

Rules & Regulations

3.160.0 - Electric Vehicle Charging Stations

I. Introduction

Article IX, Section 4 of the Fairwood Greens Homeowners' Association CC&R requires that each homeowner shall maintain the exterior appearance of their property in a manner that upholds the quality of the neighborhood. These declarations are to protect every homeowner's property value by ensuring a well-kept and desirous place in which to live, which includes aesthetics involving after-construction equipment added to a lot or a house.

The laudable goal of the State of Washington to promote electric vehicle use has resulted in increased interest to install residential electric vehicle charging stations (EVCS); however, due to the residential installation, maintenance, and use of such charging stations, such units may become visible from the street and/or neighboring properties. The Association does not want to do anything to prevent the reasonable installation of such stations, but feels it is important to ensure that such stations are reasonably controlled as to appearance and location of installation, so as to protect the neighbors and community as a whole from unsightly equipment and/or installation. Accordingly, the purpose of these Rules about EVCS is to reasonably control use and location to protect home values and aesthetics in the community, without unreasonably interfering with their installation and use.

Homeowner is responsible for all that occurs on their property, whether by tenant, guest, or other occupants. This document is sole authority for fines and the timing thereof.

II. Rule

These rules, regulations, and guidelines apply to all EVCS and their associated components, including without limitation the charging outlet, charging plug, charging cord, charging port, charger, or other EVCS devices.

A. Approval of Installations

- 1) Detailed plans for installation and placement of any EVCS must be submitted to the Architectural Committee (ACC) using the ACC request form found at the Association's website (www.fairwoodgreens.org) for review and receive written approval from the Association prior to such installation.
- 2) A homeowner must agree to the terms of Fairwood Greens Homeowners' Association Electric Vehicle Charging Station Agreement found at the Association's website (www.fairwoodgreens.org) as required by the Homeowners' Association Act (RCW 64.38). The owner signed EVCS Agreement must be submitted to ACC prior to installation.
- 3) A homeowner must secure any required government permits for the installation of an EVCS and meet all applicable health and safety standards and requirements imposed by national, state, or local authorities, and all other applicable zoning, land use or other ordinances, building codes, or land use permits.
- 4) A homeowner must hire an electrical contractor familiar with the standards for the installation of electric vehicle infrastructure to assess the existing infrastructure necessary to support their proposed station, identify additional infrastructure needs, and to install the station.
- 5) The Association encourages the homeowner to check with their homeowners' insurance company prior to installation of an EVCS to assess how the installation of such a station may affect their insurance policy and/or identify other potential coverage issues.
- 6) Neither the ACC nor the Association's Board is liable for damage caused to a homeowner structure, lot, personal property, and/or persons resulting from the installation, use, maintenance, and/or removal of a homeowner's EVCS, or for injury to persons resulting from any actions or omissions regarding homeowner's installation, use or removal of such a station. The Association and its Board have no expertise or special knowledge regarding such systems and therefore the Association's approval for installation, use, maintenance,

and/or removal of any such station is not a representation that the station chosen by a homeowner is safe to use or is compatible with the homeowner's vehicle, structure, or lot. Homeowners bear all risks regarding the installation, use, maintenance, and removal of such stations.

- 7) Upon completion of project, homeowner shall submit Electric Vehicle Charging Station Registration form found at the Association's website (www.fairwoodgreens.org).

B. Types and Location of Charging Stations

- 1) Only commercial or professionally made charging stations are allowed. "Homemade" devices will not be permitted due to safety and aesthetic considerations.
- 2) Interior garage located EVCS are preferred.
- 3) Exterior located EVCS, whether a standalone unit or affixed to the exterior of the home, are permitted with the following conditions:
 - a. their installation is located at the least visible exterior location that is also adjacent to the garage. Visibility of the EVCS and its components must be minimized from public view. The homeowner may use additional shrubbery or landscaping to conceal the charging station and its components from street and neighbor visibility. Side areas of the garage are preferred for exterior located EVCS, to minimize visibility from the street.
 - b. if possible, an exterior located EVCS should try and match the color scheme of the home, fence, or surrounding landscape.
 - c. if the exterior located EVCS is a standalone unit (i.e. not affixed to home), such stations shall be within the setback lines in accordance with local government codes and the Associations governing documents.

