

## Electric Vehicle Chargers in Community Associations

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In 2024, the United States hit a record high for sales of electric vehicles (“EVs”). Kelley Blue Book reported that 1.3 million EVs were sold in 2024 alone. This statistic isn’t shocking as almost all major car brands, including luxury brands, offer an EV option. Many of these options were on display at the 2025 D.C. Auto Show held at the D.C. Convention Center earlier this year, such as the Ford F-15-Lightning, the Hyundai Ioniq, the Toyota BZ4X, and, of course, the Tesla Cybertruck. While charging stations for public use are more and more prevalent in commercial areas, like shopping plazas and public garages, accommodating electric vehicles within community associations involves some additional considerations. This article explains community associations’ legal obligations to accommodate requests by owners to install EV charging equipment for personal use in Virginia, Maryland and D.C. and concerns that may arise related to those requests.

### District of Columbia

On November 14, 2024, the D.C. Council passed a new electric vehicle “right to charge” law, codified as D.C. 25-262, with respect to installations within condominiums and other types of community associations. The law took effect on March 7, 2025 after the mandatory congressional review period. The law allows D.C. owners to install EV charging equipment within a parking spot owned or assigned for their exclusive use, at their own expense, subject to certain requirements. Associations may require the owner to provide a detailed plan of the installation, the installation must be completed by a licensed professional, and the owner is required to pay all utilities associated with the charging equipment.

Most notably, the law will expressly repeal covenants and use restrictions, whether recorded or unrecorded, that prohibit or unreasonably restrict the installation of EV charging equipment. Associations are also required to pass resolutions regarding the installation, operation, maintenance, and removal of EV charging equipment. A response to an application to install an EV charger must be in writing and if a decision is not relayed to the owner within 60 days of the receipt of the application, the application is deemed approved unless the delay is the result of a reasonable request for additional information or exigent circumstances. If the condominium or community association violates the “right to charge” law, the D.C. Department of Buildings may fine a condominium or community association up to \$1,000 per 60-day period that a reported violation continues.

## Virginia

In 2020, the General Assembly amended both the Virginia Condominium Act and the Virginia Property Owners' Association Act (POAA) to permit the installation of electric vehicle charging equipment for personal use on the property owned by a lot owner or within the boundaries of a unit or limited common element parking space appurtenant to the unit owned by the unit owner, except to the extent that the recorded governing documents or condominium instruments provide otherwise. Both Acts require the owner to indemnify and hold the association harmless from all liability, including reasonable attorney fees incurred by the association, resulting from a claim, arising out of the installation, maintenance, operation or use of such electric charging station. Both Acts also provide that an association may require the owner to obtain and maintain insurance covering claims and defenses of claims related to the installation, maintenance, operation or use of the electric vehicle charging equipment.

With respect to the POAA, the statute provides that an association can prohibit or restrict the installation of electric vehicle charging stations on the common area and may establish reasonable restrictions as to the number, size, place and manner of placement or installation of electric vehicle charging stations on the common area. With respect to the Condominium Act, the statute allows associations, among other things, to request an owner to provide a plan for the installation of the charger prepared by a licensed and registered electrical contractor. The owner must also pay for the installation of the charger and separately meter the utilities associated with the charger and pay for the utilities consumed by the charger.

## Maryland

In 2021, the Maryland General Assembly amended the Condominium, Cooperative Housing, and Homeowners Association Acts to allow owners within community associations to install EV charging equipment. Each of the three acts have almost identical requirements. Community associations may: require owners to apply to install an EV charger and include a plan and drawings of the installation; require the installation to be completed by a licensed contractor; pay for the installation; and pay for the electricity use associated with the EV charger through a separate electric meter. The association's decision to the owner must be in writing and if not denied in writing within 60 days after receipt of the application, the application shall be deemed approved, unless the delay is the result of a reasonable request for additional information. The owner is required to receive any licenses required by a government entity to install the EV charger.

The laws do have protections for community associations. Owners may either: (i) provide a certificate of insurance naming the condominium association as an additional insured for a policy insuring the EV charger and any other equipment needed by the charger; or (ii) reimburse the association for the cost of an increased insurance premium attributable to the EV charging equipment.

### Considerations

The installation of EV charging equipment in community associations is an evolving issue. When it comes to condominiums in particular, one major consideration is whether the building has sufficient electrical infrastructure to accommodate multiple individual charging stations. Many older buildings can only accommodate 1 to 2 charging stations without significant upgrades to electrical panels to accommodate the increase in electrical load. These types of upgrades are extremely expensive. While some jurisdictions do have grant programs for electrical equipment installations, most of those programs only provide funding directly to owners wishing to install the charging station and not to the association entity needing funding to upgrade its electrical capacity.

Another concern is the risk of fire from the lithium-ion batteries that are used in EVs. The fires generated by EV batteries burn longer, require more water to extinguish, and are known to release toxic chemicals. If a fire happens from the active charging of an EV in a garage, fire trucks may not be able to access the garage to extinguish the fire due to low ceiling clearances. Insurance companies are aware of these risks and are asking more questions about EV charging equipment at the premises during the renewal period.

When preparing electric vehicle charging station policies, it is prudent for Boards and management to consult with their legal counsel regarding the applicable statutory provisions and also practical considerations. As EVs are more prevalent, community association practitioners are more cognizant of the realities of accommodating EVs within community associations.