Limited Common EV Policy

Sample / Boilerplate

**Overview**

**DAY**

Partly Sunny
55/41

**DAY**

Snow Showers
55/41

**DAY**

Rain Showers
55/41

**DAY**

Cloudy
55/41

**DAY**

Windy
55/41

**DAY**

Partly Sunny
55/41

Electric Vehicles (EVs) are becoming increasingly popular, and the ability to charge at home is an important part of the decision process for many buying an EV. To attract and retain owners at CONDO NAME, an approved program defining policies and requirements for car charger installations will help the building remain competitive and add value.

CONDO NAME has a first come, first-served, paid, Level 2 32-amp **community EV charger** amenity located on the A level. While a shared charger is enough for some EV drivers, the convenience of installing a **dedicated charger** within a parking space is important to many potential EV owners – so much so that owners may decide not to purchase an EV without this policy being in place.

As board-approved alterations to Limited Common parking spaces will benefit their assigned owners, this program is designed to have no cost borne by the association. A **circuit reservation** is required to reimburse infrastructure collectively funded by fees. Reservations, as available, can be made by paying a fee to the association.

With a reservation in place, an owner can invest in charger installation anytime entirely at their cost, subject to insurance requirements, Building Manager approval, local permitting required, and have a licensed, bonded, insured electrician install equipment to specification with a city electrical inspection. The cost of installing a circuit in the garage can be expensive: owners considering a reservation should first consult an electrician for cost estimate/quote: cost can range from $2,000-$6,000 or more depending on parking stall location.

Individual circuits must connect to either a specific approved model 208V Level 2 charger equipment or a 120V outlet, protected by either a 25-amp or 40- circuit breaker, depending on the circuit reservation. Active circuit owners must pay an annual operations fee and all circuit installations must have a revenue-grade sub-meter to reimburse the association for energy use on an ongoing basis.

Due to the electrical permit and inspection process, it is cost prohibitive to provision infrastructure for more than a small set of specific circuits at any one time. When demand exceeds this, additional infrastructure investment will be necessary. This initial policy provisions an EV1 panel for reservation. Owners who do not utilize their reservation may reassign or sell their reservation to another owner. There is no expiration of the reservation and reservations transfer with change of ownership.

**Limited Common EV Charging Policy**

This policy provides guidance to Owners looking for the convenience of Electric Vehicle (EV) charging within their unit’s assigned Limited Common parking spaces, installed at their cost.

1. Rationale – Genesis of this policy

When the building was designed and built, electric vehicles and the capability to charge in the parking garage were not contemplated. Recognizing the demands of the marketplace and the ability to attract and retain owners, this policy offers a written framework for board approval installations of specific EV charging outlets and systems, as the board may approve alterations to Limited Common elements. Not all owners benefit from Limited Common alterations: this policy outlines how the cost of installation is the responsibility of the unit Owner, and a process by which Owners must first pay a reservation fee to reserve a circuit in EV-dedicated electrical equipment for their use.

2. Governing Authority

Condominium Declaration for CONDO NAME (“Declarations”), Art. 13, §13.4.6, expressly empowers the CONDO NAME Owners’ Association (“Association”) to “[r]egulate the use, maintenance, repair, replacement and modification of Common Elements and Limited Common Elements.” Additionally, Art. 8, §8.2 states in part: “The Board may adopt rules and regulations governing the use of Limited Common Elements.” Declarations, Art. 15, §15.2 provides that “[e]xcept as provided in this Declaration, the Bylaws, or the Condominium Act, the Board shall at all times act on behalf of the Association. The Board may exercise all powers of the Association, except as otherwise provided in the Condominium Act, Declaration or the Bylaws.” Bylaws, §3.2, gives the Board “the powers and duties providing for the administering authority of the condominium in the Condominium Act and in the Declaration, and all other power necessary for the administration of the Association, and may so all such acts and things as are not prohibited by statue or by the Declaration required to be done in another manner.” [Emphasis added.] RCW 64.34.308 makes it clear that the Board can act for the Association in all matters not prohibited by the Declarations and Bylaws. Declaration, Art. 7, §7.2 provides that “the right to use the Common Elements, including the Limited Common Elements, shall be governed by the provisions of the Condominium Act, this Declaration, the Bylaws and the rules and regulations of the Association.” Declaration §16.7 provides that “may install submeters or separately contract for any utility charges, in which event those utility charges shall be allocated to individual Units … in accordance with use.”

