

ISSUE #1

MARKUP #1 ->

Section 1: [CC&Rs Article VII, Section 7.6] Electric Vehicle Charging Stations and \$1,000,000 Umbrella Policy Requirement

No Owner may install an Electric Vehicle (EV) charging station in any assigned garage or carport space without the affirmative vote of sixty-seven percent (67%) of the Members, and the Owner must maintain a \$1,000,000 umbrella liability insurance policy naming the Association as an additional insured on the policy.

Section 2: [CC&Rs Article IX, Section 9.3] Family Day Care Home Prohibition

Units shall be used exclusively for single-family residential purposes. No business, trade, or commercial activity, including any family day care home or child care service, shall be operated within any Unit.

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. CC&Rs Article VII, Section 7.6 (p. 1): Requiring 67% member vote and naming HOA as additional insured on EV charging station policy

Statutory / Legal Reference: Cal. Civ. Code § 4745(a) & (f)(1)(C) (as amended by SB 1016)

Statutory Comparison: Under Cal. Civ. Code § 4745(a), any covenant or condition that effectively prohibits or unreasonably restricts the installation or use of an EV charging station in an owner's designated parking space is void and unenforceable. Furthermore, § 4745(f)(1)(C) was specifically amended to remove the requirement that the homeowner name the association as an additional insured, requiring only a certificate of insurance covering the homeowner's responsibilities.

CURRENT WORDING IN DOCUMENT:

[CC&Rs Article VII, Section 7.6] Electric Vehicle Charging Stations and \$1,000,000 Umbrella Policy Requirement - No Owner may install an Electric Vehicle (EV) charging station in any assigned garage or carport space without the affirmative vote of sixty-seven percent (67%) of the Members, and the Owner must maintain a \$1,000,000 umbrella liability insurance policy naming the Association as an additional insured on the policy.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Amend Section CC&Rs Article VII, Section 7.6 ([CC&Rs Article VII, Section 7.6] Electric Vehicle Charging Stations and \$1,000,000 Umbrella Policy Requirement - No Owner may install an Electric Vehicle (EV) charging station in any assigned garage or carport space without the affirmative vote of sixty-seven percent (67%) of the Members, and the Owner must maintain a \$1,000,000 umbrella liability insurance policy naming the Association as an additional insured on the policy.) to conform with Cal. Civ. Code § 4745(a) & (f)(1)(C) (as amended by SB 1016) and the manual attorney audit recommendations for Fairway Heights Condominium Association.