

**WESTWOOD VILLAGE CONDOMINIUM
UNIT OWNERS ASSOCIATION**

REGULATORY / POLICY RESOLUTION NO. 2020 - ____

ELECTRIC VEHICLE CHARGING STATIONS

WHEREAS, Westwood Village Condominium Unit Owners Association was duly created by a Declaration executed on November 16, 1998, which Declaration and attached Bylaws for the self-government of the condominium were subsequently recorded on November 30, 1998 in the land records of the Circuit Court of Fairfax County at Deed Book 10676, Page 1203; and,

WHEREAS, Article III, Section 2 (*Board of Directors - Powers and Duties*) of the Bylaws established that the affairs of the Unit Owners Association would be governed by a Board of Directors, and that said Board of Directors were granted all powers and duties necessary for the administration of the affairs of the Unit Owners Association; and,

WHEREAS, Article XX, Section 2 (*Use Restrictions on Units and Common Elements*) of the Declaration states that the units and common elements shall be occupied and used in accordance with rules and regulations adopted by the Board of Directors; and,

WHEREAS, Article III, Section 2(f) (*Board of Directors - Powers and Duties*) of the Bylaws empowers the Board to “adopt and amend any rules and regulations,” provided that same do not conflict with the *Virginia Condominium Act* or the Westwood Village condominium instruments; and,

WHEREAS, some units in Westwood Village Condominium have one (1) assigned limited common element (“LCE”) parking space, as set forth in the individual deeds to the units; and,

WHEREAS, in the 2020 Session of the General Assembly of Virginia, a bill was passed amending the *Virginia Condominium Act* (“Act”) by adding a new Va. Code § 55.1-1962.1 (*Electric vehicle charging stations permitted*), which section generally allows a unit owner (if not prohibited by the condominium instruments) to install an electric vehicle charging station (“charging station”) within the boundaries of the unit or within boundaries of the limited common element parking space appurtenant to the unit for the unit owner’s personal use; and,

WHEREAS, the aforementioned statute also authorizes a condominium association to

prohibit any unit owner from installing an electric vehicle charging station if installation of the charging station is not technically feasible or reasonably practicable because of safety risks, structural issues or engineering conditions; and

WHEREAS, it is the intent of the Board of Directors by this Resolution to approve, adopt and publish to the membership such reasonable restrictions pertaining to the installation of electric vehicle charging stations in Westwood Village Condominium;

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT the Board of Directors adopts the following regulations, which are enforceable as regulations of the Association, to become effective June 30, 2020.

1. Applicability of Va. Code § 55.1-1962.1 to Westwood Village Condominium.

a. There is no express prohibition in the Westwood Village Condominium instruments (Declaration, Bylaws, plats and plans) regarding electric vehicle charging stations. Unit owners therefore have a statutory right to install electric vehicle charging stations within their units or limited common element ("LCE") parking spaces pursuant to Va. Code § 55.1-1962.1, subject to the reasonable restrictions set forth in this Resolution. Nevertheless, Article VI, Section 7 of the Bylaws establishes prior application and approval requirements and Article III, Section 2(f) pertains to the Board's authority to approve and amend enforceable rules and regulations regarding use of the units and common elements. Article XX, Sections 1.B and 1.D in the Condominium Declaration also pertain. The aforementioned provisions have the effect of recorded restrictive covenants that encumber the titles to all units in the Westwood Village Condominium. Those sections shall be enforced by the Association relative to electric vehicle charging stations.

b. The architectural design of Westwood Village Condominium (low-rise stacked condominium units) unavoidably restricts the applicability of Va. Code § 55.1-1962.1. No Westwood Village unit has a garage in which a charging station could be installed. The vertical boundaries of each unit are the back side of the interior drywall in the unit (*see* Article IV, Section 2, Declaration). Thus, any installation of a charging station within a unit would necessitate extending a charging cable from the interior of the unit to the electric vehicle that is parked in that unit's LCE parking space, thereby stretching the cable across common element of the Condominium. As indicated below, such installations are expressly prohibited.

c. Accordingly, installations of electric vehicle charging stations at Westwood Village shall be restricted only to a prescribed location within the boundaries of LCE parking spaces. If the charging station cannot be powered by a subterranean (buried) cable running from the unit to the charging station, the installation shall be disapproved on the basis that it is not technically feasible or reasonably practicable. As further set forth below, no visible charging or power cables shall be allowed to cross common element of the Condominium at any time.

2. Prior Application and Approval Requirements. Charging stations shall be treated as are other proposed alterations, modifications or improvements to the unit. Article VI, Section 7

of the Bylaws pertains. Unless otherwise indicated herein, any unit owner who wishes to install a charging station within his LCE parking space shall be required to submit a complete application to the Board of Directors for consideration. The application shall include detailed plans and drawings for installation of an electric vehicle charging station prepared by a licensed and registered electrical contractor or engineer familiar with the installation and core requirements of an electric vehicle charging station.

