

**POLICY OF
SUNRIDGE AT AVON HOMEOWNERS ASSOCIATION, INC.
D/B/A LIFTVIEW CONDOMINIUMS
REGARDING ADOPTION OF A POLICY FOR
ELECTRIC VEHICLE CHARGING STATIONS**

SUBJECT: Adoption of a Policy regarding the installation, maintenance and use of electric vehicle charging systems in the LiftView Condominiums community (“Community”).

PURPOSE: To provide notice of the Association’s adoption of a Policy that clarifies an Owner’s right to install an electronic vehicle charging system in the Community, subject to the requirements herein.

AUTHORITY: The Declaration, Bylaws, and Articles of Incorporation of the Association and Colorado Law.

EFFECTIVE DATE: June 27, 2022

RECITALS

- A. The Association, acting through its Board of Directors, has an obligation to enforce the Association’s governing documents and further the interest of the Owners.
- B. Section 7.8 of the Amended and Restated Condominium Declaration for Liftview (“Declaration”) prohibits an Owner from making any modification or alteration to of the garages or carports and prohibits the use of electricity within garages without prior written approval of the Association.
- C. Section 7.15 of the Declaration provides that the Board may adopt rules and regulations governing the use of the Community or any portion thereof.
- D. Pursuant to C.R.S. 38-33.3-106.8, the Association shall not prohibit a Unit Owner from using or installing, at the Unit Owner’s expense for the Unit Owner’s use, a Level 1 or Level 2 electric vehicle charging system within the boundaries of a Unit, or upon a Limited Common Element (LCE) parking space, such as a carport, owned by the Unit Owner or otherwise assigned to the Owner for their exclusive use in the Declaration or other recorded document. However, the Association may adopt reasonable rules and regulations regarding installation, placement and maintenance of such system, as well as charge a reasonable fee for use of electricity in charging the system, as permitted under C.R.S. 38-33.3-106.8.

- E. The Board of Directors wishes to adopt a Policy that clarifies an Owner's right to install an electronic vehicle charging system in the community, subject to the requirements herein.

NOW, THEREFORE, THE BOARD OF DIRECTORS HEREBY RESOLVES:

1. **Definitions.** As used in this Policy the following terms are so defined:
 - a. "Electrical Vehicle Charging System" or "EV Charging System" or "System" means a device that is:
 - i. used to provide electricity to a plug-in electric vehicle or plug-in hybrid vehicle,
 - ii. designed to ensure a safe connection has been made between the electric grid and the vehicle, and
 - iii. able to communicate with the vehicle's control system so that electricity flows at an appropriate voltage and current level.
 - b. "Level 1" means an EV Charging System that provides charging through a one-hundred-twenty volt AC plug with a cord connector that meets the SAE international J1772 standard or a successor standard.
 - c. "Level 2" means an EV Charging System that provides charging through a two-hundred-eight to two-hundred forty volt AC plug with a cord connector that meets the SAE international J1772 standard or a successor standard.

Unless otherwise defined in this Policy, initially capitalized or terms defined in the Declaration or by Colorado law shall have the same meaning herein.

2. **General.** The Association shall permit an Owner to install, at the Owner's sole cost and expense, a Level 1 or Level 2 EV Charging System on or in a Unit or in the Limited Common Element parking area assigned to the Owner's Unit; provided, however, that any such EV Charging System shall be subject to requirements set forth below.

3. **Design Review.** Installation of an EV Charging System requires prior written approval from the Association, to be obtained in accordance with the procedures set forth in the Rules and Regulations adopted by the Board of Directors, if any. In reviewing the EV Charging Systems, the Board of Directors may require the following as conditions for approval:

- a. Compliance with bona fide safety requirements, consistent with an applicable building code or recognized safety standard, for the protection of persons and property. All such cords appurtenant to the EV Charging System shall be maintained solely in the LCE parking space.

- b. A requirement that the charging system be registered with the Association within 30 days after installation: and
- c. Compliance with reasonable aesthetic provisions that govern the dimensions, placement, or external appearance of the EV Charging System adopted by the Board.

An EV Charging System may be wall-mounted or pedestal style, and may provide multiple cords to connect with electric vehicles. An EV Charging System must be certified by the Underwriters Laboratories or an equivalent certification and must comply with the current version of Article 625 of the National Electric Code.

