

FAIRMONT HILL COMMUNITY ASSOCIATION
Electric Vehicle Charging Station Rules and Regulations
(Adopted January 14, 2025)

In furtherance of California's public policy, the Board of Directors ("Board") of Fairmont Hill Community Association ("Association") seeks to promote, encourage, and remove obstacles to the installation and use of electric vehicle charging stations in an owner's garage area.

As a result, the following Electric Vehicle Charging Station Rules and Regulations ("EVCS Rules") govern the Association's guidelines and requirements for an owner's installation or use of electric vehicle charging stations in their garage area, which is part of their unit. Installation of a Charging Station in an owner's garage may require the owner to break open party walls and bring such walls back to a pre-installation condition, at the owner's sole cost and expense. In the event that it is unreasonable or impossible for an owner to install an electric vehicle charging station in their garage, then the owner *may* install the electric vehicle charging station in their exclusive use common area parking space (if any), or in the Association's common area, subject to the Association's written approval and additional requirements outlined in Section 15 of the EVCS Rules. These EVCS Rules are in accordance with the Association's governing documents and California Civil Code Section 4745 (and Civil Code Section 4745.1, if applicable). These EVCS Rules shall also govern any electric vehicle time of use meters (defined below), in accordance with California Civil Code Section 4745.1; accordingly, any requirements pertaining to a Charging Station or references to a Charging Station shall also be applicable to a TOU Meter unless expressly indicated otherwise.

Charging Station Application Process and Installation Requirements

1. All owners must seek prior written approval for the installation or use of an electric vehicle charging station ("Charging Station") or TOU Meter; the application for approval shall be processed and approved by the Association in the same manner as an application for approval of an architectural modification to the property, and shall not be willfully avoided or delayed. For purposes of these EVCS Rules, a "Charging Station" means a station that is designed in compliance with the California Building Standards Code and delivers electricity from a source outside an electric vehicle into one or more electric vehicles. When used in these EVCS Rules, the term "TOU Meter" means an electric meter supplied and installed by an electric utility, that is separate from, and in addition to, any other electric meter and is devoted exclusively to the charging of electric vehicles, and that tracks the time of use (TOU) when charging occurs.

2. The denial of an application shall be in writing. If an application is not denied in writing within sixty (60) days from the date of receipt of the application, the application shall be deemed approved, unless that delay is the result of a reasonable request by the Association for additional information.

3. Approval of an owner's Charging Station and its installation/use shall be conditioned upon the requirement that the requesting owner enter into a covenant to run with the land which will be recorded in Orange County; the owner will, in addition to complying with these EVCS Rules and the Association's governing documents, be subject to all terms and conditions of such covenant including, but not limited to, the owner's duty to indemnify the Association as it relates to the Charging Station, its installation, use and damages resulting from same. This reasonable requirement established by the Association is contingent upon the owner paying the Association for the cost to prepare the covenant that runs with the land.

4. An owner shall provide written confirmation to the Association when the Charging Station has been installed. Should an owner fail to install the Charging Station in accordance with the terms and conditions of these EVCS Rules, the owner's approval from the Association to install the Charging Station shall be deemed rescinded. If the owner does not remove an improperly-installed Charging Station within ten (10) days of the Association's notification to owner to do so, the Association shall have the right, without penalty, to remove and store the Charging Station, the cost and expense of which shall be levied against the owner as a reimbursement assessment, after a duly noticed hearing before the Board.

5. The Charging Station shall be designed in compliance with the California Building Standards Code; provided, however, that as a result of the amount of power capable and available for ordinary use and consumption by the Association and its owners/residents, no Charging Station shall be permitted or installed which uses DC electricity and which may commonly be referred to as, without limitation, a "Level 3" Charging Station or other DC Charging Station capable of fast and/or rapid charging or which uses similar amounts of increased power.

6. The Association may impose reasonable restrictions on the installation or use of a Charging Station; "reasonable restrictions" are restrictions that do not significantly increase the cost of the Charging Station or significantly decrease its efficiency or specified performance.

7. The Charging Station must meet applicable health and safety standards and requirements imposed by state and local permitting authorities, as well as all other applicable zoning, land use or other ordinances, or land use permits.

8. Prior to installing the Charging Station, an owner must agree in writing to do all of the following:

a. Comply with the Association's architectural standards for the installation of the Charging Station;

b. Engage a licensed contractor to install the Charging Station;

c. Within fourteen (14) days of the Association's approval of the Charging Station and prior to the installation of the Charging Station, provide the Association a certificate of

insurance evidencing that the owner maintains a homeowner liability coverage policy, naming the Association as an additional insured under the policy with a right to notice of cancellation. The owner and any successor owner must provide the Association with the certificate of insurance annually thereafter.

d. Pay for the costs associated with the installation of and the electricity usage associated with the Charging Station.

e. Pay and at all times be responsible for any consequential or other damages which may arise, result and/or are related in any way to the Owner's installation, use, maintenance, repair, removal, or replacement of the Charging Station.

f. Enter into a covenant to run with the land which shall provide notice to all parties including current and future owners of units in the Association, including the owner's unit, of the owner's obligations pursuant to the approval to install a Charging Station, and which shall authorize the Board to impose a reimbursement assessment against an owner/unit, after a noticed hearing before the Board, for any damages arising from the use, installation, maintenance, repair, replacement, and/or removal of a Charging Station.