Unless otherwise indicated herein, no charging station shall be installed anywhere within or on the property of Westwood Village Condominium without prior application to and the approval of the Association's Board of Directors.

The unit owner who applies for and is approved to install a charging station shall pay all costs of installation, maintenance, operation and use of the electric vehicle charging station, and costs of the electricity consumed by the charging station. Under no circumstances shall the Association be liable for any costs related to a charging station.

3. Installation of Charging Stations in LCE Parking Spaces.

a. If a unit does not have an LCE parking space that it is referenced in the deed of title to the unit, that unit is ineligible for an electric vehicle charging station. Charging stations shall not be installed in parking spaces that are merely reserved common element. The parking space **must be** LCE that is appurtenant to the unit, the exclusive right to the use of which conveys with the unit by deed.

b. For LCE parking spaces perpendicular to the curb, charging stations must be situated at the front of and centered as to the width of the curb at the front of the parking space (the front of a perpendicular parking space at Westwood Village is the portion of the parking space next to the curb). For parallel LCE parking spaces, charging stations must be centered as to the length of the curb running parallel to the parking space. Under no circumstances shall installation of the charging station disturb or damage the concrete curb or concrete apron adjacent to the curb. The charging station must be installed in the asphalt. Installation of the charging station in any LCE parking space must not result in any part of the vehicle extending beyond the length or width of the parking space.

c. Charging stations must be mounted on free-standing poles not to exceed three feet (3') in height. The pole shall have a device mounted thereto upon which the charging cable shall be coiled when not in use.

d. All charging stations shall be supplied with power from the individual condominium units that have installed the charging stations. Under no circumstances shall any charging station be approved for installation or be permitted to use electricity that is "common" in nature, i.e., that has not been metered through an individual unit metering device.

e. Cables of any kind, whether a charging cable leading from the charging station to the vehicle or a power cable leading from the unit to the charging station, shall not visibly cross or visibly occupy common element. Accordingly, the cable supplying power to the charging

station shall be buried from its point of exit from the unit to the charging station located in the LCE parking space.

f. Installation of charging stations on any common elements (other than within the boundaries of LCE parking spaces) is prohibited and shall not be approved under any circumstances.

g. Under no circumstances shall any charging station installation be approved that will require disturbing or destroying common element concrete, which includes curbs, curb aprons, sidewalks and walkways. Additionally, charging station installation shall not disturb any brickwork walkways or sidewalks. The only asphalt that may be disturbed is the site of the charging station itself, at the front of the parking space.

h. On the basis of the cable restrictions described above, applications submitted by unit owners of second floor units for LCE parking space charging stations shall be closely scrutinized to ensure that the proposed installation fully conceals the power cable as it runs from the unit to the charging station located in the LCE parking space. If such concealment is not practicably possible, the application will be disapproved and shall receive no further consideration.

i. Any common element or LCE that is disturbed or damaged by either installation or removal of a charging station shall be restored to the condition that existed *prior to the installation* of the charging station. Grass and turf disturbed by burying charging station power cables shall be restored, re-seeded and cultivated such that the disturbed area is restored to a condition indistinguishable from the surrounding/nearby grass. Asphalt shall be satisfactorily patched to the same standard – the disturbed area must be restored to a condition indistinguishable from the adjacent/surrounding asphalt. If a charging cable is attached to the exterior common element of a condominium building, all points of attachment must be adequately waterproofed at installation. Upon removal of such a cable, all fasteners must be removed from the building exterior and all points where such fasteners were removed must be adequately and permanently waterproofed and the appearance of same restored to the standard of being indistinguishable from the surrounding exterior surfaces of the building.

4. Maintenance Requirements for Charging Stations. An electric vehicle charging station is personal property of the unit owner who installs same. Unit owners who install charging stations in their LCE parking spaces, or unit owners whose LCE parking spaces have charging stations which were installed by predecessors in title, are responsible for the following tasks and all associated costs.

a. Install, repair, maintain, replace, relocate or remove the charging station.

b. Repair external and visible damage to dwelling caused by installation or removal of the charging station.

c. Unit owners shall not permit their stations to fall into disrepair or to become a safety hazard. Unit owners shall be responsible for charging station maintenance, repair and

replacement and the correction/abatement of any safety hazard.

d. Unit owners shall be responsible for charging station re-painting or replacement if the exterior surface of the station deteriorates in condition or appearance.

