

# HOUSE BILL 826

N1, M5

9lr1375

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By: ~~Delegate Korman~~ Delegates Korman, Barve, Ciliberti, Fraser-Hidalgo, Holmes, Lehman, Love, Parrott, and Stewart

Introduced and read first time: February 8, 2019

Assigned to: Environment and Transportation

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 2019

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## CHAPTER \_\_\_\_\_

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~~ approve the  
14 installation of electric vehicle recharging equipment ~~for the exclusive use of a unit~~  
15 ~~owner or lot owner in certain areas~~ in a certain parking space under certain  
16 circumstances; ~~requiring~~ authorizing the governing body of a condominium or  
17 homeowners association to grant a certain ~~easement~~ license; requiring a unit owner  
18 or lot owner to obtain certain insurance or cover certain costs; authorizing the  
19 governing body of a condominium or homeowners association to apply for a certain  
20 grant under a certain program; establishing the Electric Vehicle Infrastructure  
21 Modernization Grant Program in the Maryland Energy Administration; providing  
22 for the purpose of the Program; requiring the Administration to administer the  
23 Program; requiring the Administration to provide grants under the Program from  
24 the Maryland Strategic Energy Investment Fund; requiring the Administration to

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 adopt certain regulations; altering the purposes of the Maryland Strategic Energy  
2 Investment Fund; defining certain terms; and generally relating to electric vehicle  
3 recharging equipment in condominiums and homeowners associations.

4 BY adding to  
5 Article – Real Property  
6 Section 11–111.4, 11B–111.8, and 14–129  
7 Annotated Code of Maryland  
8 (2015 Replacement Volume and 2018 Supplement)

9 BY repealing and reenacting, without amendments,  
10 Article – State Government  
11 Section 9–20B–05(a)  
12 Annotated Code of Maryland  
13 (2014 Replacement Volume and 2018 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article – State Government  
16 Section 9–20B–05(f)(8) and (9)  
17 Annotated Code of Maryland  
18 (2014 Replacement Volume and 2018 Supplement)

19 BY adding to  
20 Article – State Government  
21 Section 9–20B–05(f)(9)  
22 Annotated Code of Maryland  
23 (2014 Replacement Volume and 2018 Supplement)

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

26 **Article – Real Property**

27 **11–111.4.**

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

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

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

1           **(2) EFFECTIVELY PROHIBITS OR UNREASONABLY RESTRICTS THE**  
2 **INSTALLATION OR USE OF ELECTRIC VEHICLE RECHARGING EQUIPMENT IN A UNIT**  
3 **OWNER'S ~~DESIGNATED PARKING SPACE, INCLUDING A DEEDED PARKING SPACE, A~~**  
4 **~~PARKING SPACE IN AN OWNER'S EXCLUSIVE USE LIMITED COMMON ELEMENT, OR A~~**  
5 **PARKING SPACE THAT IS SPECIFICALLY DESIGNATED FOR USE BY A PARTICULAR**  
6 **OWNER.**

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

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

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

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

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

24           **(I) INSTALLATION:**

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

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

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

29                   **1. COMPLY WITH ~~THE~~:**

30                   **A. ALL RELEVANT BUILDING CODES AND SAFETY**  
31 **STANDARDS; AND**

1                   **B. THE CONDOMINIUM'S ARCHITECTURAL STANDARDS**  
2 **FOR THE INSTALLATION OF THE ELECTRIC VEHICLE RECHARGING EQUIPMENT;**

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

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

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

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

11                   **(II) COSTS FOR DAMAGE TO THE ELECTRIC VEHICLE**  
12 **RECHARGING EQUIPMENT, COMMON ELEMENT, OR LIMITED COMMON ELEMENT**  
13 **RESULTING FROM THE INSTALLATION, MAINTENANCE, REPAIR, REMOVAL, OR**  
14 **REPLACEMENT OF THE ELECTRIC VEHICLE RECHARGING EQUIPMENT;**

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

18                   **(IV) IF THE OWNER DECIDES TO REMOVE THE ELECTRIC**  
19 **VEHICLE RECHARGING EQUIPMENT, COSTS FOR THE REMOVAL AND FOR THE**  
20 **RESTORATION OF THE COMMON ELEMENT OR LIMITED COMMON ELEMENT AFTER**  
21 **REMOVAL; AND**

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

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

27                   **(F) ~~THE~~ NOTWITHSTANDING THE PROVISIONS OF § 11-125 OF THIS TITLE,**  
28 **THE GOVERNING BODY SHALL MAY GRANT AN EASEMENT A 3-YEAR LICENSE,**  
29 **RENEWABLE AT THE DISCRETION OF THE GOVERNING BODY, ON ANY COMMON**  
30 **ELEMENT NECESSARY FOR THE INSTALLATION OF EQUIPMENT OR FOR THE SUPPLY**  
31 **OF ELECTRICITY TO ANY ELECTRIC VEHICLE RECHARGING EQUIPMENT.**

32                   **(G) A UNIT OWNER SHALL:**

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

3           (2) REIMBURSE THE ASSOCIATION FOR THE COST OF AN INCREASED  
4 INSURANCE PREMIUM ATTRIBUTABLE TO THE ELECTRIC VEHICLE RECHARGING  
5 EQUIPMENT.

