

SEAL BEACH MUTUAL NUMBER FIVE**Physical Property****Electric Vehicle Charging Station and EV-Dedicated Time of Use Meter Installation**

1 This Electric Vehicle Charging Station and EV-Dedicated TOU Meter Policy (“Policy”) is
2 established in accordance with Civil Code §§4745 and 4745.1 and the Mutual’s Governing
3 Documents, to govern the installation of electric vehicle charging stations and electric vehicle, as
4 defined below, within the development and provide requirements for Shareholders seeking
5 approval from the Board of Directors (“Board”) for installation of a solar energy system. The Policy
6 revokes all previous Operating Rules, Regulations and Policies regarding the same matters and
7 substitutes this Policy in their place.

8
9 1. Definitions

- 10
11 a. “Electric Vehicle Charging Station” means a station, compliant with the California
12 Building Standards Code, which delivers electricity from a source outside an electric
13 vehicle into one or more electric vehicles. An electric vehicle charging station may
14 include several charge points simultaneously connecting several electric vehicles
15 to the station and any related equipment needed to facilitate charging plug-in
16 electric vehicles. Civil Code §4745(d).
17
- 18 b. “EV-Dedicated TOU Meter” means an electric meter supplied and installed by an
19 electric utility, that is separate from, and in addition to, any other electric meter and
20 is devoted exclusively to the charging of electric vehicles, and that tracks the time
21 of use (TOU) when charging occurs. An EV-Dedicated TOU meter includes any
22 wiring or conduit necessary to connect the electric meter to an electric vehicle
23 charging station, as defined in Civil Code §4745.1, regardless of whether it is
24 supplied or installed by an electric utility. Civil Code §4745.1(d).
25
- 26 c. Definitions in Governing Documents. Capitalized terms herein have the same
27 definitions as the same terms when found in the Mutual’s current Governing
28 Documents or the law.
29

30 2. General Requirements

- 31
32 a. Health and Safety Compliance. All Electric Vehicle Charging Stations and
33 EVDedicated TOU Meters installed in the Development must meet applicable
34 health and safety standards and requirements imposed by state and local
35 authorities, and all other applicable zoning, land use, or other ordinances, or land
36 use permits. Civil Code §§4745(c) and 4745.1(c).
37
- 38 b. Governing Documents. Installation, removal, replacement, and use of any Electric
39 Vehicle Charging Station and EV-Dedicated TOU Meter must comply with all
40 architectural procedures, standards and other requirements of the Mutual’s

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- 41 Governing Documents. Civil Code §§4745(f)(1)(A) and 4745.1(f)(1)(A).
 42
 43 c. Licensed Contractors. Regardless of whether Mutual approval is required, any
 44 installation, removal, replacement of an Electric Vehicle Charging Station and
 45 EVDedicated TOU Meter must be performed by a contractor, licensed by the State
 46 of California to perform the necessary work, and who has liability insurance for the
 47 work to be provided with commercially reasonable policy limits.
 48
 49 d. Building Department and Mutual Approvals. Any installation, removal or
 50 replacement of an Electric Vehicle Charging Station or EV-Dedicated TOU Meter
 51 requiring the issuance of a building permit must be submitted by the Shareholder
 52 to the appropriate governmental entity for review and approval. If there is a conflict
 53 between the conditions of approval imposed by the governmental entity and the
 54 Mutual, the more restrictive conditions will control. The Board may impose
 55 conditions of approval which are more restrictive than conditions imposed by
 56 governmental agencies.
 57
- 58 3. Architectural Approval Requirements and Procedures
- 59
 60 a. Approval Required. Installation, removal or replacement of an Electric Vehicle
 61 Charging Station or EV-Dedicated TOU Meter, including any related wiring,
 62 conduits, or other components, within or through any portion of the Shareholder's
 63 Exclusive Use Common Area or the Common Area, without advanced written
 64 approval from the Mutual's Board of Directors is prohibited. Installation, removal or
 65 replacement of an Electric Vehicle Charging Station or EV-Dedicated TOU Meter,
 66 including all related wiring, conduit and other components, entirely within the
 67 Shareholder's separate interest does not require Mutual approval, but is subject to
 68 all other requirements herein and required by law.
 69
 70 b. Approval Process. Any application for approval of the installation of an Electric
 71 Vehicle Charging Station or an EV-Dedicated TOU Meter must be processed and
 72 approved by the Mutual in the same manner as any other architectural application
 73 for approval and must not be willfully avoided or delayed. Approvals and
 74 disapprovals must be in writing. Civil Code §§4745(e) and 4745.1(e). Disapprovals
 75 must include both an explanation of why the proposed change is disapproved and
 76 a description of the procedure for reconsideration of the decision by the Board. Civil
 77 Code §4765(a)(5).
 78
 79 c. Approval of Individuals Prohibited. Applications cannot not be approved by any
 80 individual Director. In the event an individual Director approves architectural plans