9. The owner and each successive owner of a unit, whether the Charging Station is installed inside their garage or in an exclusive use parking space (if any) shall be responsible for all of the following:

a. Costs for damage to the Charging Station, or damage to any portion of the common area, exclusive use common areas or units, and personal property (including without limitation other Charging Stations and vehicles) of other owners, residents or invitees at the Association, resulting from the installation, maintenance, repair, removal and/or replacement of the Charging Station;

b. Costs for the maintenance, repair and replacement of the Charging Station until it has been removed, and for the restoration of the common area after removal;

c. The cost associated with the installation of and the electricity usage associated with the Charging Station, including but not limited to, the cost of the Association's electrician to inspect the Charging Station for compliance after installation;

d. Disclosing to prospective buyers of the owner's unit the existence of the Charging Station and the related responsibilities of the owner of the unit pursuant to these EVCS Rules, the governing documents, any covenant to run with the land governing the Charging Station and applicable California law; and

e. At all times maintaining a homeowner liability coverage policy naming the Association as an additional insured under the policy with a right to notice of cancellation. The

owner and any successor owner must provide the Association with the certificate of insurance annually thereafter.

10. Notwithstanding the foregoing, an owner and any successive owner of a unit shall not be required to maintain the homeowner liability coverage policy described above for an existing National Electrical Manufacturers Association standard alternating current power plug, as may be applicable.

11. An owner agrees to ensure that the Charging Station is maintained, repaired and replaced in a first-class condition. In the event the owner fails to so maintain the Charging Station, the Association shall have the right, at the sole cost and expense of the owner, to (a) perform maintenance and/or repairs to the Charging Station, (b) have the required maintenance and/or repair work performed and/or (c) at the Association's discretion and subject to statutory requirements, have the Charging Station removed and the common area restored to its condition prior to the installation of the Charging Station.

12. If any of the common area electrical facilities within the Association, including, but not limited to, electrical panels, become unable to reasonably handle the extra electrical load created by the use of the Charging Station and the Association determines it is necessary to upgrade those existing electrical facilities and/or install new electrical facilities in order to provide electrical service to the Charging Station, the costs and expenses associated with such an upgrade and/or installation shall be charged to and be the responsibility of the respective owner. If such upgrade and/or installation is for the benefit of multiple owners of units who use electrical vehicle charging stations, the owners will be charged a proportionate share of the costs and expenses for such upgrade and/or installation with respect to the Charging Stations, with such proportionate shares to be determined by the Board.

13. If the Charging Station does not include technology that measures electrical consumption and use by the Charging Station in a form and method that is deemed accurate and reliable by the Association, the owner shall be required, only after receiving prior written approval from the Board, to install a sub-meter or other device that will monitor and report on the electrical consumption and use of the Charging Station. An owner agrees at all times to provide the Association ready access to data, information and reports generated by the Charging Station, or, as applicable, a sub-meter or other device, with respect to the electricity consumption and use of the Charging Station (including, by way of example only, a TOU Meter that is in accordance with these EVCS Rules). The foregoing shall not be intended to conflict with any requirements associated with EV-dedicated TOU meters pursuant to California Civil Code Section 4745.1.

14. Nothing in these EVCS Rules limits the Association's right to install a Charging Station in the common area for the use of all members and guests of the Association, in which case the Board shall develop appropriate terms of use for such Charging Station.

15. If the installation and use of the Charging Station in an owner's garage is impossible or unreasonably expensive, the Association may authorize the installation of the Charging Station in the owner's designated exclusive use common area parking space (if any) or the Association's common area only after the owner and Association enter into a license agreement for the use of such common area. That said, the installation of an electric vehicle charging station in an owner's exclusive use common area parking space will be extremely costly, such that it would require pulling up concrete, removing asphalt and hardscape, and then bringing the affected common area back to pre-installation conditions, all of which will be at the owner's sole cost and expense. Further, the owner shall be responsible to comply with the terms of said license agreement in addition to the terms of the above-required covenant to run with the land and these EVCS Rules.

TOU Meter Requirements

1. Any TOU Meter installed and used at the development must meet applicable health and safety standards and requirements imposed by state and local permitting authorities, as well as all other applicable zoning, land use or other ordinances, or land use permits.

2. Prior to installing an approved TOU Meter, an owner must agree in writing to do all of the following:

a. Comply with the Association's architectural standards for the installation of the TOU Meter;

b. Engage the relevant electric utility to install the TOU Meter and, if necessary, a licensed contractor to install wiring or conduit necessary to connect the TOU Meter to a Charging Station;

c. As may be requested by the Association, enter into a covenant, which shall provide record notice of the owner's obligations relating to the installation and use of the TOU Meter.

3. The owner of a unit who has an approved TOU Meter installed and used in their garage or exclusive parking space shall be responsible for all of the following:

a. Costs for damage to the TOU Meter, any exclusive parking space, any portion of the common area, or any unit within the development resulting from the installation, use, maintenance, repair, removal and/or replacement of the TOU Meter;

b. Costs for the maintenance, repair and replacement of the TOU Meter until it has been removed, and for the restoration of the common area after removal;

c. Disclosing to prospective buyers of the owner's unit the existence of the TOU Meter and the related responsibilities of that owner pursuant to this Policy, the Association's governing documents, any covenant in place, and applicable California law.

[End of Electric Vehicle Charging Station Rules and Regulations]