6           (H) THE GOVERNING BODY MAY APPLY FOR A GRANT FROM THE ELECTRIC  
7 VEHICLE INFRASTRUCTURE MODERNIZATION GRANT PROGRAM ESTABLISHED  
8 UNDER § 14-129 OF THIS ARTICLE TO FACILITATE THE ELECTRICAL UPGRADE OF A  
9 PARKING STRUCTURE OWNED BY THE GOVERNING BODY IN ORDER TO ENCOURAGE  
10 THE INSTALLATION AND USE OF ELECTRICAL VEHICLE RECHARGING EQUIPMENT BY  
11 UNIT OWNERS IN THE CONDOMINIUM.

12 11B-111.8.

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

15           (B) A RECORDED COVENANT OR RESTRICTION, A PROVISION IN A  
16 DECLARATION, OR A PROVISION IN THE BYLAWS OR RULES OF A HOMEOWNERS  
17 ASSOCIATION IS VOID AND UNENFORCEABLE IF THE COVENANT, RESTRICTION, OR  
18 PROVISION:

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

20           (2) EFFECTIVELY PROHIBITS OR UNREASONABLY RESTRICTS THE  
21 INSTALLATION OR USE OF ELECTRIC VEHICLE RECHARGING EQUIPMENT IN A LOT  
22 OWNER'S ~~DESIGNATED PARKING SPACE, INCLUDING A DEEDED PARKING SPACE, A~~  
23 ~~PARKING SPACE IN AN OWNER'S EXCLUSIVE USE LIMITED COMMON ELEMENT, OR A~~  
24 PARKING SPACE THAT IS SPECIFICALLY DESIGNATED FOR USE BY A PARTICULAR  
25 OWNER.

26           (C) (1) IF APPROVAL IS REQUIRED FOR THE INSTALLATION OR USE OF  
27 ELECTRIC VEHICLE RECHARGING EQUIPMENT IN A DEVELOPMENT, 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 A DWELLING.

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

33           (3) IF AN APPLICATION IS NOT DENIED IN WRITING WITHIN 60 DAYS  
34 AFTER THE GOVERNING BODY RECEIVES THE APPLICATION, THE APPLICATION

1 SHALL BE DEEMED APPROVED, UNLESS THE DELAY IS THE RESULT OF A  
2 REASONABLE REQUEST FOR ADDITIONAL INFORMATION.

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

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

9 (I) INSTALLATION:

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

12 2. IS NOT IMPOSSIBLE; AND

13 (II) THE LOT OWNER AGREES IN WRITING TO:

14 1. COMPLY WITH ~~THE~~:

15 A. ALL RELEVANT BUILDING CODES AND SAFETY  
16 STANDARDS; AND

17 B. THE DEVELOPMENT'S ARCHITECTURAL STANDARDS  
18 FOR THE INSTALLATION OF THE ELECTRIC VEHICLE RECHARGING EQUIPMENT;

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

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

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

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

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

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

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

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

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

12 (F) THE GOVERNING BODY ~~SHALL~~ MAY GRANT ~~AN EASEMENT~~ A 3-YEAR  
13 LICENSE, RENEWABLE AT THE DISCRETION OF THE GOVERNING BODY, ON ANY  
14 COMMON ELEMENT NECESSARY FOR THE INSTALLATION OF EQUIPMENT OR FOR  
15 THE SUPPLY OF ELECTRICITY TO ANY ELECTRIC VEHICLE RECHARGING  
16 EQUIPMENT.

17 (G) A LOT OWNER SHALL:

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

20 (2) REIMBURSE THE ASSOCIATION FOR THE COST OF AN INCREASED  
21 INSURANCE PREMIUM ATTRIBUTABLE TO THE ELECTRIC VEHICLE RECHARGING  
22 EQUIPMENT.

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

29 14-129.

30 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
31 INDICATED.





1 (f) The Administration shall use the Fund:

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

4 **(9) TO PROVIDE GRANTS UNDER THE ELECTRIC VEHICLE**  
5 **INFRASTRUCTURE MODERNIZATION GRANT PROGRAM UNDER § 14-129 OF THE**  
6 **REAL PROPERTY ARTICLE; AND**

7 **[(9)] (10)** to pay the expenses of the Program.

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.