

**TALLMAN OWNERS ASSOCIATION, INC.  
POLICY REGARDING  
ELECTRIC VEHICLES AND CHARGING SYSTEMS**

**PURPOSE:** To establish rules, policies and procedures regarding electric vehicles and charging systems within the community.

**AUTHORITY:** Declaration, Articles of Incorporation and Bylaws of the Tallman Owners Association, Inc. (“Association”), and Colorado law.

**ADOPTED:** December 18, 202<sup>3</sup>

**EFFECTIVE:** August 17, 202<sup>3</sup>

**RESOLUTION:** The Association gives notice of its adoption of a Resolution establishing the following rules, policies and procedures regarding the installation, construction, maintenance, and use of electric vehicle charging systems.

**Electric Vehicle and Charging System Rules, Policies, and Procedures**

**1. Introduction and Basis for Policy on Installation, Maintenance, and Use of Electric Vehicle Charging Systems.**

The Colorado Common Interest Ownership Act (“CCIOA”) allows installation and use of an electrical vehicle charging system (“EVCS”) in a common interest community, and provides that if the EVCS is to be placed in a common elements or limited common elements, the owner who installs the EVCS is responsible for various costs associated with the installation, maintenance, repair and operation of the EVCS, as well as costs for damages to common elements (including limited common elements) or adjacent lots or parking spaces resulting from installation and maintenance of the system.

The Colorado legislature, with the passage of Senate Bill 13-126 and House Bill 23-1233, has prioritized the removal of unreasonable restrictions on the installation of electric vehicle charging systems and electric vehicle parking. The primary purpose of this legislation was to ensure that common interest communities provide residents and Owners with a meaningful opportunity to take advantage of the availability of electric vehicles, to permit the installation of electric vehicle charging systems as an amenity for residents and guests and allow parking of electric vehicles within common interest communities.

Since the governing documents provide little guidance concerning the installation, maintenance, and use of charging systems and vests the responsibility for the administration and enforcement of community standards in the Board of Directors (“Board”) and the Design Review Committee, or its delegate, (collectively “DRC”).

**2. Rules on Installation, Maintenance, and Use of Electric Vehicle Charging Systems.**

(a) Definitions.

(i) “EV” means a plug-in electric vehicle or a plug-in hybrid vehicle.

- (ii) "Electric Vehicle Charging System" or "Charging System" means a system that:
  - (i) is designed to provide electricity to an EV; (ii) is designed to ensure that a safe connection can be made between the electric grid and the vehicle; and (iii) is able to communicate with the vehicle's control system so that electricity flows at an appropriate voltage and current level. EVCS include Level 1 or Level 2 charging systems as defined by C.R.S. § 38-33.3-106.8(7).
  
- (b) Installation and Location of Charging Systems. Owners who wish to charge electric vehicles on property in the community may be required to install a Charging System. The Association permits Owners to install Charging Systems, subject to the conditions, restrictions and limitations outlined herein, on:
  - (i) an assigned or deeded driveway and/or garage that is part of or designated for the exclusive benefit and use of an individual Lot; and
  - (ii) a Common Element parking space that will be accessible to the applicant/installing Owner and all other Owners subject to prior ARC approval of the location for the parking space installation.
  
- (c) Association Consent. Owners may not install a Charging System without the consent of the Association. Subject to any prior approval of a Common Element location required by subsection (b)(ii) above, the Association will consent to an Owner's installation of a Charging System on a parking space if:
  - (i) The Owner provides the Board of Directors a written description of the proposed charging equipment, the proposed design and installation, and any other documents or plans requested by the Board;
  - (ii) The Charging System otherwise complies with the Declaration, Bylaws, and Rules and Regulations of the Association;
  - (iii) The Owner agrees in writing to have the Charging System installed by a licensed and insured electrical contractor in accordance with the manufacturer's specifications and all applicable health and safety standards, building codes and other requirements imposed by the state and local authorities;
  - (iv) The Owner installs a separate electrical meter or sub-meter;
  - (v) As an alternative to a meter, the Owner agrees to pay the projected allocated electrical costs attributable to the Charging System as estimated by the Association;
  - (vi) The Owner submits a signed copy of the form of agreement attached to this policy; and
  - (vii) The Owner submits such additional material as may be reasonably requested by the Association.
  
- (d) Charges and Fees of the Association.

