

HOUSE BILL 826

N1, M5

9lr1375

By: **Delegate Korman**

Introduced and read first time: February 8, 2019

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Condominiums and Homeowners Associations – Electric Vehicle Recharging**
3 **Equipment**
4 **(Electric Vehicle Recharging Equipment for Multifamily Units Act)**

5 FOR the purpose of providing that certain provisions of a recorded covenant or restriction,
6 a declaration, or the bylaws or rules of a condominium or homeowners association
7 are void and unenforceable; establishing certain requirements and procedures
8 relating to an application to the governing body of a condominium or homeowners
9 association to install or use electric vehicle recharging equipment; requiring certain
10 owners of electric vehicle recharging equipment to be responsible for certain costs
11 and disclosures; requiring a unit owner or lot owner to obtain certain permits or
12 approval required for electric vehicle recharging equipment; requiring the governing
13 body of a condominium or homeowners association to authorize the installation of
14 electric vehicle recharging equipment for the exclusive use of a unit owner or lot
15 owner in certain areas under certain circumstances; requiring the governing body of
16 a condominium or homeowners association to grant a certain easement; requiring a
17 unit owner or lot owner to obtain certain insurance or cover certain costs; authorizing
18 the governing body of a condominium or homeowners association to apply for a
19 certain grant under a certain program; establishing the Electric Vehicle
20 Infrastructure Modernization Grant Program in the Maryland Energy
21 Administration; providing for the purpose of the Program; requiring the
22 Administration to administer the Program; requiring the Administration to provide
23 grants under the Program from the Maryland Strategic Energy Investment Fund;
24 requiring the Administration to adopt certain regulations; altering the purposes of
25 the Maryland Strategic Energy Investment Fund; defining certain terms; and
26 generally relating to electric vehicle recharging equipment in condominiums and
27 homeowners associations.

28 BY adding to
29 Article – Real Property
30 Section 11–111.4, 11B–111.8, and 14–129

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2015 Replacement Volume and 2018 Supplement)

3 BY repealing and reenacting, without amendments,
4 Article – State Government
5 Section 9–20B–05(a)
6 Annotated Code of Maryland
7 (2014 Replacement Volume and 2018 Supplement)

8 BY repealing and reenacting, with amendments,
9 Article – State Government
10 Section 9–20B–05(f)(8) and (9)
11 Annotated Code of Maryland
12 (2014 Replacement Volume and 2018 Supplement)

13 BY adding to
14 Article – State Government
15 Section 9–20B–05(f)(9)
16 Annotated Code of Maryland
17 (2014 Replacement Volume and 2018 Supplement)

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

20 **Article – Real Property**

21 **11–111.4.**

22 **(A) (1) IN THIS SECTION, “ELECTRIC VEHICLE RECHARGING EQUIPMENT”**
23 **MEANS PROPERTY IN THE STATE THAT IS USED FOR RECHARGING MOTOR VEHICLES**
24 **PROPELLED BY ELECTRICITY.**

25 **(B) A RECORDED COVENANT OR RESTRICTION, A PROVISION IN A**
26 **DECLARATION, OR A PROVISION IN THE BYLAWS OR RULES OF A CONDOMINIUM IS**
27 **VOID AND UNENFORCEABLE IF THE COVENANT, RESTRICTION, OR PROVISION:**

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

29 **(2) EFFECTIVELY PROHIBITS OR UNREASONABLY RESTRICTS THE**
30 **INSTALLATION OR USE OF ELECTRIC VEHICLE RECHARGING EQUIPMENT IN A UNIT**
31 **OWNER’S DESIGNATED PARKING SPACE, INCLUDING A DEEDED PARKING SPACE, A**
32 **PARKING SPACE IN AN OWNER’S EXCLUSIVE USE LIMITED COMMON ELEMENT, OR A**
33 **PARKING SPACE THAT IS SPECIFICALLY DESIGNATED FOR USE BY A PARTICULAR**
34 **OWNER.**

1 **(C) (1) IF APPROVAL IS REQUIRED FOR THE INSTALLATION OR USE OF**
2 **ELECTRIC VEHICLE RECHARGING EQUIPMENT IN A CONDOMINIUM, THE GOVERNING**
3 **BODY SHALL PROCESS AND REVIEW AN APPLICATION FOR APPROVAL IN THE SAME**
4 **MANNER AS AN APPLICATION FOR APPROVAL OF AN ARCHITECTURAL**
5 **MODIFICATION TO THE CONDOMINIUM.**