4. **Approval for Installation in Limited Common Element Garage.** The Association shall consent to the installation of the EV Charging System in LCE parking space assigned to the Owner if:

- a. The EV Charging System complies with this policy, the Rules and Regulations and Colorado law; and
- b. The Owner agrees in writing to:
 - i. Comply with the Association's design specifications for the installation of the system;
 - ii. Engage the services of a duly license and registered electrical contractor familiar with the installation and code requirements of an electric vehicle charging system;
 - iii. Bear the expense of installation, including costs to restore any Common Elements disturbed in the process of installing the system; and
 - iv. Provide, within 14 days of the Owner receiving the Association's consent for the installation, a certificate of insurance naming the Association as an additional insured on the Owner's insurance policy for any claim related to the installation, maintenance, or use of the system or, if the system is located on a Common Element, reimbursement to the Association for the actual cost of any increased insurance premium amount attributable to the EV Charging System. Reimbursement for the increased insurance premium amount, if applicable, must be provided within 14 days of the Owner's receipt of the Association's invoice for the amount attributable to the system.
 - v. Provide that an EV Charging Station will be used for active charging only and not for parking.

5. **Maintenance, Repair, Replacement and Removal of EV Charging System in Limited Common Element Garage.** Upon consent to the installation of an EV Charging System by the Association, within a Limited Common Element garage,

then, unless a written contract or the Declaration, Bylaws or Rules and Regulations specify otherwise:

- a. The Owner, and each successive Owner with exclusive rights to the LCE garage is responsible for any costs for damages to the system, any other LCE or General Common Element, and any adjacent Units or garages that arise from the installation, maintenance, repair, removal, or replacement of the System.
 - b. Each successive owner with exclusive rights over the LCE garage shall assume responsibility for the repair, maintenance, removal, and replacement of the EV Charging System until the system has been removed;
 - c. The Owner and each successive owner with exclusive rights over the LCE garage shall at all times have and maintain an insurance policy covering the obligations under this Section 5, is subject to all obligations under Section 4, and shall name the Association as an additional insured under the policy; and
 - d. The Owner and each successive owner with exclusive rights over the LCE is responsible for removing the System if reasonably necessary or convenient for the repair, maintenance, or replacement of the LCE or General Common Elements of the Association.
 - e. An EV Charging System installed at the Owner's cost is the property of the Owner. Upon sale or change in occupant of the Unit, if the EV Charging System is removable, the Owner may either remove it or sell it to the buyer of the Unit or to the Association for an agreed price. Nothing in this section requires the buyer or Association to purchase the System.
6. **Cost of Electricity.** The Association may require reimbursement for the actual cost of electricity provided by the Association that is used by the EV Charging System or, alternatively, may charge a reasonable fee for access to the Common Element Power. This fee shall be between \$1.50 to \$3.50 per day per System, or such other amount as the Board reasonably determines to reflect the current rate of electricity and amount of anticipated usage. If the System is part of a network for which a network fee is charged, the Association's reimbursement may include the amount of the network fees.
7. **Unassigned General Common Element Park Spaces or Other Common Elements.** Nothing in this Policy shall be construed to allow an Owner to install an EV Charging System on the unassigned General Common Element parking spaces or any other Common Element areas of the Association.

8. **Association Owned/Installed Chargers.** The Association may, on its own cost and expense, cause to be installed as a common expense EV Charging stations on unassigned General Common Element parking spaces. These may be used on a first come/used basis, and such parking spaces may only be used during active charging sessions. A vehicle may not be parked in such parking space unless it is actively charging.

9. **Enforcement.** Any violation of this Policy is subject to the same enforcement remedies as violation of any other provision of the governing documents of the Association, including the levying of a fine, after notice and an opportunity for hearing.

10. **Supplement to Law.** The provisions of this Policy shall be in addition to and in supplement of the terms and provisions of the Declaration and the law of the State of Colorado governing the Community.

11. **Deviations.** The Board may deviate from the procedures set forth in this Policy if in its sole discretion such deviation is reasonable under the circumstances.

12. **Amendment.** This Policy may be amended from time to time by the Board.

PRESIDENT'S

CERTIFICATION: The undersigned, being the President of the Association, certifies the foregoing Policy was adopted by the Board of Directors of the Association on June 27, 2022 and in witness thereof, the undersigned has subscribed his/her name.

**SUNRIDGE AT AVON HOMEOWNERS
ASSOCIATION, INC. D/B/A LIFTVIEW
CONDOMINIUMS**, a Colorado nonprofit
corporation

By: Zach Jakubowski
Its: President