

CAROLINE OAKS HOMEOWNERS ASSOCIATION

POLICY RESOLUTION NO. 22-01

(Electric Vehicle Charging Stations)

WHEREAS, Article VII, Section 1(c) of the Bylaws grants the Board of Directors with authority to adopt and amend any reasonable rules and regulations; and

WHEREAS, Section 55.1-1823.1 of the Virginia Property Association Act provides the following:

- To the extent the declaration provides otherwise, no association shall prohibit any lot owner from installing an electric vehicle charging station for the lot owner's personal use on property owned by the lot owner; and
- An association may establish reasonable restrictions concerning the number, size, place, and manner of placement or installation of such electric vehicle charging station on the exterior of property owned by the lot owner; and
- An association may prohibit or restrict the installation of electric vehicle charging stations on the common area within the development served by the association and may establish reasonable restrictions as to the number, size, place, and manner of placement or installation of electric vehicle charging stations on the common area; and
- Any lot owner installing an electric vehicle charging station shall indemnify and hold the Association harmless from all liability, including reasonable attorney fees incurred by the Association resulting from a claim arising out of the installation, maintenance, operation, or use of such electric vehicle charging station. An association may require the lot owner to obtain and maintain insurance covering claims and defenses of claims related to the installation, maintenance, operation, or use of the electric vehicle charging station and require the Association to be included as a named insured on such policy.

WHEREAS, to help maintain the safety and appearance of the community, the Board deems it desirable to formally adopt a policy of reasonable restrictions for electric vehicle charging stations;

NOW THEREFORE, BE IT RESOLVED THAT the Board duly adopts the following electric vehicle charging station policy:

A. Definitions

1. "Electric vehicle" or "EV" means any vehicle that operates, either partially or exclusively, on electrical energy, including 100% battery-powered electric vehicles and plug-in hybrid electric vehicles.

2. "Electric vehicle charging station" or "EV charging station" or "charging station" means equipment that connects an electric vehicle to a source of electricity to charge an electric vehicle. The electric vehicle charging station includes the outlet and cabling that permits the transfer of electric energy to a battery or other storage device in an electric vehicle.

B. EV charging station installed entirely within a garage

1. The EV charging station shall be installed by a licensed and insured electrician.
2. The EV charging station shall be installed in accordance with any additional Fairfax County requirements, including any necessary permits.
3. The EV charging station shall be placed wholly within the garage of the dwelling and connected to the owner's own electrical system.
4. The owner installing the EV charging station shall indemnify and hold the Association harmless from all liability, including reasonable attorney fees incurred by the Association resulting from a claim arising out of the installation, maintenance, operation or use of the EV charging station. The owner shall also indemnify and hold the Association harmless from any claim made by a contractor or supplier engaged by the owner for the purpose of installation or operation of the EV charging station.
5. Architectural Control Committee (ACC) approval is not required if all aspects of this section are complied with.

C. EV charging station installed on exterior of homeowner's property

1. The EV charging station shall be installed by a licensed and insured electrician.
2. The EV charging station shall be installed in accordance with any additional Fairfax County requirements, including any necessary permits.
3. Each townhouse shall be limited to 1 (one) exterior EV charging station.
4. The EV charging station shall be located on the front exterior wall of the townhouse (not mounted on a pedestal or bollard), in close proximity of the driveway or other intended charging location.
5. The EV charging station shall be maintained and operated in a manner that

prevents any electrical safety or trip hazards to others in the community.

6. The owner installing the EV charging station shall indemnify and hold the Association harmless from all liability, including reasonable attorney fees incurred by the Association resulting from a claim, arising out of the installation, maintenance, operation or use of the EV charging station. The owner shall also indemnify and hold the Association harmless from any claim made by a contractor or supplier engaged by the owner for the purpose of installation or operation of the EV charging station.

7. Advance approval shall be obtained by the Architectural Control Committee (ACC), to review the location, size and design details of the EV charging station. Any owner who wishes to install an EV charging station must submit the following documentation with the ACC request.

a) Contract. A copy of the proposed contract with the company that will install the EV charging station. The company must be a licensed electrician or engineer familiar with the installation and core requirements of an EV charging station. The owner must provide the contractor with a copy of this Policy Resolution.

b) Contractor's License. A copy of the contractor's license to conduct business in Fairfax County and the Commonwealth of Virginia.

c) Contractor's Certificate of Insurance. A copy of the contractor's certificate of insurance. The Association shall be named as an additional insured on its commercial liability and automobile insurance policies.

D. EV charging station installed at an assigned parking location

The Board will consider requests for resident-owned EV charging stations for installation at assigned parking spaces, subject to the following restrictions.

1. The EV charging station shall be installed by a licensed and insured electrician.

2. The EV charging station shall be installed in accordance with any additional Fairfax County requirements, including any necessary permits.

3. The owner shall be responsible for restoring all disruptions made to common areas during the EV charging station installation (such as trenching for electrical connections, etc.).

