

# HUNTINGTON CONTINENTAL ASSOCIATION

Managed by Optimum Professional Property Management, Inc. (AAMC)

Accredited Association Management Company

“Making a Difference...TOGETHER”

Regarding the Association’s scope of authority to control installation of an EVCS, this is controlled by Civil Code section 4745, which supersedes more restrictive provisions in the CC&Rs or other governing documents.

Civil Code section 4745 supersedes any governing document that prohibits or restricts installation of an EVCS in an owner’s designated parking space (e.g., deeded, exclusive use common area, or otherwise designated for the owner’s use); provided, however, “reasonable restrictions” are permissible, which are defined as restrictions that do not significantly increase the cost of the EVCS or significantly decrease its efficiency or performance.

Section 4745(f) provides that if an EVCS is proposed to be installed in common area or exclusive use common area, the following conditions apply:

1. The Owner must obtain association approval, and the association shall approve the installation if the owner agrees to the following:
  - a. to comply with the architectural standards for installation of the EVCS
  - b. engage a licensed contractor to install the EVCS
  - c. within 14 days of approval, provide a certificate of insurance that names the association as an additional insured under the owner’s insurance policy in an amount of \$1,000,000, and with a right of notice of cancellation
  - d. pay for the electricity usage associated with the EVCS
2. The owner and each successive owner of the EVCS shall be responsible for the following:
  - a. costs for any damage to the EVCS, common area, exclusive use common area, or separate interests resulting from installation, maintenance, repair, removal, or replacement of the EVCS.
  - b. costs for maintenance, repair, removal, or replacement of the EVCS, and for restoration of the common area after removal.
  - c. costs of electricity for the EVCS
  - d. disclosing to prospective buyers of the unit of the existence of the EVCS and related responsibilities.
3. Installation of an EVCS on common area shall be authorized only if installation in the owner’s designated parking space is impossible or unreasonably expensive. In such cases, the owner shall enter into a license agreement with the association for use of the space in the common area.

In addition, Section 4745(e) provides that approval or denial of an application shall be in writing and that if an application is not denied within 60 days from the date of receipt, the application shall be deemed approved, unless the delay is the result of a reasonable request for additional information.