

SENATE BILL 465

N1

4r1864
CF HB 159

By: **Senator Kelly**

Introduced and read first time: January 22, 2024

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 22, 2024

CHAPTER _____

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 certain 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,

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 Article – Real Property
2 Section 11–111.4(a) and (g) and 11B–111.8(g)
3 Annotated Code of Maryland
4 (2023 Replacement Volume)

5 BY repealing and reenacting, without amendments,
6 Article – Real Property
7 Section 11B–111.8(a)
8 Annotated Code of Maryland
9 (2023 Replacement Volume)

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

12 **Article – Corporations and Associations**

13 **5–6B–23.1.**

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

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

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

21 (B) A RECORDED COVENANT OR RESTRICTION, A PROVISION IN A
22 DECLARATION, A PROVISION IN A PROPRIETARY LEASE, OR A PROVISION IN THE
23 BYLAWS OR RULES OF A COOPERATIVE HOUSING CORPORATION IS VOID AND
24 UNENFORCEABLE IF THE COVENANT, RESTRICTION, OR 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
28 MEMBER’S PARKING SPACE OR A PARKING SPACE THAT IS SPECIFICALLY
29 DESIGNATED FOR USE BY A PARTICULAR MEMBER.

30 (C) (1) IF APPROVAL IS REQUIRED FOR THE INSTALLATION OR USE OF
31 ELECTRIC VEHICLE RECHARGING EQUIPMENT IN A COOPERATIVE HOUSING
32 CORPORATION, THE GOVERNING BODY SHALL PROCESS AND REVIEW AN
33 APPLICATION FOR APPROVAL IN THE SAME MANNER AS AN APPLICATION FOR

1 APPROVAL OF AN ARCHITECTURAL MODIFICATION TO THE COOPERATIVE HOUSING
2 CORPORATION.

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

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

9 (4) THE APPROVAL OR DENIAL OF AN APPLICATION SHALL BE IN
10 WRITING.

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

14 (I) INSTALLATION:

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

17 2. IS REASONABLY POSSIBLE; AND

18 (II) THE MEMBER AGREES IN WRITING TO:

19 1. COMPLY WITH:

20 A. ALL RELEVANT BUILDING CODES AND SAFETY
21 STANDARDS TO MAINTAIN THE SAFETY OF ALL MEMBERS WITH A POSSESSORY
22 INTEREST IN COMMON; AND

23 B. THE COOPERATIVE HOUSING CORPORATION'S
24 ARCHITECTURAL STANDARDS FOR THE INSTALLATION OF THE ELECTRIC VEHICLE
25 RECHARGING EQUIPMENT;

26 2. ENGAGE A LICENSED CONTRACTOR TO INSTALL THE
27 ELECTRIC VEHICLE RECHARGING EQUIPMENT; AND

28 3. PAY FOR THE ELECTRICITY USAGE ASSOCIATED WITH
29 THE SEPARATELY METERED ELECTRIC VEHICLE RECHARGING EQUIPMENT.

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

3 **(I) INSTALLATION COSTS FOR THE ELECTRIC VEHICLE**
4 **RECHARGING EQUIPMENT;**

5 **(II) COSTS FOR DAMAGE TO THE ELECTRIC VEHICLE**
6 **RECHARGING EQUIPMENT OR COMMON ELEMENT RESULTING FROM THE**
7 **INSTALLATION, MAINTENANCE, REPAIR, REMOVAL, OR REPLACEMENT OF THE**
8 **ELECTRIC VEHICLE RECHARGING EQUIPMENT;**

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

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

15 **(V) THE COST OF ELECTRICITY ASSOCIATED WITH THE**
16 **ELECTRIC VEHICLE RECHARGING EQUIPMENT.**

17 **(E) A MEMBER SHALL OBTAIN ANY PERMIT OR APPROVAL FOR ELECTRIC**
18 **VEHICLE RECHARGING EQUIPMENT THAT IS REQUIRED BY THE COUNTY OR**
19 **MUNICIPAL CORPORATION IN WHICH THE COOPERATIVE HOUSING CORPORATION IS**
20 **LOCATED.**

