

# HOUSE BILL 602

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HB 699/17 – ENV

8lr1195

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By: **Delegates Lam, Ebersole, Frush, Hill, C. Howard, Jalisi, Korman, Krimm, McIntosh, Morhaim, Proctor, Reznik, Tarlau, M. Washington, and K. Young**  
Introduced and read first time: January 29, 2018  
Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Installation and Use of Electric Vehicle Recharging Equipment**

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 or lot owner to obtain certain permits or approval  
10 required for electric vehicle recharging equipment; requiring the governing body of  
11 a condominium or homeowners association to authorize the installation of electric  
12 vehicle recharging equipment for the exclusive use of a unit or lot owner in certain  
13 areas under certain circumstances; authorizing the governing body of a  
14 condominium or homeowners association to install electric vehicle recharging  
15 equipment in certain areas and to develop reasonable rules for use of the equipment;  
16 authorizing the governing body of a condominium or homeowners association to  
17 create new parking spaces under certain circumstances; providing that a governing  
18 body that willfully violates this Act shall be liable to a certain owner for certain  
19 damages and attorney's fees, under certain circumstances; establishing a certain  
20 State policy; providing for the application of certain provisions of this Act; defining  
21 certain terms; and generally relating to the installation and use of electric vehicle  
22 recharging equipment in certain condominiums and developments.

23 BY adding to

24 Article – Real Property  
25 Section 11–111.4 and 11B–111.7  
26 Annotated Code of Maryland  
27 (2015 Replacement Volume and 2017 Supplement)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 That the Laws of Maryland read as follows:

2 **Article – Real Property**

3 **11-111.4.**

4 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
5 **INDICATED.**

6 **(2) “ELECTRIC VEHICLE RECHARGING EQUIPMENT” MEANS**  
7 **PROPERTY IN THE STATE THAT IS USED FOR RECHARGING MOTOR VEHICLES**  
8 **PROPELLED BY ELECTRICITY.**

9 **(3) “REASONABLE RESTRICTIONS” MEANS RESTRICTIONS THAT DO**  
10 **NOT SIGNIFICANTLY INCREASE THE COST OF ELECTRIC VEHICLE RECHARGING**  
11 **EQUIPMENT OR SIGNIFICANTLY DECREASE THE EFFICIENCY OR SPECIFIED**  
12 **PERFORMANCE OF THE ELECTRIC VEHICLE RECHARGING EQUIPMENT.**

13 **(B) IT IS THE POLICY OF THE STATE TO PROMOTE, ENCOURAGE, AND**  
14 **REMOVE OBSTACLES TO THE USE OF ELECTRIC VEHICLE RECHARGING EQUIPMENT.**

15 **(C) THIS SECTION DOES NOT APPLY TO PROVISIONS THAT IMPOSE**  
16 **REASONABLE RESTRICTIONS ON ELECTRIC VEHICLE RECHARGING EQUIPMENT.**

17 **(D) A RECORDED COVENANT OR RESTRICTION, A PROVISION IN A**  
18 **DECLARATION, OR A PROVISION IN THE BYLAWS OR RULES OF A CONDOMINIUM IS**  
19 **VOID AND 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 UNIT**  
23 **OWNER’S DESIGNATED PARKING SPACE, INCLUDING A DEEDED PARKING SPACE, A**  
24 **PARKING SPACE IN AN OWNER’S EXCLUSIVE USE LIMITED COMMON ELEMENT, OR A**  
25 **PARKING SPACE THAT IS SPECIFICALLY DESIGNATED FOR USE BY A PARTICULAR**  
26 **OWNER.**

27 **(E) (1) IF APPROVAL IS REQUIRED FOR THE INSTALLATION OR USE OF**  
28 **ELECTRIC VEHICLE RECHARGING EQUIPMENT IN A CONDOMINIUM, THE GOVERNING**  
29 **BODY SHALL PROCESS AND REVIEW AN APPLICATION FOR APPROVAL IN THE SAME**  
30 **MANNER AS AN APPLICATION FOR APPROVAL OF AN ARCHITECTURAL**  
31 **MODIFICATION TO THE CONDOMINIUM.**

32 **(2) THE GOVERNING BODY MAY NOT WILLFULLY AVOID OR DELAY**

1 PROCESSING AND REVIEWING AN APPLICATION FOR APPROVAL.

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

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

8 (F) (1) (I) A UNIT OWNER MAY NOT INSTALL ELECTRIC VEHICLE  
9 RECHARGING EQUIPMENT IN A COMMON ELEMENT OR LIMITED COMMON ELEMENT  
10 WITHOUT PRIOR APPROVAL FROM THE GOVERNING BODY.