- (i) The Association will not charge an Owner any fee for the installation of a Charging System, except that the Association may assess Owners for reimbursement of the actual costs of electricity used by the Charging System. Alternatively, the Association may charge a reasonable fee for access or require metering or sub-metering.
- (ii) If the Charging System is part of a network for which a network fee is charged, the Association may charge the Owner for the amount of the network fee.
- (iii) These costs will be deemed assessments of the Owner.
- (e) Owners Prefer to Have Separate Metering. Owners desiring to install Charging Systems may do so with installation of a separate electricity meter or sub-meter. Arrangements can be made with utility providers for the installation of meters to monitor energy usage and collect data for billing purposes.
- (f) Safety Requirements.
  - (i) All installations must meet or exceed applicable building code safety standards, be installed with a building permit, and must meet or exceed other applicable safety standards for the protection of people and property.
  - (ii) The DRC may require that installation and use of a Charging System satisfy other bona fide safety requirements as reasonably determined by the Board.
- (g) Owner Responsibility for Installation Costs. Owners are responsible for the costs of installation, including the costs of restoring any Common Elements or other property maintained by the Association damaged during or as a result of installation.
- (h) Owner Liability for Damages. Owners are responsible for all costs of damage, maintenance or repairs to the Owner's Charging System and to Limited Common Elements, Common Elements, or adjacent Lots that arise or result from the installation, maintenance, repair, removal or replacement of the Charging System.
- (i) Insurance Required to be Maintained.
  - (i) After the effective date of these rules, Owners who have installed Charging Systems are required to maintain an insurance policy that insures against any liability for damages and, if installed on the Common Elements, names the Association as an additional insured under the policy for any Charging Systems the Owner, or their predecessor, previously installed or will install.
  - (ii) If the Charging System or any portion of the Charging System is located on the Common Elements (i.e., outside the boundaries of the Owner's Lot) or other property insured by the Association, the Owner will be responsible for the actual cost of any increased insurance premium attributable to the Charging System.

- (j) Maintenance of Charging Systems by Owners and Successive Owners. Each Owner and successive Owners of a Lot that has a Charging System installed within its boundaries shall be responsible for the maintenance, removal, and replacement of the Charging System until it is removed. Additionally, the Owner and successive Owners are responsible for the costs of removing the Charging System if reasonably necessary or convenient for the repair, maintenance, or replacement of the Common Elements or Limited Common Elements of the community, as determined by the Board. The Board will give reasonable notice to the affected Owners upon a determination that removal of the system is required for maintenance.
- (k) Association Authority to Install Charging System Upon Common Elements. The Association may make available, install, or operate a Charging System upon the Common Elements for use by the Owners, residents, and guests within the community. The Association may establish time limits, rules for use, and the charges or manner of payments for persons who use such Association installed Charging System.
- (l) No Waiver. Failure by the Association, the DRC, the Board or any person to enforce any provision of this policy will in no event be deemed a waiver of the right to do so thereafter.
- (m) Severability. The provisions of these Rules and Regulations will be deemed to be independent and severable, and the invalidity of any one or more of the provisions herein, or any portion thereof, by judgment or decree of any court of competent jurisdiction, will in no way affect the validity or enforceability of the remaining provisions, which provisions will remain in full force and effect.
- (n) Supplement to Law. The provisions of this Resolution shall be in addition to and in supplement to the terms and provisions of the Declaration and the law of the State of Colorado governing the Community.
- (o) Deviations. The Board may deviate from the procedures set forth in this Policy if in its sole discretion such deviation is reasonable under the circumstances.
- (p) Amendment. These policies, procedures and rules may be amended from time to time by the Board of Directors.

**PRESIDENT'S**

**CERTIFICATION:**

The undersigned, being the President of the Tallman Owners Association, Inc., a Colorado nonprofit corporation, certifies that the foregoing rules, policies and procedures were approved and adopted by the Board of Directors of the Association, at a duly called and held meeting of the Board on December 18, 2023.

**TALLMAN OWNERS ASSOCIATION, INC.,**

a Colorado nonprofit corporation,

By: Sara Dieringer  
7EB4288668D4A0...  
President

**TALLMAN OWNERS ASSOCIATION, INC.**

**Agreement for Installation, Maintenance, and Use of Electric Vehicle Charging System**

Member Name: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone #: \_\_\_\_\_

Installation location: \_\_\_\_\_

Pursuant to state law and the Association's Rules, Policies, and Procedures Regarding Electric Vehicles and Charging Systems, I hereby request to have a Charging System installed. I understand that upon receipt of this request, the DRC will review the request and determine whether to approve the request.

1. I acknowledge and accept the Association's Rules, Policies, and Procedures Regarding Electric Vehicles and Charging Systems.
2. I agree to engage the services of a duly licensed and registered electrical contractor, familiar with the installation and code requirements of an electric vehicle charging system, for the installation of the system.
3. I consent to pay the costs and expenses associated with the installation of the Charging System, including but not limited to the costs to restore any Common Elements and/or adjacent Lots disturbed in the process of installation and/or the costs of any necessary upgrades to the existing electrical wiring system.
4. I acknowledge and agree that I, and successive owners of my Lot, are responsible for the maintenance, repair, removal and replacement of any Charging System that I install and agree to pay the actual costs of electricity used and/or other reasonable access fees or network fees associated with installation of the Charging System. In the event such expenses and fees are not paid, I will be responsible for any and all damages and costs incurred by the Association, including attorney fees, incurred by the Association in collecting these expenses and fees, and I will be subject to all enforcement and collection procedures available to the Association through its governing documents and Colorado law.
5. I agree to provide the Association with copies of the mandatory certificate(s) of insurance within 14 days after receiving the DRC's consent for installation, naming the Association as an additional insured, as required by the Rules.
6. In the event that the installation, maintenance, repair, removal, or replacement of the Charging System results in any damage to the Limited Common Elements or the General Common Elements, I will be responsible for any and all damages incurred by the Association.

Member Signature: \_\_\_\_\_ Date: \_\_\_\_\_