Declaration §10.8 states “Nothing shall be altered or constructed in or removed from any Common Element or Limited Common Element except upon the prior written consent of the Board.” With this policy, the Building Manager may approve individual EV charging installations and outlets on behalf of the board contingent on reviewing and approving the installation, the owner having paid the reservation fee for an electrical circuit and following the EV charger installation policy.

3. Reservations

EV charging installations first require a unit to have paid a reservation fee for an available electric vehicle charging circuit in the building’s EV electrical panel located inside the main electric room.

Reservations are approved on a first come, first-served basis after verifying receipt of payment. A reservation assigns a specific circuit breaker size for load calculation purposes. Changes to the table of reservations will be approved by the board and made available for owners to review. Reservations are transferrable between Units if a current reservation holder requests reassignment of their reservation to another unit. An Owner may pay for available circuit reservations up to the number of parking spaces indicated in Schedule E of the Declaration and amendments for their Unit. Reservations do not expire.

The EV infrastructure has a limited set of available circuits. If necessary, the Building Manager may maintain a list of owners interested in future infrastructure projects. Once all reservations are assigned, no new reservations will be available until the community invests in additional electrical infrastructure.

4. Limited Common Electric Circuit Installation Policy

a. ***Overarching policy and Statement of Purpose.*** This Policy is enacted for the purpose of giving effect to the Declarations and to set forth best practices in conformance with the Declarations for installation of electric circuits for electric vehicle charging within the garage and Limited Common parking spaces. Installation of electric circuits other than in strict conformance with the Declaration, Rules and Regulations, and this Policy is strictly and expressly prohibited and may be required to be removed by the Board at Owner’s expense and otherwise subject the Owner to fines and sanctions to the full extent permitted by law.

b. ***Procedures for Approval***. Before an EV installation can be approved, a unit must have a reservation as detailed in part 3 of this policy, “Reservations”, which assigns space in the dedicated electric panel. The Owner shall acquire all necessary permits for approval and submit a design and work plan to the Board or its designee, the Building Manager, for approval prior to commencing work; the work shall be subject to periodic inspections by the Building Manager at his or her sole discretion to insure compliance with the mandates of this Policy. Plans shall include drawings detailing proposed location, installation, any penetrations, electrical conduit and connections, make, model, specifications, and any other information reasonably deemed necessary for the Board or its designees to assess the impact upon CONDO NAME or its owners. The Owner(s)-Applicants shall meet all financial responsibility requirements set forth hereunder. The Board or its designee shall evaluate the application to assure compliance with the Declaration, Rules and Regulations, and the purposes of this Policy.

Installation without prior approval and Building Manager inspections shall be grounds for requiring removal of the unapproved or uninspected work and fines or other sanctions, including but not limited to, financial responsibility being assessed against the unit owner for all costs of removal of the unapproved or uninspected work and reimbursement of the Association for all costs of repair and restoration of the work area to the *status quo ante*.

c. ***Electrical requirements, permits and city inspection***. Electrical circuit installations must be performed by a licensed, bonded, and insured electrician, approved by the Building Manager, and purchase an electrical permit from the City of Seattle for the installation. The installation is not complete until an electrical inspector final approves the work. Any additional permitting costs including plan review or additional inspections are the responsibility of the Owner.