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81 and specifications, such approval should not be relied upon and will not be deemed
 82 approval.

- 83
- 84 d. Appeal to Board. If a proposed installation is disapproved, the Shareholder is
 85 entitled to reconsideration by the Board at an open meeting of the Board, except if
 86 the disapproval was made at a properly noticed open meeting of the Board or a
 87 committee that has the same membership as the Board. Civil Code §4765(a)(5).
 88
- 89 e. Submission of Plans. Plans and specifications in accordance with the Mutual's
 90 Governing Documents must be submitted to the Board by personal delivery or
 91 certified mail. Unless a delay in approval by the Board is the result of (i) the
 92 applicant's failure to properly submit an application in accordance with the Mutual's
 93 guidelines, or (ii) a reasonable request by the Board for additional information, the
 94 application will be deemed approved after forty-five (45) days of being submitted to
 95 the Board, unless the application has been disapproved by the Board. Civil Code
 96 §§4745(e) and 4745.1(e). Provided, however, that all applications that violate the
 97 Mutual's Governing Documents or Building and Safety Codes are automatically
 98 disapproved without action by the Board unless variances are specifically approved
 99 in writing by the Board.

100

101 4. Conditions of Approval

102

- 103 a. Conditions of Approval – Electric Vehicle Charging Station. The Shareholder must
 104 meet the following conditions before approval will be granted for the installation,
 105 removal, replacement of an Electric Vehicle Charging Station, including any related
 106 wiring, conduits, or other components, within or through any portion of the
 107 Shareholder's Exclusive Use Common Area or the Common Area:
 108
- 109 i. Use a licensed contractor to install the station.
 110 ii. Provide a certificate of insurance that names the Mutual as an additional
 111 insured under the Shareholder's insurance policy in the amount of
 112 \$1,000,000.
 113 iii. Pay for both the costs associated with the installation of and the electricity
 114 usage associated with the Electric Vehicle Charging Station.
 115 iv. Execute an agreement containing covenants to be prepared by the Mutual,
 116 at the Shareholder's expense, which makes the current and future owners
 117 of the Shareholder's dwelling unit responsible for at least the following:
 118
- 119 1. Costs for damage to the Electric Vehicle Charging Station, Common
 120 Area, Exclusive Use Common Area, or separate interests resulting

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- 121 from the installation, maintenance, repair, removal, or replacement of
 122 the charging station.
 123
 124 2. Costs for the maintenance, repair, and replacement of the Electric
 125 Vehicle Charging Station until it has been removed and for the
 126 restoration of the Common Area after removal.
 127
 128 3. The cost of electricity associated with the Electric Vehicle Charging
 129 Station.
 130
 131 4. Disclosing to prospective buyers the existence of any Electric Vehicle
 132 Charging Station of the Shareholder and the related responsibilities
 133 of the Shareholder under the agreement.
 134

135 Civil Code §4745(f).
 136

- 137 b. Conditions of Approval – EV-Dedicated TOU Meter. The Shareholder must meet
 138 the following conditions before approval will be granted for the installation, removal,
 139 or replacement of an EV-Dedicated TOU Meter, including any related wiring,
 140 conduits, or other components, within or through any portion of the Shareholder's
 141 Exclusive Use Common Area or the Common Area:
 142

