

HOUSE BILL 111

N1, M5
HB 826/19 – ENT

01r0695
CF SB 734

By: **Delegates Korman, Barve, Charkoudian, Fraser–Hidalgo, Holmes, Lehman,
~~and Love~~ Love, Cardin, Healey, Jalisi, Ruth, Stein, Stewart, and Terrasa**

Introduced and read first time: January 13, 2020

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 3, 2020

CHAPTER _____

1 AN ACT concerning

2 **Electric Vehicle Recharging Equipment for Multifamily Units Act**

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

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 homeowners association; providing for the amount of an electric vehicle recharging
2 equipment rebate that the governing body of a condominium or homeowners
3 association may receive; making certain provisions of this Act contingent on the
4 failure of certain legislation; making certain provisions of this Act contingent on the
5 taking effect of another Act; defining certain terms; and generally relating to electric
6 vehicle recharging equipment in condominiums and homeowners associations.

7 BY adding to

8 Article – Real Property

9 Section 11–111.4, 11B–111.8, and 14–129

10 Annotated Code of Maryland

11 (2015 Replacement Volume and 2019 Supplement)

12 BY adding to

13 Article – Real Property

14 Section 11–111.4(h) and 11B–111.8(h)

15 Annotated Code of Maryland

16 (2015 Replacement Volume and 2019 Supplement)

17 (As enacted by Section 1 of this Act)

18 BY repealing and reenacting, without amendments,

19 Article – State Government

20 Section 9–2009(a) and (e) and 9–20B–05(a)

21 Annotated Code of Maryland

22 (2014 Replacement Volume and 2019 Supplement)

23 BY repealing and reenacting, with amendments,

24 Article – State Government

25 Section 9–2009(d) and 9–20B–05(f)(10) and (11)

26 Annotated Code of Maryland

27 (2014 Replacement Volume and 2019 Supplement)

28 BY adding to

29 Article – State Government

30 Section 9–20B–05(f)(11)

31 Annotated Code of Maryland

32 (2014 Replacement Volume and 2019 Supplement)

33 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

34 That the Laws of Maryland read as follows:

35 **Article – Real Property**

36 **11–111.4.**

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

2 **1. COMPLY WITH:**

3 **A. ALL RELEVANT BUILDING CODES AND SAFETY**
4 **STANDARDS TO MAINTAIN THE SAFETY OF ALL USERS OF THE COMMON AREA; AND**

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

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

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

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

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

15 **(II) COSTS FOR DAMAGE TO THE ELECTRIC VEHICLE**
16 **RECHARGING EQUIPMENT, COMMON ELEMENT, OR LIMITED COMMON ELEMENT**
17 **RESULTING FROM THE INSTALLATION, MAINTENANCE, REPAIR, REMOVAL, OR**
18 **REPLACEMENT OF THE ELECTRIC VEHICLE RECHARGING EQUIPMENT;**

19 **(III) COSTS FOR THE MAINTENANCE, REPAIR, AND**
20 **REPLACEMENT OF THE ELECTRIC VEHICLE RECHARGING EQUIPMENT UP UNTIL THE**
21 **EQUIPMENT IS REMOVED;**

22 **(IV) IF THE OWNER DECIDES TO REMOVE THE ELECTRIC**
23 **VEHICLE RECHARGING EQUIPMENT, COSTS FOR THE REMOVAL AND FOR THE**
24 **RESTORATION OF THE COMMON ELEMENT OR LIMITED COMMON ELEMENT AFTER**
25 **REMOVAL; AND**

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

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

1 (F) NOTWITHSTANDING THE PROVISIONS OF § 11–125 OF THIS TITLE, THE
2 GOVERNING BODY MAY GRANT A ~~3-YEAR LICENSE~~ LICENSE FOR UP TO 3 YEARS,
3 RENEWABLE AT THE DISCRETION OF THE GOVERNING BODY, ON ANY COMMON
4 ELEMENT NECESSARY FOR THE INSTALLATION OF EQUIPMENT OR FOR THE SUPPLY
5 OF ELECTRICITY TO ANY ELECTRIC VEHICLE RECHARGING EQUIPMENT.

6 (G) A UNIT OWNER SHALL:

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

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

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

18 11B–111.8.

19 (A) IN THIS SECTION, “ELECTRIC VEHICLE RECHARGING EQUIPMENT” HAS
20 THE MEANING STATED IN § 11–111.4 OF THIS ARTICLE.

21 (B) A RECORDED COVENANT OR RESTRICTION, A PROVISION IN A
22 DECLARATION, OR A PROVISION IN THE BYLAWS OR RULES OF A HOMEOWNERS
23 ASSOCIATION IS VOID AND UNENFORCEABLE IF THE COVENANT, RESTRICTION, OR
24 PROVISION:

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

26 (2) EFFECTIVELY PROHIBITS OR UNREASONABLY RESTRICTS THE
27 INSTALLATION OR USE OF ELECTRIC VEHICLE RECHARGING EQUIPMENT IN A LOT
28 OWNER’S DEEDED PARKING SPACE OR A PARKING SPACE THAT IS SPECIFICALLY
29 DESIGNATED FOR USE BY A PARTICULAR OWNER.