Technical electrical circuit detail: A circuit reservation provides access to a specifically rated circuit breaker for the circuit reservation in a dedicated electrical panel. A sub-meter must be purchased and installed along with the circuit. The electrician will use code-compliant wire with an appropriate gauge and heat rating depending on the distance of the run, amperage, and other requirements of the National Electric Code and City of Seattle Electrical Code. Load Sharing equipment may allow an Owner to install multiple chargers on a circuit. The electric code may have other requirements for the installation to gain city inspector approval such as bollards, posts, or protective devices. Future code or load changes may require adjustments to be made to breakers or other aspects of an installation.

d. **Approved equipment and specifications**: The Building Manager shall develop, maintain, and periodically update a list of approved manufacturers and models of electric car charging stations or outlets to be installed. Such unit models and installation specifications shall be evaluated for standards respecting reliability, durability, structural compatibility of CONDO NAME with the proposed or potential applications, control of risk of damage from the unit, warranties, and aesthetic considerations, including uniformity of appearance and commercial-grade quality and standard of workmanship. This list shall, from time to time, be appended to this Policy as amendments to Appendix B or as additional appendices.

e. ***Electrical sub-meter required***. All circuit installations must include a specific *revenue-grade electric sub-meter* of an approved manufacturer and model as documented in Appendix B of this Policy. The sub-meter must be installed adjacent to the EV breaker panel or a location approved with the installation application. The sub-meter equipment and installation must be part of the work paid for by the Owner. The purpose of the sub-meter is to record power use and billing information to reimburse the association for consumed energy.

f. ***Recurring annual fees and energy cost.*** There are ongoing operational fees that must be paid to the association as part of this Policy like other amenity fees. The actual fees are outlined in Appendix A. The two recurring fees are:

*Annual Operations Fee*: the operations fee is due in any calendar year in which a reserved circuit is active (‘closed’ circuit breaker for an approved, installed circuit). The fee’s purpose is to reimburse the association for the overhead of managing energy billing for the Owner’s reserved circuit and to offset any minor costs such as credit card processing fees associated with the circuit.

*Energy Reimbursement Fee:* The sub-meter tracks incremental energy use in kilowatt units. The Building Manager or its designees will occasionally record sub-meter readings of all EV charger circuits for the purpose of notifying circuit Owner(s) the cost of their energy use for reimbursement. The reimbursement rate for energy is set by the board or its Building Manager designee and will change over time as the building’s cost of energy changes, as indicated by its City of Seattle electric utility rates. The billing period, set by the Building Manager, should be efficient for all parties (for example: quarterly).

Failure to pay any due ongoing fee within 30 days of the ask to submit payment will authorize the Building Manager to disconnect electricity to the circuit (“opening” the assigned breakers) until the payments are settled. Owners should consider setting up a charge account with the concierge for amenity and fee payment.

g. ***Insurance, Maintenance, Legal Responsibility requirements*** as a condition of approval of their installation application, and as required by the Declarations §10.7, the Owner shall agree to assume full financial and legal responsibility for any risk or liability for damages arising from installation of the electric vehicle charging circuit and/or equipment, and shall agree in writing to indemnify, defend, and hold CONDO NAME Building Owners’ Association harmless from any liability or damage caused by the system. The Owner shall bear full responsibility for expenses associated with the operation, maintenance and repair of the charging infrastructure.

h. ***Discontinuing an installation:*** if an Owner with an installation no longer has use for an EV charger or outlet, they are encouraged to consider swapping or selling the space to another Unit in the building with a need for EV charging along with reassigning their circuit reservation, or reassigning their circuit reservation to another owner. The specifics of the parking space reassignment process by declaration amendment is not detailed in this policy. A Unit with a charging circuit may notify the Board and Building Manager in writing that their circuit be discontinued, at which point the Building Manager should open (shut off) their circuit breaker and settle their final energy use fee. If the installation was an outlet, no further action is required. If charging equipment was installed, the charger must be decommissioned at the cost of the owning unit. This may include removing a mounted charger. The Building Manager can provide specific guidance.

i. ***Reservations and Installations Conforming with this Policy; Fixtures:*** Reservations or installations of Limited Common EV chargers in strict conformance with the Declarations, Rules and Regulations, and this Policy (hereinafter “Conforming Units”) shall be regarded as fixtures attached to and improving the Owner’s Condominium Unit and associated Limited Common elements for the benefit of the Owner. Conforming Units shall at all times remain subject to the continuing right of the Board and Association to: (i) regulate the use, maintenance, repair, replacement and modification of Common Elements and Limited Common Elements; (ii) adopt rules and regulations governing the use of Common Elements and Limited Common Elements; and (iii) protect the interests of CONDO NAME Community and its owners in maintaining, protecting and preserving CONDO NAME and the quiet enjoyment and use of their respective properties.

