

FAIRWOOD VILLAS CONDOMINIUM ASSOCIATION RULES REGARDING ELECTRIC VEHICLE CHARGERS

The Board of Directors of Fairwood Villas Condominium Association (the “Association”) adopts these rules on the 24th day of June, 2024, effective immediately.

BACKGROUND

A. The Association is responsible for governance, maintenance, and administration of Fairwood Villas Condominium (the “Condominium”).

B. The Association exists pursuant to the Michigan Condominium Act and the Michigan Nonprofit Corporation Act, and the Association’s Articles of Incorporation, the Amended and Restated Master Deed, and the Condominium Bylaws (collectively, the “Condominium Documents”).

C. The Michigan Condominium Act and Article VI, Section 11 of the Condominium Bylaws authorize the Association’s Board of Directors to adopt and enforce reasonable rules and regulations in the interest of the Condominium.

D. The Association’s Board of Directors desires to adopt rules governing the installation, maintenance, and use of electric vehicle service equipment (“EVSE”) within the Condominium.

The Association’s Board of Directors adopts the following Condominium rules (the “Rules”), which are binding upon all Co-owners and their tenants, occupants, successors, and assigns, and which supersede any previously adopted rules on the same subject matter:

1. Requirement for Board Approval. No Co-owner may install any EVSE charging system without first obtaining the Board’s written approval. The Board may authorize the installation and use of EVSE charging systems within the Condominium, subject to these Rules.

2. Modification Submittal and Approval Requirements. All requests to install any EVSE charging system must be submitted in writing to the Association. The request should include: (a) the installing electrician’s credentials, including proof of license and insurance; (b) the electrician’s assessment of the circuit load capacity for the location the EVSE charging system is to be installed; and (c) copies of all applicable plans approved by the municipality, including the make and model of the proposed EVSE charging system, whether a separate electric meter will be installed, the proposed location of the installation, permits that have been obtained, and inspection approvals that are issued.

3. Specific Regulations.

a. Type of System. Co-owners may install either a Level 1 (110 volts) or Level 2 (220 – 240 volts) charging system. Level 3 (480 volts) charging systems are not permitted in the Condominium.

b. Location of Installation. Any EVSE charging system must be installed and used solely within a Unit’s garage. Unless otherwise approved by the Board in writing, a vehicle may not be charged on the driveways, roads, or parking areas.

c. Cut Off Switch. Co-owners must install a clearly visible cut off switch on the EVSE circuit so that in case of an emergency, first responders can swiftly and safely turn off the EVSE charging system.

4. Installation and Usage.

a. Licensed and Insured Contractor. A qualified, licensed, and insured electrician must perform all EVSE charging system installations. The Co-owner must provide the Board with the name of the electrician that will be performing the installation along with the electrician's license type, number, and a copy of the electrician's certificate of insurance.

b. Circuit Load Assessment. The electrician must assess the Co-owner's circuit load to ensure that the circuit can accommodate the charging system and issue a written report that is to be provided to the Board. If the electrician deems it necessary, any improvements to the electrical system to accommodate the installation of the EVSE charging system, including but not limited to the installation of a separate electrical circuit and outlet to handle the increased electrical load, would be installed at the Co-owner's expense.

c. Separate Electric Meter. Any EVSE charging system must only use the installing Co-owner's electricity and, if necessary, Co-owners must have a separate electric meter installed to ensure the same. The Co-owner will solely be responsible for the cost of any separate electric meter installation.

d. Codes, Permits, & Inspections. Co-owners and their electrician must follow all applicable codes and regulations for the installation and usage of the EVSE charging system. All necessary permits must be obtained by the Co-owner, at the Co-owner's expense, and proof of the same provided to the Association prior to proceeding with installation. Enclosed with these Rules is information on how Co-owners can obtain the necessary permits online. Once installed, the Co-owner must provide the Association with any municipal inspection approval if applicable.

e. Inspection by Association's Contractor. At the Board's discretion, the Association's contractor may inspect any proposed installation of any EVSE charging system to ensure its compliance with the Condominium Documents. The Co-owner shall be responsible for any costs incurred by the Association in having its contractor review, investigate, and issue their report, and those costs may be assessed to the Unit, in which case they will constitute an assessment under the Condominium Documents secured by the lien on the Unit, collectible according to the provisions of the Condominium Documents and the Condominium Act.

5. Modification and Alteration Agreement. The Board conditions all approvals on the Co-owner signing a Modification and Alteration Agreement, which may be recorded against the Co-owner's Unit, to place all subsequent Co-owners of the Unit on notice of their obligations with respect to the installation. The costs incurred by the Association to prepare and record the Modification and Alteration Agreement must be paid by the Co-owner in advance of the installation. The Modification and Alteration Agreement will set forth, among other things, that:

a. Indemnification. The Co-owner shall indemnify and hold the Association harmless from and against all costs, damages, and liabilities to the Association resulting from the installation or use of the EVSE charging system. The Co-owner will also indemnify and hold the

Association harmless from any liability, claims or damages in any way related to the EVSE charging system; and

b. Responsibility for EVSE Charging System. The Co-owner is solely responsible for insuring, maintaining, repairing and replacing the EVSE charging system and for any damages or costs resulting from the EVSE charging system and the costs of any repair, replacement or maintenance of any other Common Elements necessitated, caused by, or related to the EVSE charging system.

6. Board Approval. A modification request will only be deemed approved if:

a. The Co-owner has complied with these Rules and the modification meets all of the requirements of these Rules;

b. The Co-owner has submitted a signed Request for Modification Approval form and the form has been countersigned by the Association or its designated agent; and

c. The Co-owner has submitted an original signed and notarized recordable Modification and Alteration Agreement along with any applicable fees including, without limitation, County recording fees.

7. Inspection. Unless waived by the Board in its discretion, the Board may conduct an inspection of a completed installation to ensure compliance with the approval given and may conduct routine inspections in the future to ensure the EVSE charging system is being properly maintained.

8. Approvals Revocable. Any approval granted by the Board is a license. If a Co-owner is not in compliance with the conditions of any Board approval, the Board may revoke the approval upon thirty (30) days written notice.

9. Applicability. These Rules shall be construed in conjunction with, and not in contravention of, the various provisions of the Condominium Documents.

10. Costs. All costs and expenses incurred by the Association that are in any way related to a Co-owner's EVSE charging system may be assessed to the Co-owner's Unit and will constitute an assessment under the Condominium Documents secured by the Association's lien on the Unit, collectible according to the Condominium Documents and the Condominium Act.

11. Interpretation. These Rules shall be construed in conjunction with, and not in contravention of, the various provisions of the Condominium Documents.

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Respectfully submitted,
Board of Directors
Fairwood Villas Condominium Association