11 (II) THE GOVERNING BODY SHALL APPROVE THE INSTALLATION  
12 IF THE UNIT OWNER AGREES IN WRITING TO:

13 1. COMPLY WITH THE CONDOMINIUM'S  
14 ARCHITECTURAL STANDARDS FOR THE INSTALLATION OF THE ELECTRIC VEHICLE  
15 RECHARGING EQUIPMENT;

16 2. ENGAGE A LICENSED CONTRACTOR TO INSTALL THE  
17 ELECTRIC VEHICLE RECHARGING EQUIPMENT; AND

18 3. PAY FOR THE ELECTRICITY USAGE ASSOCIATED WITH  
19 THE SEPARATELY METERED ELECTRIC VEHICLE RECHARGING EQUIPMENT.

20 (2) THE OWNER AND EACH SUCCESSIVE OWNER OF THE ELECTRIC  
21 VEHICLE RECHARGING EQUIPMENT SHALL BE RESPONSIBLE FOR:

22 (I) INSTALLATION COSTS FOR THE ELECTRIC VEHICLE  
23 RECHARGING EQUIPMENT;

24 (II) COSTS FOR DAMAGE TO THE ELECTRIC VEHICLE  
25 RECHARGING EQUIPMENT, COMMON ELEMENT, OR LIMITED COMMON ELEMENT  
26 RESULTING FROM THE INSTALLATION, MAINTENANCE, REPAIR, REMOVAL, OR  
27 REPLACEMENT OF THE ELECTRIC VEHICLE RECHARGING EQUIPMENT;

28 (III) COSTS FOR THE MAINTENANCE, REPAIR, AND  
29 REPLACEMENT OF THE ELECTRIC VEHICLE RECHARGING EQUIPMENT UNTIL IT HAS  
30 BEEN REMOVED;

31 (IV) IF THE OWNER DECIDES TO REMOVE THE ELECTRIC

1 VEHICLE RECHARGING EQUIPMENT, COSTS FOR THE REMOVAL AND FOR THE  
2 RESTORATION OF THE COMMON ELEMENT OR LIMITED COMMON ELEMENT AFTER  
3 REMOVAL;

4 (V) THE COST OF ELECTRICITY ASSOCIATED WITH THE  
5 ELECTRIC VEHICLE RECHARGING EQUIPMENT; AND

6 (VI) DISCLOSING TO PROSPECTIVE BUYERS THE EXISTENCE OF  
7 ANY ELECTRIC VEHICLE RECHARGING EQUIPMENT OF THE OWNER AND THE  
8 RESPONSIBILITIES OF THE OWNER UNDER THIS SECTION.

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

12 (H) (1) THE GOVERNING BODY MAY AUTHORIZE THE INSTALLATION OF  
13 ELECTRIC VEHICLE RECHARGING EQUIPMENT FOR THE EXCLUSIVE USE OF A UNIT  
14 OWNER IN A COMMON ELEMENT THAT IS NOT A LIMITED COMMON ELEMENT FOR THE  
15 EXCLUSIVE USE OF THE UNIT OWNER ONLY IF INSTALLATION IN THE UNIT OWNER'S  
16 DESIGNATED PARKING SPACE IS IMPOSSIBLE OR UNREASONABLY EXPENSIVE.

17 (2) IF THE GOVERNING BODY AUTHORIZES THE INSTALLATION OF  
18 ELECTRIC VEHICLE RECHARGING EQUIPMENT UNDER THIS SUBSECTION:

19 (I) THE GOVERNING BODY SHALL ENTER INTO A LICENSE  
20 AGREEMENT WITH THE UNIT OWNER FOR THE USE OF THE SPACE IN A COMMON  
21 ELEMENT; AND

22 (II) THE UNIT OWNER SHALL COMPLY WITH THE  
23 REQUIREMENTS OF SUBSECTION (F) OF THIS SECTION.