**Approved and adopted by the Board of Directors of** CONDO NAME **Building Owners Association this**

**\_\_\_\_\_ day of \_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.**

The CONDO NAME Owner’s Association

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name / Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Appendix A: Fees for the Limited Common EV Program**

Fees for the program cover a share of the community electric infrastructure improvements required for the program, as well as the ongoing operational expenses for the staff to help manage the program, and to cover the cost of energy used.

**Limited Common EV infrastructure reservation fee – Circuit-size specific**

 **EV1 Panel 40-amp circuit breaker (208V 32-amp charging station) $2,000**

 **EV1 Panel 25-amp circuit breaker (208V 20-amp charging station) $1,000**

The one-time fee offsets the cost of the electrical circuit infrastructure. This capacity is limited to a certain number of reservations.

**Annual program operations fee - $50/year**

The first month of each calendar year in which a circuit is installed and energized (closed circuit breaker), a $50 fee is due to keep the circuit active, paid the month that a new installation is approved by an electrical inspector and the Building Manager, and then in January for future years. If a circuit is open (de-energized/decommissioned) on Jan 1 of a year, no fee is due for that year until reactivated.

**Ongoing energy reimbursement fee – Variable, at cost, adjusted by management**

Within a reasonable time period set by the Building Manager, energy use recorded by the EV sub-meters must be paid to the HOA as an amenity payment by check or credit card. The sub-meter’s total energy use should be recorded at that time and made available. This fee is designed to be neutral and comply with declaration requirements for sub-metering. The Building Manager should notify program participants of the effective date and new rates in advance to ease the transition and settling bills prior to the effective date set by the Building Manager.

**Appendix B: Specifications, Make and Models** [rev. 1]

1: Approved Equipment

|  |  |  |
| --- | --- | --- |
| Manufacturer | Product | Notes |
|  | NEMA 5-15R OutletNEMA 5-20R Outlet | An owner may opt to install a 120V standard outlet for a traditional vehicle trickle charger only. For 208V circuits dedicated charging systems must be mounted instead of outlets. |
| ChargePoint | Home Level 2 32-amp EVSE | Hardwired model, any length cable OKFor use with 40-amp breakers only |
| Clipper Creek | LCS-25 20-amp Level 2 EVSE | For use with 25-amp or 40-amp breakers  |
|  | HCS-40 32-amp Level 2 EVSEHCS-D40 32-amp Level 2 EVSE | For use with 40-amp breakers only |
| Tesla | Wall Connector Gen 2 EVSE | Electricians must use the installation manual to configure the device for either 25-amp or 40-amp circuit breaker use during install |

2: Approved Revenue-Grade Sub-Meters

|  |  |  |
| --- | --- | --- |
| Manufacturer | Product | Notes |
| HoneywellE-Mon D-Mon | E-Mon E10-3208200JKIT single phase 120/208/240V sub-meter (or equivalent) | Installation and cost must be included in the individual owner’s installation costs and work with their electrician.The model must be revenue grade and approved by the manager or board. |
| Square D | PowerLogic EME3-021 Energy Meter single or three-phase 120/208/240V sub-meter (or equivalent) |

3: Aesthetics

A drawing detailing conduit, penetrations, make/model of charger, other relevant information must be submitted for Building Manager approval as part of the building’s standard remodel application form.

4: Load sharing equipment

Some EVSE technology may support a technology called *load sharing* which allows multiple chargers to share the same circuit and energy, split across active vehicles charging. This is an ideal way for an owner with multiple parking spaces to charge using a single circuit. For the purposes of the policy, the circuit reservation holder is responsible for all requirements of the policy, including sub-meter payments.