5. Safety.

a. Charging stations shall be installed and secured in a manner that complies with all applicable Fairfax County and Commonwealth laws and regulations, and manufacturer's instructions. If any governmental permit is required for the installation of a charging station, the applicant unit owner shall include the permit with his application for the charging station. Installation must comply with all relevant building codes and recognized safety standards.

b. Charging stations shall not obstruct access to or exit from any dwelling, walkway, ingress or egress from an area, electrical service equipment, or any other areas relevant to the provision of utility services to the neighboring units. The purpose of this requirement is to ensure the safety of Association residents and personnel and to further ensure safe and easy access to each neighboring unit's utilities and physical structures.

c. Installation must consider aesthetic considerations and minimize the visual impact of the charging station to the exterior appearance and structure of Westwood Village Condominium and to the unit owner's dwelling.

6. Charging Station Removal. If his/her charging station is removed for any reason, the Owner of the unit to which the LCE parking space is appurtenant at the time of removal is responsible for all costs of removal, including costs to fully and completely restore the property to the condition that existed prior to the installation of their charging station.

7. Indemnification of Association. Each unit owner who submits an application for a charging station installation must include with the application the indemnification form attached hereto as Exhibit 1. Any charging station application that does not include Exhibit 1 executed by the unit owner(s) shall be disapproved as incomplete.

8. Insurance Requirement. Each unit owner who submits an application for a charging station installation must include with the application the statement of insurance form attached hereto as Exhibit 2. Any charging station application that does not include a fully completed Exhibit 2 executed by the unit owner(s) shall be disapproved as incomplete.

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WESTWOOD VILLAGE CONDOMINIUM UNIT OWNERS ASSOCIATION

(Exhibit 1)

Indemnification Statement of Unit Owner Applying To Install an Electric Vehicle Charging Station

(Must be included with any application to install an EV charging station)

Name(s) of Applicant Unit Owner(s): _____

Address: _____

Upon receiving approval by the Board of Directors of the Westwood Village Condominium Unit Owners Association of my/our Application for the installation of an electric vehicle charging station in my/our LCE parking space, I/we understand, acknowledge and agree that by proceeding with the installation, I/we covenant and agree for ourselves and our heirs, successors, and assigns that I/we shall indemnify and hold harmless the Westwood Village Condominium Unit Owners Association, its Board of Directors, committee members, Association members, employees, management personnel and attorneys from any and all claims, demands, actions, causes of action, suits, liens, debts, obligations, damages, liabilities, and judgments of any kind, nature, or amount, whether in tort, contract, or otherwise, whether in law or equity, whether known or unknown, anticipated or unanticipated, liquidated or unliquidated, including any and all claimed or unclaimed compensatory damages, consequential damages, incidental damages, punitive and exemplary damages, interest costs, expenses and fees (including reasonable attorney's fees), and also including damages to third persons or their property or damage to the Association's common area or to other units in the Westwood Village Condominium, all or any of which may arise out of, relate to, result from, or are in any way connected with the electric vehicle charging station that is the subject of this Application.

I/we understand and agree that in the event that there is any increase in common expenses to the Association that is attributable to my/our charging station, that I/we are responsible and liable to reimburse the Association for any such increase, including any increase in the actual cost any insurance premium amount. I/we understand and agree that such reimbursement to the Association shall be paid within fourteen (14) days notice from the Association of the increase.

Date: _____

Signature of Unit Owner

Printed Name of Unit Owner: _____

Signature of Unit Owner

Printed Name of Unit Owner: _____

**WESTWOOD VILLAGE CONDOMINIUM
UNIT OWNERS ASSOCIATION**

(Exhibit 2)

**Insurance Statement of Unit Owner Applying
To Install an Electric Vehicle Charging Station**

(Must be included with any application to install an EV charging station)

Name of Applicant Unit Owner(s): _____

Address: _____

In submitting this Application to install an electric vehicle charging station in my/our unit in the Westwood Village Condominium, I/we hereby swear or attest to the truthfulness of the following statements:

1. I/we are currently carrying homeowner's insurance on our unit at the above-cited address.
2. The name of my/our homeowner's insurance carrier is: _____.
3. The policy number of my/our homeowner's insurance policy is: _____.
4. I have consulted with an insurance professional or my insurance agent and have been informed that my homeowner's policy will cover any claims or defenses of claims related to the installation, maintenance, operation or use of the electric vehicle charging station in my LCE parking space.
5. Name, company and position of insurance professional consulted: _____

6. I/we understand and agree that in the event this application is approved, that within fourteen (14) days of the approval I/we will provide the Association with a certificate of insurance naming the Association as an additional insured on my/our insurance policy for any claim related to the installation, maintenance, operation or use of the electric vehicle charging station

Signature of Unit Owner
Printed Name of Unit Owner: _____

Date: _____

Signature of Unit Owner
Printed Name of Unit Owner: _____