 EQUIPMENT REQUIRING ELECTRICAL CAPACITY UPGRADES, A GOVERNING BODY
15 MAY EVALUATE ENERGY MANAGEMENT COMPONENTS OF ELECTRIC VEHICLE
16 CHARGING TECHNOLOGIES PRIOR TO IMPLEMENTATION OF ELECTRICAL CAPACITY
17 UPGRADES AND SUBSEQUENT COST RECOVERY FROM OWNERS.

18 (L) A GOVERNING BODY THAT WILLFULLY VIOLATES THIS SECTION SHALL
19 BE LIABLE TO THE AFFECTED UNIT OWNER FOR ACTUAL DAMAGES.

20 (M) IN ANY ACTION TO ENFORCE COMPLIANCE WITH THIS SECTION, THE
21 COURT SHALL AWARD THE PREVAILING PARTY REASONABLE ATTORNEY'S FEES.

22 11B-111.8.

23 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
24 INDICATED.

25 (2) "ELECTRIC VEHICLE RECHARGING EQUIPMENT" MEANS
26 PROPERTY IN THE STATE THAT IS USED FOR RECHARGING MOTOR VEHICLES
27 PROPELLED BY ELECTRICITY.

28 (3) "REASONABLE RESTRICTIONS" MEANS RESTRICTIONS THAT DO
29 NOT SIGNIFICANTLY INCREASE THE COST OF ELECTRIC VEHICLE RECHARGING
30 EQUIPMENT OR SIGNIFICANTLY DECREASE THE EFFICIENCY OR SPECIFIED
31 PERFORMANCE OF THE ELECTRIC VEHICLE RECHARGING EQUIPMENT.

1 **(B) IT IS THE POLICY OF THE STATE TO PROMOTE, ENCOURAGE, AND**
2 **REMOVE OBSTACLES TO THE USE OF ELECTRIC VEHICLE RECHARGING EQUIPMENT.**

3 **(C) THIS SECTION DOES NOT APPLY TO PROVISIONS THAT IMPOSE**
4 **REASONABLE RESTRICTIONS ON ELECTRIC VEHICLE RECHARGING EQUIPMENT.**

5 **(D) A RECORDED COVENANT OR RESTRICTION, A PROVISION IN A**
6 **DECLARATION, OR A PROVISION IN THE BYLAWS OR RULES OF A HOMEOWNERS**
7 **ASSOCIATION IS VOID AND UNENFORCEABLE IF THE COVENANT, RESTRICTION, OR**
8 **PROVISION:**

9 **(1) IS IN CONFLICT WITH THE PROVISIONS OF THIS SECTION; OR**

10 **(2) EFFECTIVELY PROHIBITS OR UNREASONABLY RESTRICTS THE**
11 **INSTALLATION OR USE OF ELECTRIC VEHICLE RECHARGING EQUIPMENT IN A LOT**
12 **OWNER'S DEEDED PARKING SPACE OR A PARKING SPACE IN AN OWNER'S EXCLUSIVE**
13 **USE COMMON AREA.**

14 **(E) (1) IF APPROVAL IS REQUIRED FOR THE INSTALLATION OR USE OF**
15 **ELECTRIC VEHICLE RECHARGING EQUIPMENT IN A DEVELOPMENT, THE GOVERNING**
16 **BODY SHALL PROCESS AND REVIEW AN APPLICATION FOR APPROVAL IN THE SAME**
17 **MANNER AS AN APPLICATION FOR APPROVAL OF AN ARCHITECTURAL**
18 **MODIFICATION TO A DWELLING LOCATED ON A LOT IN THE DEVELOPMENT.**

19 **(2) THE GOVERNING BODY MAY NOT WILLFULLY AVOID OR DELAY**
20 **PROCESSING AND REVIEWING AN APPLICATION FOR APPROVAL.**