24 (I) (1) THE GOVERNING BODY MAY INSTALL ELECTRIC VEHICLE  
25 RECHARGING EQUIPMENT IN THE COMMON ELEMENTS FOR THE USE OF ALL UNIT  
26 OWNERS.

27 (2) IF THE GOVERNING BODY INSTALLS ELECTRIC VEHICLE  
28 RECHARGING EQUIPMENT IN THE COMMON ELEMENTS FOR THE USE OF ALL UNIT  
29 OWNERS, THE GOVERNING BODY SHALL DEVELOP REASONABLE RULES FOR USE OF  
30 THE ELECTRIC VEHICLE RECHARGING EQUIPMENT.

31 (J) A GOVERNING BODY MAY CREATE A NEW PARKING SPACE WHERE ONE  
32 DID NOT PREVIOUSLY EXIST TO FACILITATE THE INSTALLATION OF ELECTRIC  
33 VEHICLE RECHARGING EQUIPMENT.

1           **(K) A GOVERNING BODY THAT WILLFULLY VIOLATES THIS SECTION SHALL**  
2 **BE LIABLE TO THE AFFECTED UNIT OWNER FOR:**

3                   **(1) ACTUAL DAMAGES; AND**

4                   **(2) PUNITIVE DAMAGES NOT EXCEEDING \$1,000.**

5           **(L) IN ANY ACTION TO ENFORCE COMPLIANCE WITH THIS SECTION, THE**  
6 **COURT SHALL AWARD THE PREVAILING PLAINTIFF REASONABLE ATTORNEY’S FEES.**

7 **11B–111.7.**

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

10                   **(2) “ELECTRIC VEHICLE RECHARGING EQUIPMENT” MEANS**  
11 **PROPERTY IN THE STATE THAT IS USED FOR RECHARGING MOTOR VEHICLES**  
12 **PROPELLED BY ELECTRICITY.**

13                   **(3) “REASONABLE RESTRICTIONS” MEANS RESTRICTIONS THAT DO**  
14 **NOT SIGNIFICANTLY INCREASE THE COST OF ELECTRIC VEHICLE RECHARGING**  
15 **EQUIPMENT OR SIGNIFICANTLY DECREASE THE EFFICIENCY OR SPECIFIED**  
16 **PERFORMANCE OF THE ELECTRIC VEHICLE RECHARGING EQUIPMENT.**

17           **(B) IT IS THE POLICY OF THE STATE TO PROMOTE, ENCOURAGE, AND**  
18 **REMOVE OBSTACLES TO THE USE OF ELECTRIC VEHICLE RECHARGING EQUIPMENT.**

19           **(C) THIS SECTION DOES NOT APPLY TO PROVISIONS THAT IMPOSE**  
20 **REASONABLE RESTRICTIONS ON ELECTRIC VEHICLE RECHARGING EQUIPMENT.**

21           **(D) 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 DESIGNATED PARKING SPACE, INCLUDING A DEEDED PARKING SPACE, A**  
29 **PARKING SPACE IN AN OWNER’S EXCLUSIVE USE COMMON AREA, OR A PARKING**  
30 **SPACE THAT IS SPECIFICALLY DESIGNATED FOR USE BY A PARTICULAR OWNER.**

1           **(E) (1) IF APPROVAL IS REQUIRED FOR THE INSTALLATION OR USE OF**  
2 **ELECTRIC VEHICLE RECHARGING EQUIPMENT IN A DEVELOPMENT, THE GOVERNING**  
3 **BODY SHALL PROCESS AND REVIEW AN APPLICATION FOR APPROVAL IN THE SAME**  
4 **MANNER AS AN APPLICATION FOR APPROVAL OF AN ARCHITECTURAL**  
5 **MODIFICATION TO A DWELLING LOCATED ON A LOT IN THE DEVELOPMENT.**