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

8 **(3) IF AN APPLICATION IS NOT DENIED IN WRITING WITHIN 60 DAYS**
9 **AFTER THE GOVERNING BODY RECEIVES THE APPLICATION, THE APPLICATION**
10 **SHALL BE DEEMED APPROVED, UNLESS THE DELAY IS THE RESULT OF A**
11 **REASONABLE REQUEST FOR ADDITIONAL INFORMATION.**

12 **(5) THE APPROVAL OR DENIAL OF AN APPLICATION SHALL BE IN**
13 **WRITING.**

14 **(D) (1) THE GOVERNING BODY SHALL APPROVE THE INSTALLATION OF**
15 **ELECTRIC VEHICLE RECHARGING EQUIPMENT IN A UNIT OWNER'S DESIGNATED**
16 **PARKING SPACE, INCLUDING A DEEDED PARKING SPACE, OR A PARKING SPACE THAT**
17 **IS SPECIFICALLY DESIGNATED FOR USE BY A PARTICULAR OWNER IF:**

18 **(I) INSTALLATION:**

19 **1. DOES NOT UNREASONABLY IMPEDE THE NORMAL USE**
20 **OF AN AREA OUTSIDE OF THE UNIT OWNER'S PARKING SPACE; OR**

21 **2. IS NOT IMPOSSIBLE; AND**

22 **(II) THE UNIT OWNER AGREES IN WRITING TO:**

23 **1. COMPLY WITH THE CONDOMINIUM'S**
24 **ARCHITECTURAL STANDARDS FOR THE INSTALLATION OF THE ELECTRIC VEHICLE**
25 **RECHARGING EQUIPMENT;**

26 **2. ENGAGE A LICENSED CONTRACTOR TO INSTALL THE**
27 **ELECTRIC VEHICLE RECHARGING EQUIPMENT; AND**

28 **3. PAY FOR THE ELECTRICITY USAGE ASSOCIATED WITH**
29 **THE SEPARATELY METERED ELECTRIC VEHICLE RECHARGING EQUIPMENT.**

30 **(2) THE OWNER AND EACH SUCCESSIVE OWNER OF THE ELECTRIC**
31 **VEHICLE RECHARGING EQUIPMENT SHALL BE RESPONSIBLE FOR:**

1 (I) INSTALLATION COSTS FOR THE ELECTRIC VEHICLE
2 RECHARGING EQUIPMENT;

3 (II) COSTS FOR DAMAGE TO THE ELECTRIC VEHICLE
4 RECHARGING EQUIPMENT, COMMON ELEMENT, OR LIMITED COMMON ELEMENT
5 RESULTING FROM THE INSTALLATION, MAINTENANCE, REPAIR, REMOVAL, OR
6 REPLACEMENT OF THE ELECTRIC VEHICLE RECHARGING EQUIPMENT;

7 (III) COSTS FOR THE MAINTENANCE, REPAIR, AND
8 REPLACEMENT OF THE ELECTRIC VEHICLE RECHARGING EQUIPMENT UNTIL IT HAS
9 BEEN REMOVED;

10 (IV) IF THE OWNER DECIDES TO REMOVE THE ELECTRIC
11 VEHICLE RECHARGING EQUIPMENT, COSTS FOR THE REMOVAL AND FOR THE
12 RESTORATION OF THE COMMON ELEMENT OR LIMITED COMMON ELEMENT AFTER
13 REMOVAL; AND

14 (V) THE COST OF ELECTRICITY ASSOCIATED WITH THE
15 ELECTRIC VEHICLE RECHARGING EQUIPMENT.

16 (E) A UNIT OWNER SHALL OBTAIN ANY PERMIT OR APPROVAL FOR
17 ELECTRIC VEHICLE RECHARGING EQUIPMENT THAT IS REQUIRED BY THE COUNTY
18 OR MUNICIPAL CORPORATION IN WHICH THE CONDOMINIUM IS LOCATED.

19 (F) THE GOVERNING BODY SHALL GRANT AN EASEMENT ON ANY COMMON
20 ELEMENT NECESSARY FOR THE INSTALLATION OF EQUIPMENT OR FOR THE SUPPLY
21 OF ELECTRICITY TO ANY ELECTRIC VEHICLE RECHARGING EQUIPMENT.

