



McVitty Forest Condominium Unit Owners Association

Policy Resolution No. 2022 - 1 Electric Vehicle Charging Stations

WHEREAS, the McVitty Forest Condominium Unit Owners Association (the “Association”) is a unit owners’ condominium association organized and operating pursuant to the Virginia Condominium Act (“Act”), the Declaration of McVitty Forest Condominium Unit Owners Association (the “Declaration”), as amended and the Association’s Bylaws, as amended (the “Bylaws”);

WHEREAS, Article IV, Section 2 of the Association’s Bylaws grants the Association’s Board of Directors (the “Board”) the powers “necessary for the administration of the affairs of the Unit Owners Association and may do all such acts and things as are not by the Condominium Act, the Declaration or by these Bylaws, required to be exercised and done by the Unit Owners Association”;

WHEREAS, Section 42-1903.08(a)(9) of the Condominium Act states that the Association may “grant an easement, lease, license, or concession through or over the common elements”;

WHEREAS, Section 42-1903.08(a)(10) of the Condominium Act states that the Association has the “power to impose on and receive from individual unit owners any payment, fee or charge for the use, rental or operation of the common elements or for any service provided to unit owners”;

WHEREAS, with plug-in electric vehicles becoming more readily available to consumers and the demand for electric charging stations increasing, the Board deems it desirable and in the best interest of the community to provide a process for lot owners to maintain an Electric Vehicle Charging Station (“EVCS”), subject to the enclosed Maintenance Covenant Agreement; and

WHEREAS, the Association’s Board desires to preserve the integrity of the Parking Areas and Common Areas and ensure that the installation, ownership, maintenance and removal of Owner’s EVCS equipment and associated apparatus do not create a nuisance or safety concern, and/or impose an unreasonable burden upon the Association.

NOW, THEREFORE, BE IT RESOLVED THAT the Board hereby adopts the following policy as part of the Association's Rules and Regulations, which hereby supersede and replace any and all previous rules and regulations pertaining to the installation of Electric Vehicle Charging Stations:

An individual Unit Owner who desires to install a charging station for a personal electric vehicle in their assigned Limited Common Element parking space must adhere to the following:

The Power Convenience Outlet in each Unit Owners garage storage unit is not to be used for battery charging of an Electric Vehicle. The power contained therein is a Common Element and therefore cannot be used for charging purposes at the Association's expense.

1. **Application; Approval Process.** The Unit Owner shall submit a request to the Board, on his or her own behalf or on the behalf of his or her tenant, requesting the installation of an electric vehicle charging station. The request must include specifications of the type of electric vehicle charging station to be installed. The Board will review the request, and, if approved, the Board will notify the Unit Owner of such approval. As a condition of approving the installation, the Board requires that the Unit Owner:
 - a. Provide detailed plans and drawings for installation of an electric vehicle charging station prepared by a licensed and registered electrical contractor or engineer, who is familiar with the installation and core requirements of an electric vehicle charging station and approved by the Board of Directors.
 - b. Each Unit Owner shall provide a separate source of dedicated power. This source is to be fed from the load side of the Unit Owner's watt-hour meter.
 - c. Comply with applicable building codes or recognized safety standards and ensure that all wires connecting to the power source are enclosed in appropriately sized conduits for the conductor's use.
 - d. Ahead of the convenience outlet some type of automatic circuit disconnect device, sized for the anticipated charging current requirements, must be

provided. The location for the automatic circuit disconnect device can be determined by the Licensed Electrician who is doing the installation.

- e. Comply with reasonable architectural standards adopted by the Association that govern the dimensions, placement, or external appearance of the electric vehicle charging station.
- f. Pay the costs of installation, maintenance, operation, and use of the electric vehicle charging station.
- g. Indemnify and hold the Association harmless from any claim made by a contractor or supplier.
- h. Pay the cost of removal of the electric vehicle charging station and restoration of the area if the unit owner determines there is no longer a need for the electric vehicle charging station.
- i. Separately meter, at the unit owner's sole expense, the utilities associated with such electric vehicle charging station and pay the cost of electricity and other associated utilities or be subject to a monthly assessment by the Association based on estimated electrical usage.
- j. Engage the services of a licensed electrician or engineer familiar with the installation and core requirements of an electric vehicle charging station to install the electric vehicle charging station.
- k. Obtain and maintain insurance covering claims and defenses of claims related to the installation, maintenance, operation, and use of the electric vehicle charging station and provide a certificate of insurance naming 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 station within 14 days after receiving the Association's approval to install such charging station.
- l. Reimburse the Association for any increase in common expenses specifically attributable to the electric vehicle charging station installation,

including the actual cost of any increased insurance premium amount, within 14 days' notice from the Association.