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

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

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

14           **(F) (1) (I) A LOT OWNER MAY NOT INSTALL ELECTRIC VEHICLE**  
15 **RECHARGING EQUIPMENT IN A COMMON AREA WITHOUT PRIOR APPROVAL FROM**  
16 **THE GOVERNING BODY.**

17                           **(II) THE GOVERNING BODY SHALL APPROVE THE INSTALLATION**  
18 **IF THE LOT OWNER AGREES IN WRITING TO:**

19                                   **1. COMPLY WITH THE HOMEOWNERS ASSOCIATION'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;**

30                           **(II) COSTS FOR DAMAGE TO THE ELECTRIC VEHICLE**  
31 **RECHARGING EQUIPMENT OR COMMON AREA RESULTING FROM THE INSTALLATION,**

1 MAINTENANCE, REPAIR, REMOVAL, OR REPLACEMENT OF THE ELECTRIC VEHICLE  
2 RECHARGING EQUIPMENT;

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

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

9 (V) THE COST OF ELECTRICITY ASSOCIATED WITH THE  
10 ELECTRIC VEHICLE RECHARGING EQUIPMENT; AND

11 (VI) DISCLOSING TO PROSPECTIVE BUYERS THE EXISTENCE OF  
12 ANY ELECTRIC VEHICLE RECHARGING EQUIPMENT OF THE OWNER AND THE  
13 RESPONSIBILITIES OF THE OWNER UNDER THIS SECTION.

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

17 (H) (1) THE GOVERNING BODY MAY AUTHORIZE THE INSTALLATION OF  
18 ELECTRIC VEHICLE RECHARGING EQUIPMENT FOR THE EXCLUSIVE USE OF A LOT  
19 OWNER IN A COMMON AREA THAT IS NOT LIMITED TO THE EXCLUSIVE USE OF THE  
20 LOT OWNER ONLY IF INSTALLATION IN THE LOT OWNER'S DESIGNATED PARKING  
21 SPACE IS IMPOSSIBLE OR UNREASONABLY EXPENSIVE.

22 (2) IF THE GOVERNING BODY AUTHORIZES THE INSTALLATION OF  
23 ELECTRIC VEHICLE RECHARGING EQUIPMENT UNDER THIS SUBSECTION, THE  
24 GOVERNING BODY SHALL ENTER INTO A LICENSE AGREEMENT WITH THE LOT  
25 OWNER FOR THE USE OF THE SPACE IN A COMMON AREA, AND THE LOT OWNER  
26 SHALL COMPLY WITH THE REQUIREMENTS OF SUBSECTION (F) OF THIS SECTION.

27 (I) (1) THE GOVERNING BODY MAY INSTALL ELECTRIC VEHICLE  
28 RECHARGING EQUIPMENT IN THE COMMON AREAS FOR THE USE OF ALL LOT  
29 OWNERS.

30 (2) IF THE GOVERNING BODY INSTALLS ELECTRIC VEHICLE  
31 RECHARGING EQUIPMENT IN THE COMMON AREAS FOR THE USE OF ALL LOT  
32 OWNERS, THE GOVERNING BODY SHALL DEVELOP REASONABLE RULES FOR USE OF  
33 THE ELECTRIC VEHICLE RECHARGING EQUIPMENT.

1           **(J) A GOVERNING BODY MAY CREATE A NEW PARKING SPACE WHERE ONE**  
2 **DID NOT PREVIOUSLY EXIST TO FACILITATE THE INSTALLATION OF ELECTRIC**  
3 **VEHICLE RECHARGING EQUIPMENT.**

4           **(K) A GOVERNING BODY THAT WILLFULLY VIOLATES THIS SECTION SHALL**  
5 **BE LIABLE TO THE AFFECTED LOT OWNER FOR:**

6                   **(1) ACTUAL DAMAGES; AND**

7                   **(2) PUNITIVE DAMAGES NOT EXCEEDING \$1,000.**

8           **(L) IN AN ACTION TO ENFORCE COMPLIANCE WITH THIS SECTION, THE**  
9 **COURT SHALL AWARD A PREVAILING PLAINTIFF REASONABLE ATTORNEY'S FEES.**

10           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 2018.