22 (G) A UNIT OWNER SHALL:

23 (1) PROVIDE A CERTIFICATE OF INSURANCE NAMING THE
24 CONDOMINIUM ASSOCIATION AS AN ADDITIONAL INSURED; OR

25 (2) REIMBURSE THE ASSOCIATION FOR THE COST OF AN INCREASED
26 INSURANCE PREMIUM ATTRIBUTABLE TO THE ELECTRIC VEHICLE RECHARGING
27 EQUIPMENT.

28 (H) THE GOVERNING BODY MAY APPLY FOR A GRANT FROM THE ELECTRIC
29 VEHICLE INFRASTRUCTURE MODERNIZATION GRANT PROGRAM ESTABLISHED
30 UNDER § 14-129 OF THIS ARTICLE TO FACILITATE THE ELECTRICAL UPGRADE OF A
31 PARKING STRUCTURE OWNED BY THE GOVERNING BODY IN ORDER TO ENCOURAGE
32 THE INSTALLATION AND USE OF ELECTRICAL VEHICLE RECHARGING EQUIPMENT BY

1 UNIT OWNERS IN THE CONDOMINIUM.

2 11B-111.8.

3 (A) (1) IN THIS SECTION, "ELECTRIC VEHICLE RECHARGING
4 EQUIPMENT" HAS THE MEANING STATED IN § 11-111.4 OF THIS ARTICLE.

5 (B) 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 DESIGNATED PARKING SPACE, INCLUDING A DEEDED PARKING SPACE, A
13 PARKING SPACE IN AN OWNER'S EXCLUSIVE USE LIMITED COMMON ELEMENT, OR A
14 PARKING SPACE THAT IS SPECIFICALLY DESIGNATED FOR USE BY A PARTICULAR
15 OWNER.

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

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

23 (3) 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 (5) THE APPROVAL OR DENIAL OF AN APPLICATION SHALL BE IN
28 WRITING.

29 (D) (1) THE GOVERNING BODY SHALL APPROVE THE INSTALLATION OF
30 ELECTRIC VEHICLE RECHARGING EQUIPMENT IN A LOT OWNER'S DESIGNATED
31 PARKING SPACE, INCLUDING A DEEDED PARKING SPACE, OR A PARKING SPACE THAT
32 IS SPECIFICALLY DESIGNATED FOR USE BY A PARTICULAR OWNER IF:

(I) INSTALLATION:

1. DOES NOT UNREASONABLY IMPEDE THE NORMAL USE OF AN AREA OUTSIDE OF THE LOT OWNER'S PARKING SPACE; OR

2. IS NOT IMPOSSIBLE; AND

(II) THE LOT OWNER AGREES IN WRITING TO:

1. COMPLY WITH THE DEVELOPMENT'S ARCHITECTURAL STANDARDS FOR THE INSTALLATION OF THE ELECTRIC VEHICLE RECHARGING EQUIPMENT;

2. ENGAGE A LICENSED CONTRACTOR TO INSTALL THE ELECTRIC VEHICLE RECHARGING EQUIPMENT; AND

3. PAY FOR THE ELECTRICITY USAGE ASSOCIATED WITH THE SEPARATELY METERED ELECTRIC VEHICLE RECHARGING EQUIPMENT.

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

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

(II) COSTS FOR DAMAGE TO THE ELECTRIC VEHICLE RECHARGING EQUIPMENT OR COMMON AREA RESULTING FROM THE INSTALLATION, MAINTENANCE, REPAIR, REMOVAL, OR REPLACEMENT OF THE ELECTRIC VEHICLE RECHARGING EQUIPMENT;

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

(IV) IF THE LOT OWNER DECIDES TO REMOVE THE ELECTRIC VEHICLE RECHARGING EQUIPMENT, COSTS FOR THE REMOVAL AND FOR THE RESTORATION OF THE COMMON AREA AFTER REMOVAL; AND

(V) THE COST OF ELECTRICITY ASSOCIATED WITH THE ELECTRIC VEHICLE RECHARGING EQUIPMENT.

(E) A LOT OWNER SHALL OBTAIN ANY PERMIT OR APPROVAL FOR ELECTRIC VEHICLE RECHARGING EQUIPMENT THAT IS REQUIRED BY THE COUNTY OR

1 MUNICIPAL CORPORATION IN WHICH THE DEVELOPMENT IS LOCATED.

2 (F) THE GOVERNING BODY SHALL GRANT AN EASEMENT ON ANY COMMON
3 ELEMENT NECESSARY FOR THE INSTALLATION OF EQUIPMENT OR FOR THE SUPPLY
4 OF ELECTRICITY TO ANY ELECTRIC VEHICLE RECHARGING EQUIPMENT.

