

SENATE BILL 465

N1

4lr1864
CF HB 159

By: **Senator Kelly**

Introduced and read first time: January 22, 2024

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Common Ownership Communities – Electric Vehicle Recharging Equipment**
3 **(Electric Vehicle Recharging Equipment Act of 2024)**

4 FOR the purpose of altering requirements for procedures relating to electric vehicle
5 recharging equipment in a condominium or homeowners association to include
6 equipment for electric bicycles; establishing certain requirements and procedures
7 relating to an application to the governing body of a cooperative housing corporation
8 to install or use electric vehicle recharging equipment; requiring the Department of
9 Housing and Community Development to provide certain information on its common
10 ownership community website; and generally relating to electric vehicle recharging
11 equipment in common ownership communities.

12 BY adding to
13 Article – Corporations and Associations
14 Section 5–6B–23.1
15 Annotated Code of Maryland
16 (2014 Replacement Volume and 2023 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Housing and Community Development
19 Section 2–303
20 Annotated Code of Maryland
21 (2019 Replacement Volume and 2023 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article – Real Property
24 Section 11–111.4(a)
25 Annotated Code of Maryland
26 (2023 Replacement Volume)

27 BY repealing and reenacting, without amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Real Property
2 Section 11B–111.8(a)
3 Annotated Code of Maryland
4 (2023 Replacement Volume)

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

7 **Article – Corporations and Associations**

8 **5–6B–23.1.**

9 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
10 INDICATED.

11 (2) “COMMON ELEMENT” MEANS ANY AREA IN A COOPERATIVE
12 PROJECT IN WHICH MEMBERS HAVE A POSSESSORY INTEREST IN COMMON.

13 (3) “ELECTRIC VEHICLE RECHARGING EQUIPMENT” MEANS
14 PROPERTY IN THE STATE THAT IS USED FOR RECHARGING VEHICLES PROPELLED
15 BY ELECTRICITY, INCLUDING MOTOR VEHICLES AND ELECTRIC BICYCLES.

16 (B) A RECORDED COVENANT OR RESTRICTION, A PROVISION IN A
17 DECLARATION, A PROVISION IN A PROPRIETARY LEASE, OR A PROVISION IN THE
18 BYLAWS OR RULES OF A COOPERATIVE HOUSING CORPORATION IS VOID AND
19 UNENFORCEABLE IF THE COVENANT, RESTRICTION, OR PROVISION:

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

21 (2) EFFECTIVELY PROHIBITS OR UNREASONABLY RESTRICTS THE
22 INSTALLATION OR USE OF ELECTRIC VEHICLE RECHARGING EQUIPMENT IN A
23 MEMBER’S PARKING SPACE OR A PARKING SPACE THAT IS SPECIFICALLY
24 DESIGNATED FOR USE BY A PARTICULAR MEMBER.

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

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

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

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

7 **(D) (1) THE GOVERNING BODY SHALL APPROVE THE INSTALLATION OF**
8 **ELECTRIC VEHICLE RECHARGING EQUIPMENT IN A PARKING SPACE THAT IS**
9 **SPECIFICALLY DESIGNATED FOR USE BY A PARTICULAR MEMBER IF:**

10 **(I) INSTALLATION:**

11 **1. DOES NOT UNREASONABLY IMPEDE THE NORMAL USE**
12 **OF AN AREA OUTSIDE THE MEMBER'S PARKING SPACE; AND**

13 **2. IS REASONABLY POSSIBLE; AND**

14 **(II) THE MEMBER AGREES IN WRITING TO:**

15 **1. COMPLY WITH:**

16 **A. ALL RELEVANT BUILDING CODES AND SAFETY**
17 **STANDARDS TO MAINTAIN THE SAFETY OF ALL MEMBERS WITH A POSSESSORY**
18 **INTEREST IN COMMON; AND**

19 **B. THE COOPERATIVE HOUSING CORPORATION'S**
20 **ARCHITECTURAL STANDARDS FOR THE INSTALLATION OF THE ELECTRIC VEHICLE**
21 **RECHARGING EQUIPMENT;**

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

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

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

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

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

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

8 **(IV) IF THE MEMBER DECIDES TO REMOVE THE ELECTRIC**
9 **VEHICLE RECHARGING EQUIPMENT, COSTS FOR THE REMOVAL AND FOR THE**
10 **RESTORATION OF THE COMMON ELEMENT AFTER REMOVAL; AND**