30 (C) (1) IF APPROVAL IS REQUIRED FOR THE INSTALLATION OR USE OF
31 ELECTRIC VEHICLE RECHARGING EQUIPMENT IN A DEVELOPMENT, THE GOVERNING
32 BODY SHALL PROCESS AND REVIEW AN APPLICATION FOR APPROVAL IN THE SAME
33 MANNER AS AN APPLICATION FOR APPROVAL OF AN ARCHITECTURAL
34 MODIFICATION TO A DWELLING.

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

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

7 **(4) THE APPROVAL OR DENIAL OF AN APPLICATION SHALL BE IN**
8 **WRITING.**

9 **(D) (1) THE GOVERNING BODY SHALL APPROVE THE INSTALLATION OF**
10 **ELECTRIC VEHICLE RECHARGING EQUIPMENT IN A LOT OWNER'S DEEDED PARKING**
11 **SPACE OR A PARKING SPACE THAT IS SPECIFICALLY DESIGNATED FOR USE BY A**
12 **PARTICULAR OWNER IF:**

13 **(I) INSTALLATION:**

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

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

17 **(II) THE LOT OWNER AGREES IN WRITING TO:**

18 **1. COMPLY WITH:**

19 **A. ALL RELEVANT BUILDING CODES AND SAFETY**
20 **STANDARDS TO MAINTAIN THE SAFETY OF ALL USERS OF THE COMMON AREA; AND**

21 **B. THE DEVELOPMENT'S ARCHITECTURAL STANDARDS**
22 **FOR THE INSTALLATION OF THE ELECTRIC VEHICLE RECHARGING EQUIPMENT;**

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

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

27 **(2) THE LOT OWNER AND EACH SUCCESSIVE OWNER OF THE**
28 **ELECTRIC 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 OR COMMON AREA RESULTING FROM THE INSTALLATION,
5 MAINTENANCE, REPAIR, REMOVAL, OR REPLACEMENT OF THE ELECTRIC VEHICLE
6 RECHARGING EQUIPMENT;

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

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

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

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

18 (F) THE GOVERNING BODY MAY GRANT A ~~3-YEAR-LICENSE~~ LICENSE FOR UP
19 TO 3 YEARS, RENEWABLE AT THE DISCRETION OF THE GOVERNING BODY, ON ANY
20 COMMON ELEMENT NECESSARY FOR THE INSTALLATION OF EQUIPMENT OR FOR
21 THE SUPPLY OF ELECTRICITY TO ANY ELECTRIC VEHICLE RECHARGING
22 EQUIPMENT.

23 (G) A LOT OWNER SHALL:

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

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

29 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
30 as follows:

31 Article – Real Property

32 11-111.4.

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

7 11B-111.8.

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

14 **14-129.**

15 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
16 **INDICATED.**

17 **(2) “ADMINISTRATION” MEANS THE MARYLAND ENERGY**
18 **ADMINISTRATION.**

19 **(3) “FUND” MEANS THE STRATEGIC ENERGY INVESTMENT FUND**
20 **UNDER § 9-20B-05 OF THE STATE GOVERNMENT ARTICLE.**

21 **(4) “PROGRAM” MEANS THE ELECTRIC VEHICLE INFRASTRUCTURE**
22 **MODERNIZATION GRANT PROGRAM.**

23 **(B) THIS SECTION APPLIES TO:**

24 **(1) A CONDOMINIUM THAT IS SUBJECT TO TITLE 11 OF THIS ARTICLE;**
25 **AND**

26 **(2) A HOMEOWNERS ASSOCIATION THAT IS SUBJECT TO TITLE 11B OF**
27 **THIS ARTICLE.**

28 **(C) THERE IS AN ELECTRIC VEHICLE INFRASTRUCTURE MODERNIZATION**
29 **GRANT PROGRAM IN THE ADMINISTRATION.**

30 **(D) THE PURPOSE OF THE PROGRAM IS TO FACILITATE THE ELECTRICAL**
31 **UPGRADE OF A PARKING STRUCTURE OWNED BY THE GOVERNING BODY OF A**
32 **CONDOMINIUM OR HOMEOWNERS ASSOCIATION IN ORDER TO ENCOURAGE THE**

1 INSTALLATION AND USE OF ELECTRIC VEHICLE RECHARGING EQUIPMENT BY UNIT
2 OWNERS IN THE CONDOMINIUM OR LOT OWNERS IN THE HOMEOWNERS
3 ASSOCIATION.

