

SENATE BILL 144

N1, M5

(PRE-FILED)

11r0860
CF HB 110

By: **Senator Guzzone**

Requested: October 6, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 27, 2021

CHAPTER _____

1 AN ACT concerning

2 **Electric Vehicle Recharging Equipment for Multifamily Units Act**

3 FOR the purpose of providing that certain provisions of a recorded covenant or restriction,
4 a declaration, or the bylaws or rules of a condominium or homeowners association
5 are void and unenforceable; establishing certain requirements and procedures
6 relating to an application to the governing body of a condominium or homeowners
7 association to install or use electric vehicle recharging equipment; requiring certain
8 owners of electric vehicle recharging equipment to be responsible for certain costs
9 and disclosures; requiring a unit owner or lot owner to obtain certain permits or
10 approval required for electric vehicle recharging equipment; requiring the governing
11 body of a condominium or homeowners association to approve the installation of
12 electric vehicle recharging equipment in a certain parking space under certain
13 circumstances; authorizing the governing body of a condominium or homeowners
14 association to grant a certain license; requiring a unit owner or lot owner to obtain
15 certain insurance or cover certain costs; ~~authorizing the governing body of a~~
16 ~~condominium or homeowners association to apply for a certain grant under a certain~~
17 ~~program; establishing the Electric Vehicle Infrastructure Modernization Grant~~
18 ~~Program in the Maryland Energy Administration; providing for the purpose of the~~
19 ~~Program; requiring the Administration to administer the Program; requiring the~~
20 ~~Administration to provide grants under the Program from the Maryland Strategic~~
21 ~~Energy Investment Fund; requiring the Administration to adopt certain regulations;~~
22 ~~altering the purposes of the Fund; defining certain terms; and generally relating to~~
23 electric vehicle recharging equipment in condominiums and homeowners
24 associations.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



BY adding to

Article – Real Property

Section 11–111.4, ~~and 11B–111.8, and 14–129~~

Annotated Code of Maryland

(2015 Replacement Volume and 2020 Supplement)

~~BY repealing and reenacting, without amendments,~~

~~Article – State Government~~

~~Section 9–20B–05(a)~~

~~Annotated Code of Maryland~~

~~(2014 Replacement Volume and 2020 Supplement)~~

~~BY repealing and reenacting, with amendments,~~

~~Article – State Government~~

~~Section 9–20B–05(f)(10) and (11)~~

~~Annotated Code of Maryland~~

~~(2014 Replacement Volume and 2020 Supplement)~~

~~BY adding to~~

~~Article – State Government~~

~~Section 9–20B–05(f)(11)~~

~~Annotated Code of Maryland~~

~~(2014 Replacement Volume and 2020 Supplement)~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

That the Laws of Maryland read as follows:

Article – Real Property

11–111.4.

(A) IN THIS SECTION, “ELECTRIC VEHICLE RECHARGING EQUIPMENT” MEANS PROPERTY IN THE STATE THAT IS USED FOR RECHARGING MOTOR VEHICLES PROPELLED BY ELECTRICITY.

(B) A RECORDED COVENANT OR RESTRICTION, A PROVISION IN A DECLARATION, OR A PROVISION IN THE BYLAWS OR RULES OF A CONDOMINIUM IS VOID AND UNENFORCEABLE IF THE COVENANT, RESTRICTION, OR PROVISION:

(1) IS IN CONFLICT WITH THE PROVISIONS OF THIS SECTION; OR

(2) EFFECTIVELY PROHIBITS OR UNREASONABLY RESTRICTS THE INSTALLATION OR USE OF ELECTRIC VEHICLE RECHARGING EQUIPMENT IN A UNIT OWNER’S DEEDED PARKING SPACE OR A PARKING SPACE THAT IS SPECIFICALLY DESIGNATED FOR USE BY A PARTICULAR OWNER.

(C) (1) IF APPROVAL IS REQUIRED FOR THE INSTALLATION OR USE OF ELECTRIC VEHICLE RECHARGING EQUIPMENT IN A CONDOMINIUM, THE GOVERNING BODY SHALL PROCESS AND REVIEW AN APPLICATION FOR APPROVAL IN THE SAME MANNER AS AN APPLICATION FOR APPROVAL OF AN ARCHITECTURAL MODIFICATION TO THE CONDOMINIUM.