5 (G) A LOT OWNER SHALL:

6 (1) PROVIDE A CERTIFICATE OF INSURANCE NAMING THE
7 ASSOCIATION AS AN ADDITIONAL INSURED; OR

8 (2) REIMBURSE THE ASSOCIATION FOR THE COST OF AN INCREASED
9 INSURANCE PREMIUM ATTRIBUTABLE TO THE ELECTRIC VEHICLE RECHARGING
10 EQUIPMENT.

11 (H) THE GOVERNING BODY MAY APPLY FOR A GRANT FROM THE ELECTRIC
12 VEHICLE INFRASTRUCTURE MODERNIZATION GRANT PROGRAM ESTABLISHED
13 UNDER § 14-129 OF THIS ARTICLE TO FACILITATE THE ELECTRICAL UPGRADE OF A
14 PARKING STRUCTURE OWNED BY THE GOVERNING BODY IN ORDER TO ENCOURAGE
15 THE INSTALLATION AND USE OF ELECTRIC VEHICLE RECHARGING EQUIPMENT BY
16 LOT OWNERS IN THE HOMEOWNERS ASSOCIATION.

17 14-129.

18 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
19 INDICATED.

20 (2) "ADMINISTRATION" MEANS THE MARYLAND ENERGY
21 ADMINISTRATION.

22 (3) "FUND" MEANS THE STRATEGIC ENERGY INVESTMENT FUND
23 UNDER § 9-20B-05 OF THE STATE GOVERNMENT ARTICLE.

24 (4) "PROGRAM" MEANS THE ELECTRIC VEHICLE INFRASTRUCTURE
25 MODERNIZATION GRANT PROGRAM.

26 (B) THIS SECTION APPLIES TO:

27 (1) A CONDOMINIUM THAT IS SUBJECT TO TITLE 11 OF THIS ARTICLE;
28 AND

29 (2) A HOMEOWNERS ASSOCIATION THAT IS SUBJECT TO TITLE 11B OF
30 THIS ARTICLE.

1 (C) THERE IS AN ELECTRIC VEHICLE INFRASTRUCTURE MODERNIZATION
2 GRANT PROGRAM IN THE ADMINISTRATION.

3 (D) THE PURPOSE OF THE PROGRAM IS TO FACILITATE THE ELECTRICAL
4 UPGRADE OF A PARKING STRUCTURE OWNED BY THE GOVERNING BODY OF A
5 CONDOMINIUM OR HOMEOWNERS ASSOCIATION IN ORDER TO ENCOURAGE THE
6 INSTALLATION AND USE OF ELECTRIC VEHICLE RECHARGING EQUIPMENT BY UNIT
7 OWNERS IN THE CONDOMINIUM OR LOT OWNERS IN THE HOMEOWNERS
8 ASSOCIATION.

9 (E) (1) THE ADMINISTRATION SHALL ADMINISTER THE PROGRAM.

10 (2) THE ADMINISTRATION SHALL PROVIDE GRANTS UNDER THIS
11 PROGRAM FROM THE FUND.

12 (F) THE GOVERNING BODY OF A CONDOMINIUM OR A HOMEOWNERS
13 ASSOCIATION MAY APPLY FOR A GRANT UNDER THIS SECTION IN ACCORDANCE WITH
14 REGULATIONS ADOPTED BY THE ADMINISTRATION.

15 (G) THE ADMINISTRATION SHALL ADOPT REGULATIONS TO IMPLEMENT
16 THE PROGRAM.

17 Article – State Government

18 9–20B–05.

19 (a) There is a Maryland Strategic Energy Investment Fund.

20 (f) The Administration shall use the Fund:

21 (8) to provide grants to encourage combined heat and power projects at
22 industrial facilities; [and]

23 (9) TO PROVIDE GRANTS UNDER THE ELECTRIC VEHICLE
24 INFRASTRUCTURE MODERNIZATION GRANT PROGRAM UNDER § 14–129 OF THE
25 REAL PROPERTY ARTICLE; AND

26 [(9)] (10) to pay the expenses of the Program.

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