21 **(3) THE APPROVAL OR DENIAL OF AN APPLICATION SHALL BE IN**
22 **WRITING.**

23 **(4) IF AN APPLICATION IS NOT DENIED IN WRITING WITHIN 60 DAYS**
24 **AFTER THE GOVERNING BODY RECEIVES THE APPLICATION, THE APPLICATION**
25 **SHALL BE DEEMED APPROVED UNLESS THE DELAY IS THE RESULT OF A**
26 **REASONABLE REQUEST FOR ADDITIONAL INFORMATION.**

27 **(F) (1) (I) A LOT OWNER MAY NOT INSTALL ELECTRIC VEHICLE**
28 **RECHARGING EQUIPMENT IN A COMMON AREA WITHOUT PRIOR APPROVAL FROM**
29 **THE GOVERNING BODY.**

30 **(II) THE GOVERNING BODY SHALL APPROVE THE INSTALLATION**
31 **IF THE LOT OWNER AGREES IN WRITING TO:**

32 **1. COMPLY WITH THE HOMEOWNERS ASSOCIATION'S**

1 ARCHITECTURAL STANDARDS FOR THE INSTALLATION OF THE ELECTRIC VEHICLE
2 RECHARGING EQUIPMENT;

3 2. ENGAGE A LICENSED ELECTRICIAN TO INSTALL THE
4 ELECTRIC VEHICLE RECHARGING EQUIPMENT;

5 3. PAY FOR THE ELECTRICITY USAGE ASSOCIATED WITH
6 THE SEPARATELY METERED ELECTRIC VEHICLE RECHARGING EQUIPMENT; AND

7 4. CERTIFY THAT THE INSTALLED ELECTRIC VEHICLE
8 RECHARGING EQUIPMENT IS INTENDED FOR PERSONAL, NONCOMMERCIAL USE.

9 (2) THE OWNER AND EACH SUCCESSIVE OWNER OF THE ELECTRIC
10 VEHICLE RECHARGING EQUIPMENT SHALL BE RESPONSIBLE FOR:

11 (i) INSTALLATION COSTS FOR THE ELECTRIC VEHICLE
12 RECHARGING EQUIPMENT;

13 (ii) COSTS FOR DAMAGE TO THE ELECTRIC VEHICLE
14 RECHARGING EQUIPMENT OR COMMON AREA RESULTING FROM THE INSTALLATION,
15 MAINTENANCE, REPAIR, REMOVAL, OPERATION, OR REPLACEMENT OF THE
16 ELECTRIC VEHICLE RECHARGING EQUIPMENT;

17 (iii) COSTS FOR THE MAINTENANCE, REPAIR, AND
18 REPLACEMENT OF THE ELECTRIC VEHICLE RECHARGING EQUIPMENT UNTIL IT HAS
19 BEEN REMOVED;

20 (iv) IF THE OWNER DECIDES TO REMOVE THE ELECTRIC
21 VEHICLE RECHARGING EQUIPMENT, COSTS FOR THE REMOVAL AND FOR THE
22 RESTORATION OF THE COMMON AREA AFTER REMOVAL;

23 (v) THE COST OF ELECTRICITY ASSOCIATED WITH THE
24 ELECTRIC VEHICLE RECHARGING EQUIPMENT;

25 (vi) DISCLOSING TO PROSPECTIVE BUYERS THE EXISTENCE OF
26 ANY ELECTRIC VEHICLE RECHARGING EQUIPMENT OF THE OWNER AND THE
27 RESPONSIBILITIES OF THE OWNER UNDER THIS SECTION;

28 (vii) MAINTAINING A LIABILITY COVERAGE INSURANCE POLICY
29 IN THE AMOUNT OF \$1,000,000 THAT NAMES THE HOMEOWNERS ASSOCIATION AS AN
30 ADDITIONAL INSURED UNDER THE POLICY WITH A RIGHT TO NOTICE OF
31 CANCELLATION;

1 **(VIII) AN APPROPRIATE SHARE OF COSTS FOR THE ELECTRICAL**
2 **CAPACITY UPGRADES IF AN ELECTRICAL CAPACITY UPGRADE IS REQUIRED**
3 **BECAUSE MULTIPLE OWNERS INSTALLED ELECTRIC VEHICLE RECHARGING**
4 **EQUIPMENT; AND**