(2) THE GOVERNING BODY MAY NOT WILLFULLY AVOID OR DELAY PROCESSING AND REVIEWING AN APPLICATION FOR APPROVAL.

(3) IF AN APPLICATION IS NOT DENIED IN WRITING WITHIN 60 DAYS AFTER THE GOVERNING BODY RECEIVES THE APPLICATION, THE APPLICATION SHALL BE DEEMED APPROVED, UNLESS THE DELAY IS THE RESULT OF A REASONABLE REQUEST FOR ADDITIONAL INFORMATION.

(4) THE APPROVAL OR DENIAL OF AN APPLICATION SHALL BE IN WRITING.

(D) (1) THE GOVERNING BODY SHALL APPROVE THE INSTALLATION OF ELECTRIC VEHICLE RECHARGING EQUIPMENT IN A UNIT OWNER'S DEEDED PARKING SPACE OR A PARKING SPACE THAT IS SPECIFICALLY DESIGNATED FOR USE BY A PARTICULAR OWNER IF:

(I) INSTALLATION:

1. DOES NOT UNREASONABLY IMPEDE THE NORMAL USE OF AN AREA OUTSIDE THE UNIT OWNER'S PARKING SPACE; ~~OR~~ AND
2. IS ~~NOT IMPOSSIBLE~~ REASONABLY POSSIBLE; AND

(II) THE UNIT OWNER AGREES IN WRITING TO:

1. COMPLY WITH:

- A. ALL RELEVANT BUILDING CODES AND SAFETY STANDARDS TO MAINTAIN THE SAFETY OF ALL USERS OF THE COMMON AREA; AND
- B. THE CONDOMINIUM'S ARCHITECTURAL STANDARDS FOR THE INSTALLATION OF THE ELECTRIC VEHICLE RECHARGING EQUIPMENT;

2. ENGAGE A LICENSED CONTRACTOR TO INSTALL THE ELECTRIC VEHICLE RECHARGING EQUIPMENT; AND

1 **3. PAY FOR THE ELECTRICITY USAGE ASSOCIATED WITH**
2 **THE SEPARATELY METERED ELECTRIC VEHICLE RECHARGING EQUIPMENT.**

3 **(2) THE OWNER AND EACH SUCCESSIVE OWNER OF THE ELECTRIC**
4 **VEHICLE RECHARGING EQUIPMENT SHALL BE RESPONSIBLE FOR:**

5 **(I) INSTALLATION COSTS FOR THE ELECTRIC VEHICLE**
6 **RECHARGING EQUIPMENT;**

7 **(II) COSTS FOR DAMAGE TO THE ELECTRIC VEHICLE**
8 **RECHARGING EQUIPMENT, COMMON ELEMENT, OR LIMITED COMMON ELEMENT**
9 **RESULTING FROM THE INSTALLATION, MAINTENANCE, REPAIR, REMOVAL, OR**
10 **REPLACEMENT OF THE ELECTRIC VEHICLE RECHARGING EQUIPMENT;**

11 **(III) COSTS FOR THE MAINTENANCE, REPAIR, AND**
12 **REPLACEMENT OF THE ELECTRIC VEHICLE RECHARGING EQUIPMENT UP UNTIL THE**
13 **EQUIPMENT IS REMOVED;**

14 **(IV) IF THE OWNER DECIDES TO REMOVE THE ELECTRIC**
15 **VEHICLE RECHARGING EQUIPMENT, COSTS FOR THE REMOVAL AND FOR THE**
16 **RESTORATION OF THE COMMON ELEMENT OR LIMITED COMMON ELEMENT AFTER**
17 **REMOVAL; AND**

18 **(V) THE COST OF ELECTRICITY ASSOCIATED WITH THE**
19 **ELECTRIC VEHICLE RECHARGING EQUIPMENT.**

20 **(E) A UNIT OWNER SHALL OBTAIN ANY PERMIT OR APPROVAL FOR**
21 **ELECTRIC VEHICLE RECHARGING EQUIPMENT THAT IS REQUIRED BY THE COUNTY**
22 **OR MUNICIPAL CORPORATION IN WHICH THE CONDOMINIUM IS LOCATED.**

