

REFLECTION HOMES ASSOCIATION

POLICY RESOLUTION NO. 2023-001

Electric Vehicle Charging Station Policy

WHEREAS, the Reflection Homes Association (“Association”) is an association subject to the Virginia Property Owners’ Association Act, Virginia Code Section 55.1-1800, *et seq.* (“Act”), the Bylaws of Reflection Homes Association (“Bylaws”), and the Declaration of Covenants, Conditions and Restrictions of Reflection Homes Association (“Declaration”), recorded among the land records of Fairfax County, Virginia, at Deed Book 3689, Page 336, as amended from time to time;

WHEREAS, Article VII, Section 1(c) of the Bylaws authorizes the Association’s Board of Directors (“Board”) to exercise for the Association all powers, duties and authority vested in or delegated to this Association and not reserved to the Membership by other provisions of the Bylaws, the Articles of Incorporation, or the Declaration;

WHEREAS, Section 55.1-1819(A) of the Act and Article VII, Section 1(a) of the Bylaws grant the Board the power to make and amend rules and regulations;

WHEREAS, Article IX of the Declaration prohibits an owner from commencing, erecting, or maintaining upon the Properties, or adding to, changing or altering the exterior of the Properties, until the plans and specifications showing the nature, kind, shape, height, materials, and location have been submitted and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by the Board or an architectural committee;

WHEREAS, Section 55.1-1823.1(A) of the Act provides that the Association may establish reasonable restrictions concerning the number, size, place, and manner of placement or installation of electric vehicle charging station on the exterior of property owned by the lot owner;

WHEREAS, Section 55.1-1823.1(B) of the Act provides that the Association may prohibit or restrict the installation of electric vehicle charging stations on the common area within the development served by the Association;

WHEREAS, with plug-in electric vehicles becoming more readily available to consumers and the demand for electric charging stations increasing, the Board deems it desirable to provide a process for lot owners to maintain electric vehicle charging stations on the property owned by the lot owner; and

WHEREAS, the Association’s Board desires to preserve the integrity of the Parking Areas and Common Areas and ensure that the installation, ownership, maintenance and removal of Owner’s electric vehicle charging station equipment and associated apparatus do not create a nuisance or safety concern, and/or impose an unreasonable burden upon the Association; and

NOW THEREFORE, BE IT RESOLVED that the Board of Directors hereby adopts the following Rules and Regulations with respect to the use of electric vehicle charging stations.

I. DEFINITIONS

1. “Electric Vehicle” means any vehicle that operates, either partially or exclusively, on electrical energy, including 100% battery-powered electric vehicle and plug-in hybrid electric vehicles.
2. “Charger” means a battery charging station equipment that permits the transfer of electric energy to a battery or other storage device in an Electric Vehicle.

II. RULES AND REGULATIONS

A. Installation of Electric Vehicle Charger

1. An Owner wishing to install a Charger must submit an application on his or her behalf (or on behalf of an approved tenant) for approval with the Association utilizing the Request Form attached to this Resolution as Exhibit A for review by the Board. The applicant must indicate the make and model of the Charger, the vendor who will be installing the Charger, the location of where the Charger will be installed, the power requirements for the Charger and the method and manner of installation. The installer must be a licensed and registered electrical contractor. The application must be accompanied with specifications, schematics, detailed drawings and plans prepared by a licensed and registered contractor or engineer familiar with the installation and core requirements of a Charger.
2. Proposed Installation of charging station must comply with applicable building codes or recognized safety standards and with any applicable Board-adopted architectural rules, regulations, and/or guidelines.
3. Chargers may only be installed on the property of the Owner. The exact location must be identified on the Request Form.
4. The Charger **MAY NOT BE** installed on the Common Areas of the Association.
5. All costs or purchase, installation, maintenance, operation, utility and use of the Charger and Charging Equipment must be borne by the individual making the request.
6. Any and all electrical usage costs associated with the Charger shall be paid by the Owner.

B. Charging Equipment

1. All Charging Equipment shall meet all applicable federal, state and local laws, codes, and standards for use with an Electric Vehicle, and shall be certified and so marked by a

nationally recognized testing laboratory (e.g. Underwriters Laboratories). The use of Charging Equipment in violation of this paragraph is strictly prohibited.

C. Cable Path and Tripping Hazard.

1. Charger cables shall not be installed and maintained in such a manner as to create any tripping hazard and/or hazardous conditions. No cables or wires shall permanently cross over any sidewalk and/or Common Area. Charger cables shall not interfere with the general use of the Association's Common Areas.
2. Charger cables must be stored on owner's lot when NOT Actively charging a vehicle and should not exceed 4-8 hours when deployed to charge a vehicle.
 - a. Owners are expressly prohibited from running cables underground through RHA Common Areas. Owners of Lots without garages, must demonstrate that the charging cable when deployed will be installed in such a way as to ensure the charge cable crossing RHA Common Areas (sidewalks and grass strips) have sufficient precautionary measures to minimize any tripping hazard. For example, cables that lay on RHA Common Areas, (transect sidewalk and grass strips) must be placed in an Association approved cable protector, and any portion of the cable hanging in the air must be wrapped in reflective, fluorescent safety tape to ensure that the cable is visible to residents at night. **Use of a Cable Cover Protector with a Heavy-Duty PVC Duct for Outdoor Settings or by other comparable protective means may be acceptable.**



Figure 1 - Cable Cover Protector

D. Indemnity.

The Owner, upon making application and installing the Charger, shall be deemed to agree to indemnify and hold harmless the Association, its Board of Directors, the Managing Agent and its employees from and against any and all liabilities, claims, damages, losses, costs, fees and expenses associated with the charging station and charging cable, including but not limited to any and all liabilities, claims, damages, losses, costs, fees and expenses related to vehicle parking lot activity, snow removal or mowing on or around the charging station and the charging cable, or the design, permitting, equipment, installation,

maintenance, operation, repair, replacement, meter billing and removal of the charging station and the charging cable. The Owner, upon making the application, also shall indemnify and hold harmless the Association, its Board of Directors, the Managing Agent and its employees from any claim made by a contractor or supplier.

E. Insurance

The Owner shall obtain and maintain insurance coverage covering claims and defenses of claims related to the installation, operation and use of the Charger and provide a certificate of insurance naming the Association as a named insured on the Owner's insurance policy for any claim related to the installation, maintenance, operation, or use of the Charger within 14 days after receiving the Board's approval to install the station.

III. ENFORCEMENT

A. Lot Owner Compliance

1. Each Owner shall be governed by and comply with the terms of this Policy Resolution and shall be responsible for ensuring that his/her family members, tenants, guests, agents, employees, licensees or permittees, comply with the terms of this Policy Resolution.
2. Each Owner shall be liable to the Association for any costs incurred to repair any part of the Common Area damaged by or due to the action/inaction of the Owner or his/her family members, tenants, guests, agents, employees, licensees or permittees and such costs shall be treated and collected as an assessment.

B. Remedies of the Association.

1. In the event a Charger's cable (or other related equipment) obstructs and/or is placed over the Lot or Common Area sidewalk without the prior written approval from the Board of Directors or in the event precautionary measures are not maintained by the Owner, this Resolution shall give the Board the right to use self-help to remove or cure the violation, or take other enforcement action as allowed by the law or the governing documents, including the right to disconnect the power supply to the applicable Charger.
2. Nothing in this Policy Resolution is intended to limit the Association's enforcement remedies. In addition to the remedies outlined in this Policy Resolution, the Board shall have the authority to initiate such other remedies outlined in the Association's governing documents or in the Act, as may be necessary.