5 **(IX) IF REQUIRED BY A GOVERNING BODY TO ADDRESS COSTS**
6 **BORNE BY THE HOMEOWNERS ASSOCIATION, A \$1,000 DEPOSIT FOR THE REMOVAL**
7 **OF ELECTRIC VEHICLE RECHARGING EQUIPMENT.**

8 **(G) A LOT OWNER SHALL OBTAIN ANY PERMIT OR APPROVAL REQUIRED FOR**
9 **ELECTRIC VEHICLE RECHARGING EQUIPMENT BY THE COUNTY OR MUNICIPAL**
10 **CORPORATION IN WHICH THE DEVELOPMENT IS LOCATED.**

11 **(H) (1) THE GOVERNING BODY MAY AUTHORIZE THE INSTALLATION OF**
12 **ELECTRIC VEHICLE RECHARGING EQUIPMENT FOR THE EXCLUSIVE USE OF A LOT**
13 **OWNER IN A COMMON AREA THAT IS NOT LIMITED TO THE EXCLUSIVE USE OF THE**
14 **LOT OWNER ONLY IF INSTALLATION IN THE LOT OWNER'S DEEDED PARKING SPACE**
15 **IS IMPOSSIBLE OR UNREASONABLY EXPENSIVE.**

16 **(2) IF THE GOVERNING BODY AUTHORIZES THE INSTALLATION OF**
17 **ELECTRIC VEHICLE RECHARGING EQUIPMENT UNDER THIS SUBSECTION, THE**
18 **GOVERNING BODY SHALL ENTER INTO A LICENSE AGREEMENT WITH THE LOT**
19 **OWNER FOR THE USE OF THE SPACE IN A COMMON AREA, AND THE LOT OWNER**
20 **SHALL COMPLY WITH THE REQUIREMENTS OF SUBSECTION (F) OF THIS SECTION.**

21 **(I) (1) THE GOVERNING BODY MAY INSTALL ELECTRIC VEHICLE**
22 **RECHARGING EQUIPMENT IN THE COMMON AREAS FOR THE USE OF ALL LOT**
23 **OWNERS.**

24 **(2) IF THE GOVERNING BODY INSTALLS ELECTRIC VEHICLE**
25 **RECHARGING EQUIPMENT IN THE COMMON AREAS FOR THE USE OF ALL LOT**
26 **OWNERS, THE GOVERNING BODY SHALL DEVELOP REASONABLE RULES FOR USE OF**
27 **THE ELECTRIC VEHICLE RECHARGING EQUIPMENT.**

28 **(J) A GOVERNING BODY MAY CREATE A NEW PARKING SPACE WHERE ONE**
29 **DID NOT PREVIOUSLY EXIST TO FACILITATE THE INSTALLATION OF ELECTRIC**
30 **VEHICLE RECHARGING EQUIPMENT.**

31 **(K) IF MULTIPLE OWNERS INSTALL ELECTRIC VEHICLE RECHARGING**
32 **EQUIPMENT REQUIRING ELECTRICAL CAPACITY UPGRADES, A GOVERNING BODY**
33 **MAY EVALUATE ENERGY MANAGEMENT COMPONENTS OF ELECTRIC VEHICLE**
34 **CHARGING TECHNOLOGIES PRIOR TO IMPLEMENTATION OF ELECTRICAL CAPACITY**
35 **UPGRADES AND SUBSEQUENT COST RECOVERY FROM OWNERS.**

1 **(L) A GOVERNING BODY THAT WILLFULLY VIOLATES THIS SECTION SHALL**
2 **BE LIABLE TO THE AFFECTED LOT OWNER FOR ACTUAL DAMAGES.**

3 **(M) IN AN ACTION TO ENFORCE COMPLIANCE WITH THIS SECTION, THE**
4 **COURT SHALL AWARD A PREVAILING PARTY REASONABLE ATTORNEY'S FEES.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2019.