23 **(F) NOTWITHSTANDING THE PROVISIONS OF § 11-125 OF THIS TITLE, THE**
24 **GOVERNING BODY MAY GRANT A LICENSE FOR UP TO 3 YEARS, RENEWABLE AT THE**
25 **DISCRETION OF THE GOVERNING BODY, ON ANY COMMON ELEMENT NECESSARY FOR**
26 **THE INSTALLATION OF EQUIPMENT OR FOR THE SUPPLY OF ELECTRICITY TO ANY**
27 **ELECTRIC VEHICLE RECHARGING EQUIPMENT.**

28 **(G) A UNIT OWNER SHALL:**

29 **(1) PROVIDE A CERTIFICATE OF INSURANCE NAMING THE**
30 **CONDOMINIUM ASSOCIATION AS AN ADDITIONAL INSURED; OR**

31 **(2) REIMBURSE THE ASSOCIATION FOR THE COST OF AN INCREASED**
32 **INSURANCE PREMIUM ATTRIBUTABLE TO THE ELECTRIC VEHICLE RECHARGING**
33 **EQUIPMENT.**

~~(H) THE GOVERNING BODY MAY APPLY FOR A GRANT FROM THE ELECTRIC VEHICLE INFRASTRUCTURE MODERNIZATION GRANT PROGRAM ESTABLISHED UNDER § 14-129 OF THIS ARTICLE TO FACILITATE THE ELECTRICAL UPGRADE OF A PARKING STRUCTURE OWNED BY THE GOVERNING BODY IN ORDER TO ENCOURAGE THE INSTALLATION AND USE OF ELECTRIC VEHICLE RECHARGING EQUIPMENT BY UNIT OWNERS IN THE CONDOMINIUM.~~

11B-111.8.

(A) IN THIS SECTION, "ELECTRIC VEHICLE RECHARGING EQUIPMENT" HAS THE MEANING STATED IN § 11-111.4 OF THIS ARTICLE.

(B) A RECORDED COVENANT OR RESTRICTION, A PROVISION IN A DECLARATION, OR A PROVISION IN THE BYLAWS OR RULES OF A HOMEOWNERS ASSOCIATION IS VOID AND UNENFORCEABLE IF THE COVENANT, RESTRICTION, OR PROVISION:

(1) IS IN CONFLICT WITH THE PROVISIONS OF THIS SECTION; OR

(2) EFFECTIVELY PROHIBITS OR UNREASONABLY RESTRICTS THE INSTALLATION OR USE OF ELECTRIC VEHICLE RECHARGING EQUIPMENT IN A LOT OWNER'S DEEDED PARKING SPACE OR A PARKING SPACE THAT IS SPECIFICALLY DESIGNATED FOR USE BY A PARTICULAR OWNER.

(C) (1) IF APPROVAL IS REQUIRED FOR THE INSTALLATION OR USE OF ELECTRIC VEHICLE RECHARGING EQUIPMENT IN A DEVELOPMENT, THE GOVERNING BODY SHALL PROCESS AND REVIEW AN APPLICATION FOR APPROVAL IN THE SAME MANNER AS AN APPLICATION FOR APPROVAL OF AN ARCHITECTURAL MODIFICATION TO A DWELLING.

(2) THE GOVERNING BODY MAY NOT WILLFULLY AVOID OR DELAY PROCESSING AND REVIEWING AN APPLICATION FOR APPROVAL.

(3) IF AN APPLICATION IS NOT DENIED IN WRITING WITHIN 60 DAYS AFTER THE GOVERNING BODY RECEIVES THE APPLICATION, THE APPLICATION SHALL BE DEEMED APPROVED, UNLESS THE DELAY IS THE RESULT OF A REASONABLE REQUEST FOR ADDITIONAL INFORMATION.

(4) THE APPROVAL OR DENIAL OF AN APPLICATION SHALL BE IN WRITING.