- 143 i. Engage the relevant electric utility to install the EV-Dedicated TOU Meter
 144 and, if necessary, a licensed contractor to install wiring or conduit necessary
 145 to connect the electric meter to an Electric Vehicle Charging Station at
 146 Shareholder's expense.
 147 ii. Provide a certificate of insurance that names the Mutual as an additional
 148 insured under the Shareholder's insurance policy in the amount of
 149 \$1,000,000.
 150 iii. Execute an agreement containing covenants to be prepared and recorded
 151 by the Mutual, at the Shareholder's expense, which makes the current and
 152 future owners of the Shareholder's dwelling unit responsible for the following:
 153
 154 1. Costs for damage to the EV-Dedicated TOU Meter, Common Area,
 155 Exclusive Use Common Area, or separate interests resulting from the
 156 installation, maintenance, repair, removal, or replacement of the
 157 EVDedicated TOU Meter.
 158
 159 2. Costs for the maintenance, repair, and replacement of the
 160 EVDedicated TOU Meter until it has been removed and for the

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- 161 restoration of the Common Area after removal.
- 162
- 163 3. Disclosing to prospective buyers the existence of any EV-Dedicated
- 164 TOU Meter of the Shareholder and the related responsibilities of the
- 165 Shareholder under the agreement
- 166
- 167 Civil Code §4745.1(f).
- 168
- 169 5. Additional Restrictions and Conditions of Approval. The Mutual may impose additional
- 170 reasonable restrictions and architectural standards concerning the installation, use,
- 171 removal and replacement of Electric Vehicle Charging Stations and EV-Dedicated TOU
- 172 Meters. The Board may impose additional reasonable conditions of approval of the
- 173 Shareholder's architectural request to install an Electric Vehicle Charging Station or EV-
- 174 Dedicated TOU Meter which are not inconsistent with the Mutual's Governing Documents
- 175 and the law.
- 176
- 177 a. Limitations on Electric Vehicle Charging Station Restrictions. Restrictions on
- 178 Electric Vehicle Charging Stations may not significantly increase the cost of the
- 179 station or significantly decrease its efficiency or specified performance. Civil Code
- 180 §4745(b).
- 181
- 182 b. Limitations on EV-Dedicated TOU Meter Restrictions. Reasonable restrictions and
- 183 conditions on EV-Dedicated TOU Meters may be based on space, aesthetics,
- 184 structural integrity, and equal access to such services for all Shareholders, but the
- 185 Mutual must attempt to find a reasonable way to accommodate the requested
- 186 installation unless doing so would require the Mutual to incur an expense. Civil
- 187 Code §4745.1(b).
- 188
- 189 6. Permissible Installation Locations
- 190 a. Electric Vehicle Charging Stations. Electric Vehicle Charging Stations may be
- 191 installed in the following locations.
- 192
- 193 i. Separate Interest or Designated Space. The Mutual must permit installation
- 194 of Electric Vehicle Charging Stations within a Shareholder's dwelling unit or
- 195 in a designated parking space, including, but not limited to, a deeded parking
- 196 space, a parking space in a Shareholder's Exclusive Use Common Area (as
- 197 defined in the Mutual's Governing Documents), or a parking space that is
- 198 specifically designated for use by a particular Shareholder. Civil Code
- 199 §4745(a).
- 200 ii. Common Area for Exclusive Use by a Shareholder. The Mutual must permit

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201 installation of Electric Vehicle Charging Stations for the exclusive use of a
 202 Shareholder in the Common Area, which is not Exclusive Use Common
 203 Area, only if installation in the Shareholder's designated parking space is
 204 impossible or unreasonably expensive. In this case, the Mutual and
 205 Shareholder must enter into a license agreement for the use of the space in
 206 the Common Area. Civil Code §4745(g).
 207 iii. Common Area for Use by all Shareholders. Upon approval of the Board or
 208 the Membership of the Mutual, an Electric Vehicle Charging Station may be
 209 installed in the Common Areas for the use of all Shareholders of the Mutual,
 210 subject to such terms and conditions of use established by the Mutual. Civil
 211 Code §4745(h).
 212 iv. New Parking Space. The Mutual may create a new parking space where one
 213 did not previously exist to facilitate the installation of an Electric Vehicle
 214 Charging Station. Civil Code §4745(i).

215
 216 b. EV-Dedicated TOU Meters. EV-Dedicated TOU Meters may be installed in the
 217 following locations.