4. The owner shall be responsible for 100% of the lifecycle cost of the EV charging station, to include electrical work, installation, operations, and maintenance. The owner shall pay for the cost of removal of the EV charging station and restoration of the area if the owner decides there is no longer a need for the EV charging station.
5. The owner shall be responsible for 100% of the cost of electricity supplied by the EV charging station.
6. Access controls shall be established so only the assigned owner or their guests (not the general public) can activate the EV charging station.
7. The EV charging station shall be maintained and operated in a manner that prevents any electrical safety or trip hazards to others in the community. This includes ensuring that cords or conduits do not create a trip hazard over sidewalks or similar traffic areas.
8. The owner may need to exchange their existing assigned parking space with another in a different location in the community, to help co-locate EV charging stations in common areas where installation complexity is minimized and appearance of the community can be preserved.
9. The owner installing the EV charging station shall indemnify and hold the Association harmless from all liability, including reasonable attorney fees incurred by the Association resulting from a claim arising out of the installation, maintenance, operation or use of the EV charging station. The owner shall also indemnify and hold the Association harmless from any claim made by a contractor or supplier engaged by the owner for the purpose of installation or operation of the EV charging station.
10. The owner installing the EV charging station shall obtain and maintain insurance covering claims and defenses of claims related to installation, maintenance, operation or use of the EV charging station. The owner shall provide the Association with a copy of a certificate of insurance evidencing such coverage within fourteen (14) days after receiving the Association's approval to install the EV charging station. Such certificate of insurance shall name the Association as an additional insured on the owner's insurance policy for any claim related to the installation, maintenance, operation or use of the EV charging station.
11. The owner installs, operates and uses the EV charging station at his or her own risk. Accordingly, the Association shall not be liable or responsible for any damage to a vehicle or any other property that may relate to the EV charging station, nor shall the Association be liable for any damage to the EV charging station under any any

circumstances, including, but not limited to, any damage that may arise from a contractor's operation of a vehicle or other equipment during the performance of services on the Association property. Neither the Association, the Board of Directors, nor any other owner shall be considered a bailee of any personal property stored on the common area, including the EV charging station. If applicable, EV engines must be turned off while connected to a charging station. The presence of open gasoline, motor oil and other hazardous, explosive or flammable materials are strictly prohibited within 50 feet of designated charging stations.

12. The owner shall reimburse the Association for any increase in expenses specifically attributable to the EV charging station, including the actual cost of any increased insurance premium amount, within fourteen (14) days' notice from the Association. If the Association deems it necessary to engage consultants, technicians or other professionals to be able to adequately review the request, the costs thereof shall be the obligation of the owner.

13. Advance approval shall be obtained by the Architectural Control Committee (ACC), to review the location, size and design details of the EV charging station. Any owner who wishes to install an EV charging station must submit the following documentation with the ACC request.

a) Plans and Drawings. Detailed plans and drawings for installation of an EV charging station prepared by a licensed and registered electrical contractor or engineer familiar with the installation and core requirements of EV charging stations. The plans and drawings shall show the dimensions, placement and external appearance of the EV charging station. The owner shall also provide specifications on the make and model of the EV charging station and its electrical requirements.

b) Contract. A copy of the proposed contract with the company that will install the EV charging station. The company must be a licensed electrician or engineer familiar with the installation and core requirements of an EV charging station. The owner must provide the contractor with a copy of this Policy Resolution. The contract must include terms: (i) requiring the contractor to restore any damaged or disturbed portion of the Association property to its original condition; and (ii) requiring the contractor to defend, indemnify and hold harmless the Association and its directors, officers, employees, agents, and members from and against any claim, injury or damages, direct or indirect, including costs and attorney's fees, incurred (whether or not a lawsuit is initiated) as a result of the owner's installation, maintenance or use of the EV charging station.

c) Contractor's License. A copy of the contractor's license to conduct business in Fairfax County and the Commonwealth of Virginia.

d) Contractor's Certificate of Insurance. A copy of the contractor's certificate of insurance. The Association shall be named as an additional insured on its commercial liability and automobile insurance policies.

14. To promote a uniform appearance in the community, ChargePoint is the preferred brand of EV charging station. If another brand of EV charging station is desired by the owner, the Board will determine whether the particular model is acceptable based upon how greatly its appearance differs from ChargePoint.

15. Final approval of the EV charging station will be at the discretion of the Board, which will be dependent upon whether all restrictions in this section have been adequately and thoroughly addressed.

E. Shared community EV charging stations

This policy does not presently provide provisions for community-wide shared EV charging stations, but this may be reconsidered if community demand increases.

EFFECTIVE DATE OF RESOLUTION

The effective date of this Resolution shall be June 1, 2022.

I hereby certify that this Policy Resolution was duly adopted by the Board of Directors at a regular meeting on April 26, 2022.

CAROLINE OAKS HOMEOWNERS ASSOCIATION

By: _



Vernon Smith, Board President