(D) (1) THE GOVERNING BODY SHALL APPROVE THE INSTALLATION OF ELECTRIC VEHICLE RECHARGING EQUIPMENT IN A LOT OWNER'S DEEDED PARKING

SPACE OR A PARKING SPACE THAT IS SPECIFICALLY DESIGNATED FOR USE BY A PARTICULAR OWNER IF:

(I) INSTALLATION:

1. DOES NOT UNREASONABLY IMPEDE THE NORMAL USE OF AN AREA OUTSIDE THE LOT OWNER'S PARKING SPACE; ~~OR~~ AND

2. IS ~~NOT IMPOSSIBLE~~ REASONABLY POSSIBLE; AND

(II) THE LOT OWNER AGREES IN WRITING TO:

1. COMPLY WITH:

A. ALL RELEVANT BUILDING CODES AND SAFETY STANDARDS TO MAINTAIN THE SAFETY OF ALL USERS OF THE COMMON AREA; AND

B. THE DEVELOPMENT'S ARCHITECTURAL STANDARDS FOR THE INSTALLATION OF THE ELECTRIC VEHICLE RECHARGING EQUIPMENT;

2. ENGAGE A LICENSED CONTRACTOR TO INSTALL THE ELECTRIC VEHICLE RECHARGING EQUIPMENT; AND

3. PAY FOR THE ELECTRICITY USAGE ASSOCIATED WITH THE SEPARATELY METERED ELECTRIC VEHICLE RECHARGING EQUIPMENT.

(2) THE LOT OWNER AND EACH SUCCESSIVE OWNER OF THE ELECTRIC VEHICLE RECHARGING EQUIPMENT SHALL BE RESPONSIBLE FOR:

(I) INSTALLATION COSTS FOR THE ELECTRIC VEHICLE RECHARGING EQUIPMENT;

(II) COSTS FOR DAMAGE TO THE ELECTRIC VEHICLE RECHARGING EQUIPMENT OR COMMON AREA RESULTING FROM THE INSTALLATION, MAINTENANCE, REPAIR, REMOVAL, OR REPLACEMENT OF THE ELECTRIC VEHICLE RECHARGING EQUIPMENT;

(III) COSTS FOR THE MAINTENANCE, REPAIR, AND REPLACEMENT OF THE ELECTRIC VEHICLE RECHARGING EQUIPMENT UP UNTIL THE EQUIPMENT IS REMOVED;

(IV) IF THE LOT OWNER DECIDES TO REMOVE THE ELECTRIC VEHICLE RECHARGING EQUIPMENT, COSTS FOR THE REMOVAL AND FOR THE RESTORATION OF THE COMMON AREA AFTER REMOVAL; AND

(V) THE COST OF ELECTRICITY ASSOCIATED WITH THE ELECTRIC VEHICLE RECHARGING EQUIPMENT.

(E) A LOT OWNER SHALL OBTAIN ANY PERMIT OR APPROVAL FOR ELECTRIC VEHICLE RECHARGING EQUIPMENT THAT IS REQUIRED BY THE COUNTY OR MUNICIPAL CORPORATION IN WHICH THE DEVELOPMENT IS LOCATED.

(F) THE GOVERNING BODY MAY GRANT A LICENSE FOR UP TO 3 YEARS, RENEWABLE AT THE DISCRETION OF THE GOVERNING BODY, ON ANY COMMON ELEMENT NECESSARY FOR THE INSTALLATION OF EQUIPMENT OR FOR THE SUPPLY OF ELECTRICITY TO ANY ELECTRIC VEHICLE RECHARGING EQUIPMENT.

(G) A LOT OWNER SHALL:

(1) PROVIDE A CERTIFICATE OF INSURANCE NAMING THE ASSOCIATION AS AN ADDITIONAL INSURED; OR

(2) REIMBURSE THE ASSOCIATION FOR THE COST OF AN INCREASED INSURANCE PREMIUM ATTRIBUTABLE TO THE ELECTRIC VEHICLE RECHARGING EQUIPMENT.