C. Construction/Finish: Within thirty (30) days of completion of the installation of the EVCS, the homeowner must register the EVCS with the Association by submitting a Fairwood Greens Homeowners' Association EVCS Registration Form. The EVCS Registration Form must be submitted to the ACC.

D. Use of EVCS: Vehicles using a homeowner's EVCS must be charged on the homeowner's lot, whether in the garage or the homeowner's driveway. Charging is never permitted for vehicles parked in the street. Charging plugs that are plugged into a charging vehicle are permitted to be visible from the street and neighboring lots; however, when the charging plug is no longer plugged into a vehicle, the charging cord and plug must be properly stowed away and not left lying in the driveway or front yard.

E. Maintenance of Exterior EVCS: Homeowners will ensure that all surfaces of their EVCS and its components, whether painted or colored materials, are properly and timely maintained to prevent peeling/cracking of paint, loss of coloration, or other deterioration to the point where the equipment becomes unsightly and/or incompatible with the aesthetic standards of the community.

F. Removal of EVCS: In the event the homeowner wants to remove an EVCS, homeowner will notify the ACC in writing regarding their intention to remove the charging station and will make written assurances that such removal will not cause damage to the neighboring lots or Association property.

G. Previously Installed EVCS: Any EVCS already installed prior to the adopted date of this policy are grandfathered-in; provided, however, that if the charging stations so grandfathered-in are later replaced by another or newer charging station, the new charging station will be fully subject to compliance with these rules and regulations. Regardless of the date of installation of the EVCS, all homeowners must comply with the rules and regulations regarding the maintenance, use, and removal of EVCS and their associated components.

III. Infractions

Once a violation has been reported and confirmed, the violating homeowner notified in writing, and, if not corrected in a timely manner, fines shall be assessed. A violation occurs if work starts before full ACC review and approval or if any of the materials or work violates any of the points in Section II above.

At the Association Board's discretion, legal action may be taken against the violating homeowner at any point once a violation has been confirmed. Additional fines will continue to be assessed while the legal action is in process if the homeowner remains in violation of the declaration. All attorney fees and other costs associated with enforcement of this Rule may be assigned to or assessed upon the violating homeowner and shall be an automatic lien upon the homeowner's lot and collectible in the same fashion as if an assessment under the provisions in the Declaration of the Association, including the recording of a formal lien and foreclosure of it to protect the interests of the Association in collecting of all sums owed to it. Procedure to appeal the Association Board's decision can be found under Rules & Regulation for Appeal Process.

IV. Fines

- a) Failure to submit ACC request form: \$100/occurrence
- b) Failure to maintain EVCS equipment: \$25/day until rectified

V. Collection of Fines

The Association will bill the violating homeowner the applicable fines at such time and for such periods as the Association considers reasonable. All fines imposed by the Association upon a homeowner which remain unpaid for 60 days shall automatically constitute a lien on the lot and all its improvements and may be handled and foreclosed upon in the same fashion as if it were a lien for unpaid assessments under the Association's governing documents and the laws of the State of Washington. The Association may file a formal lien with King County to further protect its interests regarding the unpaid fine(s). The amount of the lien shall include interest, and all costs and expenses, including attorney fees, incurred by the Association in the imposition and collection of such unpaid fine(s).

VI. Rule Enforceability

If any portion of this rule is determined to be legally unenforceable, it shall not negate the enforceability of the remaining portions of the rule.

END OF SECTION

Originally dated and adopted by the Board of Trustees the 23rd day of August 2022.