2. **Installation Process.** The installation of the charging station must be performed by a licensed contractor and comply with the building permit and local safety requirements. The Unit Owner accepts responsibility for any damage done to the Common Elements or surrounding Limited Common Elements that occurs during the installation process. The installation is to be scheduled through the Managing Agent.
3. **Indemnification.** The Unit Owner, upon installation of the charging station, shall be responsible for and shall indemnify and hold harmless the Association, the Board, and the Managing Agent and its employees from and against any and all liabilities, claims, damages, losses, costs, fees and expenses associated with the charging station, including but not limited to its design, permitting, equipment, installation, maintenance, operation, repair, replacement, meter billing and removal.
4. **Responsibility for Costs.** All costs, including but not limited to design, permits, equipment, installation, inspection, maintenance, operation, electricity and any required deposits, are the sole responsibility of the Unit Owner. The Association shall not be responsible for any costs associated with the charging station.
5. **Maintenance and Repair Responsibilities.** The charging station and all related components, including but not limited to any meters, junction boxes, cables, conduits and wiring associated with providing electricity to the Unit Owner's assigned Limited Common Element parking space, are the sole responsibility of the Unit Owner to maintain and repair. The Association is not responsible for any maintenance and repair costs associated with the charging station.

Failure to maintain the EVCS equipment in an industry-standard condition may result in the Board revoking the Unit Owner's permission to install the charging station and requiring the Unit Owner to remove the charging station and related

equipment from the premises. All such costs associated with removal of the Electric Vehicle Charging Station will be the sole responsibility of the Unit Owner.

6. **Removal; Transfer Process.** If the Unit Owner sells, or otherwise disposes of, his or her Unit, at the expense of the Unit Owner, the Board, in its discretion, may require that the charging station and all related equipment be removed from the Limited Common Element parking space prior to the sale of the Unit and all affected areas be restored to their original condition, unless the new Owner accepts transfer of all obligations for the charging station.

In the event that the Unit is sold and the new Owner(s) desire(s) to keep the EVCS equipment, the Board must approve such transfer. To complete the transfer process, the new Owner is required to acknowledge and sign a new maintenance covenant agreement no less than five (5) days prior to closing. The former Unit Owner has sole responsibility to disclose to any subsequent Owner the existence of an electric vehicle charging station and the associated responsibilities and obligations.

Resolution effective: May 9, 2022.

**MCVITTY FOREST CONDOMINIUM
UNIT OWNERS ASSOCIATION
RESOLUTION ACTION RECORD**

Resolution Type: Policy No. 2022 - 1

Pertaining to: Electric Vehicle Charging Stations

Duly adopted by the Board of Directors of McVitty Forest Condominium Unit Owners Association on March 17, 2022, by [check applicable]:

☒ majority vote at a Board meeting, or

☐ by unanimous written consent through an action without a meeting.

Motion by: Tony McDaniel Seconded by: John Frank

VOTE:

		YES	NO	ABSTAIN	ABSENT
Candy Springer	, Director	X	_____	_____	_____
Tony McDaniel	, Director	X	_____	_____	_____
Nancy Harms	, Director	X	_____	_____	_____
John Frank	, Director	X	_____	_____	_____
Monika Wood	, Director	_____	_____	_____	X

ATTEST:

Monika Wood
Secretary

May 8, 2022
Date

CERTIFICATE OF MAILING

I hereby certify that on the 9th day of May, 2022, a copy of this Resolution was mailed (by first-class U.S. mail or email) to all Unit Owners as reflected in the Association's books and records.

Christina R. Greene
Managing Agent