~~(H) THE GOVERNING BODY MAY APPLY FOR A GRANT FROM THE ELECTRIC VEHICLE INFRASTRUCTURE MODERNIZATION GRANT PROGRAM ESTABLISHED UNDER § 14-129 OF THIS ARTICLE TO FACILITATE THE ELECTRICAL UPGRADE OF A PARKING STRUCTURE OWNED BY THE GOVERNING BODY IN ORDER TO ENCOURAGE THE INSTALLATION AND USE OF ELECTRIC VEHICLE RECHARGING EQUIPMENT BY LOT OWNERS IN THE HOMEOWNERS ASSOCIATION.~~

~~14-129.~~

~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(2) "ADMINISTRATION" MEANS THE MARYLAND ENERGY ADMINISTRATION.~~

~~(3) "FUND" MEANS THE STRATEGIC ENERGY INVESTMENT FUND UNDER § 9-20B-05 OF THE STATE GOVERNMENT ARTICLE.~~

~~(4) "PROGRAM" MEANS THE ELECTRIC VEHICLE INFRASTRUCTURE MODERNIZATION GRANT PROGRAM.~~

~~(B) THIS SECTION APPLIES TO:~~

~~(1) A CONDOMINIUM THAT IS SUBJECT TO TITLE 11 OF THIS ARTICLE;~~
~~AND~~

~~(2) A HOMEOWNERS ASSOCIATION THAT IS SUBJECT TO TITLE 11B OF THIS ARTICLE.~~

~~(C) THERE IS AN ELECTRIC VEHICLE INFRASTRUCTURE MODERNIZATION GRANT PROGRAM IN THE ADMINISTRATION.~~

~~(D) THE PURPOSE OF THE PROGRAM IS TO FACILITATE THE ELECTRICAL UPGRADE OF A PARKING STRUCTURE OWNED BY THE GOVERNING BODY OF A CONDOMINIUM OR HOMEOWNERS ASSOCIATION IN ORDER TO ENCOURAGE THE INSTALLATION AND USE OF ELECTRIC VEHICLE RECHARGING EQUIPMENT BY UNIT OWNERS IN THE CONDOMINIUM OR LOT OWNERS IN THE HOMEOWNERS ASSOCIATION.~~

~~(E) (1) THE ADMINISTRATION SHALL ADMINISTER THE PROGRAM.~~

~~(2) THE ADMINISTRATION SHALL PROVIDE GRANTS UNDER THIS PROGRAM FROM THE FUND.~~

~~(F) THE GOVERNING BODY OF A CONDOMINIUM OR A HOMEOWNERS ASSOCIATION MAY APPLY FOR A GRANT UNDER THIS SECTION IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE ADMINISTRATION.~~

~~(G) THE ADMINISTRATION SHALL ADOPT REGULATIONS TO IMPLEMENT THE PROGRAM.~~

~~Article State Government~~

~~9-20B-05.~~

~~(a) There is a Maryland Strategic Energy Investment Fund.~~

~~(f) The Administration shall use the Fund:~~

~~(10) subject to subsections (f 2) and (f 3) of this section, to invest in pre-apprenticeship, youth apprenticeship, and registered apprenticeship programs to establish career paths in the clean energy industry under § 11-708.1 of the Labor and Employment Article, as follows:~~

~~(i) \$1,250,000 for grants to pre-apprenticeship jobs training programs under § 11-708.1(e)(3) of the Labor and Employment Article starting in fiscal year 2021 until all amounts are spent;~~

~~(ii) \$6,000,000 for grants to youth apprenticeship jobs training programs and registered apprenticeship jobs training programs under § 11-708.1(c)(5) of the Labor and Employment Article starting in fiscal year 2021 until all amounts are spent; and~~

~~(iii) \$750,000 for the recruitment of individuals, including veterans and formerly incarcerated individuals, to the pre-apprenticeship jobs training programs and the registered apprenticeship jobs training programs under § 11-708.1 of the Labor and Employment Article starting in fiscal year 2021 until all amounts are spent; [and]~~

~~(11) TO PROVIDE GRANTS UNDER THE ELECTRIC VEHICLE INFRASTRUCTURE MODERNIZATION GRANT PROGRAM UNDER § 14-129 OF THE REAL PROPERTY ARTICLE; AND~~

~~[(11)] (12) to pay the expenses of the Program.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2021.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.