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

25 **(G) (1) A MEMBER SHALL:**

26 **~~(1)~~ (I) PROVIDE PRIOR TO INSTALLATION OF THE ELECTRIC**
27 **VEHICLE RECHARGING EQUIPMENT, PROVIDE A CERTIFICATE OF INSURANCE**
28 **NAMING THE COOPERATIVE HOUSING CORPORATION AS AN ADDITIONAL INSURED;**
29 **OR**

30 **~~(2)~~ (II) REIMBURSE THE COOPERATIVE HOUSING CORPORATION**
31 **FOR THE COST OF AN INCREASED INSURANCE PREMIUM ATTRIBUTABLE TO THE**
32 **ELECTRIC VEHICLE RECHARGING EQUIPMENT.**

1 **(2) INSURANCE COVERAGE OF THE ELECTRIC VEHICLE RECHARGING**
2 **EQUIPMENT SHALL BE MAINTAINED SO LONG AS THE ELECTRIC VEHICLE**
3 **RECHARGING EQUIPMENT AND ALL APPURTENANCES TO THE ELECTRIC VEHICLE**
4 **RECHARGING EQUIPMENT ARE INSTALLED.**

5 **Article – Housing and Community Development**

6 2–303.

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

8 (2) “Common ownership community” means:

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

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

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

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

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

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

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

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

27 (i) the bill title;

28 (ii) the bill and chapter number;

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

1 (iv) a hyperlink to the bill information on the General Assembly
2 website;

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

8 (II) INFORMATION ON CONTRACTORS, INCLUDING SPECIFIC
9 INFORMATION ON CONTRACTORS CERTIFIED THROUGH LABOR-MANAGEMENT
10 TRAINING PROGRAMS, AND INSURERS FOR THE INSTALLATION OF ELECTRIC
11 VEHICLE RECHARGING EQUIPMENT IN A COMMON OWNERSHIP COMMUNITY; AND

12 (III) A POINT OF CONTACT IN THE DEPARTMENT TO ASSIST
13 INDIVIDUALS WITH QUESTIONS RELATING TO ELECTRIC VEHICLE RECHARGING
14 EQUIPMENT IN COMMON OWNERSHIP COMMUNITIES; AND

15 (4) INFORMATION ON RESOURCES AVAILABLE TO INDIVIDUALS
16 LIVING IN COMMON OWNERSHIP COMMUNITIES TO AID IN DISPUTE RESOLUTION
17 BETWEEN THE INDIVIDUAL AND THE COMMON OWNERSHIP COMMUNITY.

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

20 Article – Real Property

21 11-111.4.

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

25 (g) (1) A unit owner shall:

26 [(1)] (I) [Provide] PRIOR TO THE INSTALLATION OF THE ELECTRIC
27 VEHICLE RECHARGING EQUIPMENT, PROVIDE a certificate of insurance naming the
28 condominium association as an additional insured; or

29 [(2)] (II) Reimburse the association for the cost of an increased insurance
30 premium attributable to the electric vehicle recharging equipment.

31 (2) INSURANCE COVERAGE OF THE ELECTRIC VEHICLE RECHARGING
32 EQUIPMENT SHALL BE MAINTAINED SO LONG AS THE ELECTRIC VEHICLE

1 RECHARGING EQUIPMENT AND ALL APPURTENANCES TO THE ELECTRIC VEHICLE
2 RECHARGING EQUIPMENT ARE INSTALLED.

3 11B-111.8.

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

6 (g) (1) A lot owner shall:

7 [(1)] (I) [Provide] PRIOR TO THE INSTALLATION OF THE ELECTRIC
8 VEHICLE RECHARGING EQUIPMENT, PROVIDE a certificate of insurance naming the
9 association as an additional insured; or

10 [(2)] (II) Reimburse the association for the cost of an increased insurance
11 premium attributable to the electric vehicle recharging equipment.

12 (2) INSURANCE COVERAGE OF THE ELECTRIC VEHICLE RECHARGING
13 EQUIPMENT SHALL BE MAINTAINED SO LONG AS THE ELECTRIC VEHICLE
14 RECHARGING EQUIPMENT AND ALL APPURTENANCES TO THE ELECTRIC VEHICLE
15 RECHARGING EQUIPMENT ARE INSTALLED.

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.