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

5 (2) THE ADMINISTRATION SHALL PROVIDE GRANTS UNDER THIS
6 PROGRAM FROM THE FUND.

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

10 (G) THE ADMINISTRATION SHALL ADOPT REGULATIONS TO IMPLEMENT
11 THE PROGRAM.

12 Article – State Government

13 9–20B–05.

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

15 (f) The Administration shall use the Fund:

16 (10) subject to subsections (f–2) and (f–3) of this section, to invest in
17 pre–apprenticeship, youth apprenticeship, and registered apprenticeship programs to
18 establish career paths in the clean energy industry under § 11–708.1 of the Labor and
19 Employment Article, as follows:

20 (i) \$1,500,000 for grants to pre–apprenticeship jobs training
21 programs under § 11–708.1(c)(2) of the Labor and Employment Article starting in fiscal
22 year 2021 until all amounts are spent; and

23 (ii) \$6,500,000 for grants to youth apprenticeship jobs training
24 programs and registered apprenticeship jobs training programs under § 11–708.1(c)(4) of
25 the Labor and Employment Articles starting in fiscal year 2021 until all amounts are spent;
26 [and]

27 (11) TO PROVIDE GRANTS UNDER THE ELECTRIC VEHICLE
28 INFRASTRUCTURE MODERNIZATION GRANT PROGRAM UNDER § 14–129 OF THE
29 REAL PROPERTY ARTICLE; AND

30 [(11)] (12) to pay the expenses of the Program.

31 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
32 as follows:

1 Article – Real Property

2 11–111.4.

3 (H) THE GOVERNING BODY MAY APPLY FOR AN ELECTRIC VEHICLE
4 RECHARGING EQUIPMENT REBATE UNDER § 9–2009 OF THE STATE GOVERNMENT
5 ARTICLE.

6 11B–111.8.

7 (H) THE GOVERNING BODY MAY APPLY FOR AN ELECTRIC VEHICLE
8 RECHARGING EQUIPMENT REBATE UNDER § 9–2009 OF THE STATE GOVERNMENT
9 ARTICLE.

10 Article – State Government

11 9–2009.

12 (a) (1) In this section the following words have the meanings indicated.

13 (2) “Electric vehicle recharging equipment rebate” means a rebate issued
14 by the Administration under this section for the cost of qualified electric vehicle recharging
15 equipment.

16 (3) “Qualified electric vehicle recharging equipment” means property in the
17 State that is used for recharging motor vehicles propelled by electricity.

18 (4) “Retail service station dealer” has the meaning stated in § 10–101 of
19 the Business Regulation Article.

20 (d) Subject to subsection (e) of this section, the Administration may issue an
21 electric vehicle recharging equipment rebate to:

22 (1) an individual in an amount equal to the lesser of:

23 (i) 40% of the costs of acquiring and installing qualified electric
24 vehicle recharging equipment; or

25 (ii) \$700;

26 (2) except as provided in [item] ITEMS (3) AND (4) of this subsection, a
27 business entity or unit of State or local government in an amount equal to the lesser of:

28 (i) 40% of the costs of acquiring and installing qualified electric
29 vehicle recharging equipment; or

1 (ii) \$4,000; [or]

2 (3) a retail service station dealer in an amount equal to the lesser of:

3 (i) 40% of the costs of acquiring and installing qualified electric
4 vehicle recharging equipment; or

5 (ii) \$5,000; OR

6 (4) A GOVERNING BODY OF A CONDOMINIUM SUBJECT TO THE
7 REQUIREMENTS OF TITLE 11 OF THE REAL PROPERTY ARTICLE OR A GOVERNING
8 BODY OF A HOMEOWNERS ASSOCIATION SUBJECT TO THE REQUIREMENTS OF TITLE
9 11B OF THE REAL PROPERTY ARTICLE IN AN AMOUNT EQUAL TO THE LESSER OF:

10 (I) 40% OF THE COSTS OF ACQUIRING AND INSTALLING
11 QUALIFIED ELECTRIC VEHICLE RECHARGING EQUIPMENT; OR

12 (II) \$5,000.

13 (e) An electric vehicle recharging equipment rebate issued under this section is
14 limited to the acquisition of one recharging system per individual.

15 SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take
16 effect October 1, 2020, contingent on the failure of H.B. 359, H.B. 1223, and S.B. 277 during
17 the 2020 Session of the General Assembly. If H.B. 359, H.B. 1223, or S.B. 277 is enacted,
18 Section 2 of this Act, with no further action required by the General Assembly, shall be null
19 and void.

20 SECTION 5. AND BE IT FURTHER ENACTED, That, if Section 2 of this Act takes
21 effect, Section 3 of this Act, with no further action required by the General Assembly, shall
22 be null and void.

23 SECTION ~~2~~ 6. AND BE IT FURTHER ENACTED, That, subject to Sections 4 and
24 5 of this Act, this Act shall take effect October 1, 2020.