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

13 **(E) A MEMBER SHALL OBTAIN ANY PERMIT OR APPROVAL FOR ELECTRIC**
14 **VEHICLE RECHARGING EQUIPMENT THAT IS REQUIRED BY THE COUNTY OR**
15 **MUNICIPAL CORPORATION IN WHICH THE COOPERATIVE HOUSING CORPORATION IS**
16 **LOCATED.**

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

21 **(G) A MEMBER SHALL:**

22 **(1) PROVIDE A CERTIFICATE OF INSURANCE NAMING THE**
23 **COOPERATIVE HOUSING CORPORATION AS AN ADDITIONAL INSURED; OR**

24 **(2) REIMBURSE THE COOPERATIVE HOUSING CORPORATION FOR THE**
25 **COST OF AN INCREASED INSURANCE PREMIUM ATTRIBUTABLE TO THE ELECTRIC**
26 **VEHICLE RECHARGING EQUIPMENT.**

27 **Article – Housing and Community Development**

28 2–303.

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

30 (2) “Common ownership community” means:

1 (i) a condominium, as defined in § 11–101 of the Real Property
2 Article;

3 (ii) a cooperative housing corporation, as defined in § 5–6B–01 of the
4 Corporations and Associations Article; or

5 (iii) a homeowners association, as defined in § 11B–101 of the Real
6 Property Article.

7 (3) “Local common ownership community program” means a program
8 operated by a local jurisdiction for the regulation or oversight of common ownership
9 communities.

10 (b) The Department shall establish and maintain a website that provides
11 information [on the current rights and responsibilities of] **FOR** individuals living in a
12 common ownership community.

13 (c) The Department shall make publicly available on the website:

14 (1) a hyperlink to the website of each local common ownership community
15 program in the State; [and]

16 (2) information on statewide legislation enacted in the prior legislative
17 session regarding the rights and responsibilities of individuals living in a common
18 ownership community, including, for each bill that is enacted:

19 (i) the bill title;

20 (ii) the bill and chapter number;

21 (iii) the effective date of the bill; and

22 (iv) a hyperlink to the bill information on the General Assembly
23 website;

24 **(3) (I) A SUMMARY OF THE REQUIREMENTS FOR THE GOVERNING**
25 **BODY OF A COMMON OWNERSHIP COMMUNITY AND FOR AN INDIVIDUAL SEEKING TO**
26 **INSTALL ELECTRIC VEHICLE RECHARGING EQUIPMENT IN A COMMON OWNERSHIP**
27 **COMMUNITY UNDER § 5–6B–23.1 OF THE CORPORATIONS AND ASSOCIATIONS**
28 **ARTICLE AND §§ 11–111.4 AND 11B–111.8 OF THE REAL PROPERTY ARTICLE;**

29 **(II) INFORMATION ON CONTRACTORS AND INSURERS FOR THE**
30 **INSTALLATION OF ELECTRIC VEHICLE RECHARGING EQUIPMENT IN A COMMON**
31 **OWNERSHIP COMMUNITY; AND**

1 **(III) A POINT OF CONTACT IN THE DEPARTMENT TO ASSIST**
2 **INDIVIDUALS WITH QUESTIONS RELATING TO ELECTRIC VEHICLE RECHARGING**
3 **EQUIPMENT IN COMMON OWNERSHIP COMMUNITIES; AND**

4 **(4) INFORMATION ON RESOURCES AVAILABLE TO INDIVIDUALS**
5 **LIVING IN COMMON OWNERSHIP COMMUNITIES TO AID IN DISPUTE RESOLUTION**
6 **BETWEEN THE INDIVIDUAL AND THE COMMON OWNERSHIP COMMUNITY.**

7 (d) The information required under subsection (c)(2) of this section shall be posted
8 on the Department's common ownership community website on or before June 1 each year.

9 **Article – Real Property**

10 11–111.4.

11 (a) In this section, “electric vehicle recharging equipment” means property in the
12 State that is used for recharging [motor] vehicles propelled by electricity, **INCLUDING**
13 **MOTOR VEHICLES AND ELECTRIC BICYCLES.**

14 11B–111.8.

15 (a) In this section, “electric vehicle recharging equipment” has the meaning stated
16 in § 11–111.4 of this article.

17 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect
18 October 1, 2024.