RULES FOR A CONDOMINIMUM ASSOCIATION TO CONSIDER REGARDING THE INSTALLATION OF ELECTRIC VEHICLE CHARGING STATIONS

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Electric Vehicles (EV) continue to become more commonplace on our Florida streets. This increase of EVs has also led to an increase in the need for EV Charging Stations (EVCS). In addition to the public EVCS we see in mall parking lots and other public parking stations, owners of EVs are looking for the convenience of charging their EVs at their home. For Single-Family homeowners we see these EVCS being installed in their garages. However, for Condominium Unit Owners this is not as simple.

The Condominium Act, Section 718.113 (9) of the Florida Statutes, provides that the board may install an EVCS on the common elements. Pursuant to the statute and provided that the condominium declaration does not restrict material alterations, the board may decide to install an EVCS on the common elements and may do so without a unit owner vote. Further, the cost to install the EVCS is shared by all the unit owners as a common expense and the board may charge each owner or resident who uses the EVCS. However, this is a relatively new area of law and many condominium declarations contain material alteration provisions. Such declaration provisions may or may not apply to installing an EVCS. So, prior to installing an EVCS, a board should seek legal advice and obtain a review of the community's declaration.

Unit owners may, likewise, install their own EVCS in their limited common element (LCE) parking spaces. The board cannot automatically prohibit owners from installing an EVCS in their LCE parking spaces simply because the board installs an EVCS on the common elements. The statute provides that the board must approve an owner's request to install an EVCS in a LCE parking space. However, the statute also states that this approval is subject to certain restrictions such as the installation cannot cause irreparable damage to the condominium and the electricity for the EVCS must be separately metered or metered by an embedded meter and payable by the unit owner installing the EVCS.

In order to comply with these statutory restrictions, a condominium board should consider adopting rules regulating the installation and use of EVCS. Below are a few such rules:

1. A rule requiring owners to apply for board approval prior to installing the EVCS. The application should require that the Unit Owner submit detailed specifications concerning the EVCS and any related infrastructure or equipment to be installed.
2. A rule requiring the owners requesting the installation of EVCS to provide proof of liability insurance. It is important that the associations ensure that any owner interested in installing an EVCS has appropriate insurance coverage to protect against accidents or damages related to the installation and use of the EVCS. This may include property damage, electrical issues and injuries.
3. A rule clearly outlining the responsibility of the EVCS owner for the maintenance and operation of their individual EVCS. The rule should also require that the installation comply with bona fide safety requirements, consistent with applicable

building codes or recognized safety standards, for the protection of persons and property.

4. A rule addressing the requirement that any EVCS must meet certain design guidelines to ensure they do not disrupt the visual aesthetic of the property. This could include restrictions on the appearance or placement of the EVCS.
5. A rule requiring the Owner to comply with all current and future laws and regulations related to the installation and maintenance of the EVCS. This could include the payment of any potential fees, obtaining any required permits, and requiring the use of approved licensed vendors.

As Florida becomes a more EV friendly state, condominium associations must also adapt. By adopting clear rules regulating the installation and use of EVCS, a condominium Board of Directors can help protect the association from legal liability while integrating the use of EVs into the condominium community.