218
 219 i. Shareholder's Separate Interest. To the extent reasonably possible, an
 220 EVDedicated TOU Meters must be installed in the Shareholder's separate
 221 interest.
 222 ii. Exclusive Use Common Area. If installation of an EV-Dedicated TOU Meters
 223 in the Shareholder's separate interest is not reasonably possible, it must be
 224 installed in the Shareholder's Exclusive Use Common Area, if any.
 225 iii. Common Area for Exclusive Use by a Shareholder. If installation in the
 226 Shareholder's separate interest and the Shareholder's Exclusive Use
 227 Common Area, if any, is not reasonably possible, an EV-Dedicated TOU
 228 Meter may be installed in the non-exclusive Common Area, if reasonable. In
 229 this case, the Mutual and Shareholder must enter into a license agreement
 230 for the use of the space in the Common Area.
 231 iv. Common Area for All Shareholders. Upon approval of the Board or the
 232 Membership of the Mutual, an EV-Dedicated TOU Meter may be installed in
 233 the Common Areas for the use of all Shareholders of the Mutual, subject to
 234 such terms and conditions of use established by the Mutual. Civil Code
 235 §4745.1(g).
 236

237 7. Other Requirements

238 a. Insurance

239
 240 i. Insurance Required. Any Shareholder with an Electric Vehicle Charging

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- 241 Station or EV-Dedicated TOU Meter, whether located within a separate
 242 dwelling unit or within the Common Area or Exclusive Use Common Area,
 243 must, at all times, maintain a liability coverage policy with limits of one million
 244 dollars (\$1,000,000). The Shareholder that submitted the application to
 245 install the Electric Vehicle Charging Station or EV-Dedicated TOU Meter
 246 must provide the Mutual with the corresponding certificate of insurance
 247 within 14 days of approval of the application. That Shareholder and each
 248 successor Shareholder must provide the Mutual with the certificate of
 249 insurance annually thereafter. Civil Code 4745(f)(3).
- 250 ii. Exception to Insurance Requirement. A Shareholder is not required to
 251 maintain a liability coverage policy for an Electric Vehicle Charging Station
 252 consisting of an existing National Electrical Manufacturers Association
 253 standard alternating current power plug. Civil Code §4745(f)(4).
 254
- 255 b. Good Standing. Only Shareholders in Good Standing may submit architectural
 256 requests for approval of Electric Vehicle Charging Stations or EV-Dedicated TOU
 257 Meters. "Good Standing" is defined to mean Shareholders who are not delinquent
 258 by more than sixty (60) days in the payment of any Assessment, fee, or fine, and
 259 not found to be in violation of the Mutual's Governing Documents (following proper
 260 notice, hearing, and a finding by the Board).
 261
- 262 c. Architect/Consultant. The Board may retain the services of an architect and one or
 263 more consultants to assist the Board in its duties. Compensation for consultants'
 264 services must be fixed by the Board. The cost of such consultants and any related
 265 expenses may be charged to those Shareholders submitting plans for installation
 266 of Electric Vehicle Charging Stations or EV-Dedicated TOU Meters. Any significant
 267 costs must be submitted to the Shareholder for approval before being incurred by
 268 the Mutual.
- 269 d. Inspection. The Mutual has the right, but not the obligation, to periodically inspect
 270 any work approved by the Board. Shareholders must allow inspection and work
 271 may be halted and the Shareholder fined if inspection is not allowed. Such
 272 inspections do not relieve a Shareholder from his/her duty to comply with the
 273 Mutual's Architectural Standards and all applicable building and fire codes.
 274
- 275 e. Mechanics' Liens. Shareholders must ensure that no lien is placed against any
 276 other dwelling unit or against the Common Areas for labor or material furnished to
 277 the applicant Shareholder's dwelling units. If a lien is placed against the Common
 278 Areas and any other Shareholders' dwelling units, and the responsible Shareholder
 279 does not immediately cause the removal of the lien, the Mutual may, after written
 280 notice to the responsible Shareholder, pay the amounts necessary to have the lien

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281 removed and levy a Reimbursement Assessment against the responsible
282 Shareholder for the monies advanced as well as any fees and costs incurred by the
283 Mutual to remove the lien.
284
285

Document History

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