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TO: House of Delegates – Economic Matters Committee

FROM: Real Property Section of the MSBA

RE: HB 405 -- Condominiums and Homeowners Associations - Governing Documents - Electric Vehicle Recharging Equipment

Hearing Date: February 19, 2026

POSITION: Support with Amendments

DATE: February 17, 2026

The Real Property Section of the MSBA **supports with amendments** HB 405 -- Condominiums and Homeowners Associations - Governing Documents - Electric Vehicle Recharging Equipment.

We assume that this bill is intended to allow the governing bodies of condominiums and homeowners associations to authorize the installation of electric vehicle charging equipment in the general common elements of condominiums and common areas of homeowners association. We do not believe that the bill is intended to allow a governing body to authorize installation of EV charging equipment in a space deeded to a unit owner or an exclusive use parking space of an owner (e.g., a parking space that is designated as a limited common element for the exclusive use of a designated condominium unit owner). Section 11-114.4 of the Condominium Act and Section 11B-111.8 of the Homeowners Association Act address rights of individual unit owners to install EV equipment in their deeded or other exclusive use parking spaces.

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To address this issue and conform the language of HB 405 to the statutory definitions under the Condominium Act and the Homeowners Association Act, respectively, we recommend the following changes:

- In subsections 11-111.6 (B) and (D) of HB 405, replace the words “common use or limited common use parking spaces” with “general common element parking spaces”.
- In subsections 11B-111.13 (B) and (D) of HB 405, replace the words “common use or limited common use parking spaces” with “common area parking spaces”.

We do not understand the intent of the following language in subsections 11-111.6 (C) and 11B-111.13 (C) of HB 405: “The installation or authorization of installation of electric vehicle recharging equipment by a governing body shall be subject to the ordinary budget process of the [condominium / homeowners association].”

Thank you for your consideration. Please contact Bill O’Connell at bill.oconnell@fnf.com or 410-992-2324 if you have any questions or need further assistance.