

**TROPICANA VILLAGE AIEA, PHASE 2 & 3,
ELECTRICAL VEHICLE CHARGING STATION POLICY**

Approved by the Tropicana Village, Aiea, Phase 2 & 3 Board of Directors, November 15, 2023

HRS 196-7.5 **Placement of Electric Vehicle Charging System** allows for installation and use of an electrical vehicle charging station (EVCS) in a common interest development, and provides that if the charging station is to be placed in a common area or exclusive use common area, the owner who installed it, and each successive owner, is responsible for any costs associated with maintaining and repairing the station, as well as for costs for damage to common areas or adjacent units resulting from installation and maintenance of the station.

An “electrical vehicle charging station” (EVCS) means a station that is designed in compliance with the Hawaii Building Standards Code and delivers electricity from a source outside an electrical vehicle into one or more electrical vehicles. An EVCS may include up to two charge points, simultaneously connecting up to two electrical vehicles to the station and any related equipment needed to facilitate charging plug-in vehicles. In compliance with Hawaii HRS 196-7.5. No more than two electric vehicles will be allowed to charge at any time. The Tropicana Village Aiea, Phase 2 & 3 association hereby enacts the following policy and requirements associated with the installation and maintenance of EVCS’s within the community specifically for those townhouse units that do not have garages and are granted limited common element use of one or two outside parking spaces: Those units with garages can install charging stations within their respective garages and charge electric vehicles parked only within those garages. Any exterior vehicle charging is not allowed by those units with garages.

NOTE: Any attempt to charge electric vehicles by using an extension cord from a unit, exiting from a door, window, lanai or unauthorized exterior outlet and across common elements is a property and personnel safety hazard that could result in a loss of life. Management will instruct that resident to immediately remove that extension cord and possibly be subject to legal action. If the resident does not immediately remove the extension cord, management will do so and notify law enforcement, if necessary.

1. An EVCS must meet applicable health and safety standards and requirements imposed by state and local permitting authorities. The Owner who wishes to install an EVCS shall submit an application to the HOA Board of Directors showing that the station meets all legal standards, along with all contractor drawings, charging equipment specifications, trenching plans and in-ground electrical cable specifications, that the Owner has obtained from a licensed and insured contractor, and a written signed/dated statement of agreement that the Owner will obtain all required permits from state and local authorities for installing the charging station. In addition, the Owner must include in their written signed/dated statement to the board of directors that he/she will, within 14 days of installation, provide a certificate of insurance to the Board of Directors, naming the Tropicana Village Aiea, Phase 2 & 3 AOA as an additional insured on the Owner’s homeowner’s insurance policy.
2. The AOA Board of Directors shall approve, deny, or approve subject to stated conditions, the Owner’s application to install an EVCS by using the same procedure applicable to all other architectural applications, and, unless the application is denied within forty five (45) days of the date it was filed, the application shall be deemed approved unless the AOA Board makes a reasonable request for further information prior to the expiration of the forty five (45) day period, and the Owner needs additional time to provide the requested information, in which case, the Board shall rule on the application within a reasonable time after receiving the additional information.

3. An Owner wishing to install an EVCS must, in his/her application, agree that the station will be installed in accordance with all AOA covenants, Restated Declaration of Covenants, Conditions and Restrictions (“**CC&Rs**”), with the By Laws and in accordance with this policy, as amended from time to time. Due to the below ground irrigation system, the Board may determine where the wires may be run underground. Any costs for relocating or damage repairs to the irrigation system will be paid by the Owner. The requirements for installation may vary, depending upon the type of charging unit and approval will be at the Board’s sole discretion in accordance with this policy and the AOA governing documents.
4. The Owner who wishes to install the EVCS must engage a properly licensed contractor to perform the installation. The contractor must submit proper evidence of Hawaii contractor license and liability insurance, with a coverage amount of at least \$1,000,000. The liability policy may not exclude coverage for work performed on a common interest development. The contractor must also submit written proof of workers’ compensation insurance coverage as required by law. All proof of insurance must be submitted in writing and approved by the Board before work may commence.
5. The Owner wishing to install the EVCS must, within fourteen (14) days of conditional approval, provide the AOA Board of Directors with a certificate of insurance naming the Association as an additional insured under the Owner’s homeowner policy. A clause or “rider” stating the condition of the AOA allowing the named policy holder, as well as the AOA, to be fully covered for the installation and operation of the EVCS on limited common elements. The Owner must maintain this insurance in force so long as the charging station remains installed within the development, must arrange for his/her insurance broker to annually send the Association proof of such insurance. As an alternative to a homeowner’s insurance clause protecting the AOA for the EVCS, The AOA will allow the Owner(s) and his/her/their successors in interest to acquire and maintain a separate liability insurance with a coverage amount of at least One Million Dollars (\$1,000,000); the policy shall not exclude coverage for a common interest development; and the Association shall be named an additional insured, at no cost to the Association. The purpose of the policy is to ensure the Owner(s) and their successors in interest against the liabilities enumerated in Paragraph 7 below. This insurance requirement shall be included in a recordable instrument to be signed by the Owners as a condition of approval of the installation of the charging station.
6. The Owner(s) must have all EVCS electrical wiring connected solely to the Owner’s apartment electrical and must be entirely responsible for paying the cost of all electricity used by the charging station. The Owner(s) will be fully responsible for all costs to upgrade the apartment electrical for use on the allowed EVCS.
7. After approval from the AOA Board of Directors and no later than five (5) days prior to installing the charging station, the Owner(s) shall sign and date and Exhibit “A”, agreeing, on behalf of each Owner of the Unit that is installing the station, and on behalf of his/her/their successors in interest to title, that the Owner(s) fully understand and will comply with this policy as written and any amendments, thereto.

Exhibit "A"

Indemnity Agreement

When signed/dated, please return to:

Tropicana Village Aiea,
Phase 2 & 3 AOA
c/o Hawaiiana Management Co.
711 Kapiolani Blvd. Suite 700
Honolulu, HI. 96813

INDEMNITY AGREEMENT

1. This Indemnity Agreement ("**Agreement**") is entered into on _____, 20_____,
by and between THE *TROPICANA VILLAGE AIEA, PHASE 2 & 3 AOA*, and

_____ ,

(Owners)

with respect to alterations and improvements to that Unit located at:

_____.

(Address)

2. The Owner(s) has(have) requested permission to install an Electrical Vehicle Charging Station (EVCS) within the Owner's parking spaces, which is a portion of the Common Area.
3. The Association is responsible for managing and maintaining the Common Area of the Project pursuant to the Amended and Restated Declaration of Covenants, Conditions and Restrictions ("**CC&Rs**").
4. It is understood that Article V, Section 2. Para. 2. of the AOA By Laws, directs the owner(s) to repair, maintain and amend all additions or alterations, in good order and condition. Article V, Section 3. (m), requires prior approval from the Board of Directors for any proposed installation of electrical wiring or other equipment or appurtenances on the exterior of any building or protruding through the walls.
5. It is fully understood that once the Board of Directors has approved Owner's application for installation of the EV Charging Station subject to the following conditions pursuant to the Association's Electrical Vehicle Charging Station Policy and Hawaii Revised Statutes 196-7.5, the owner(s) will..
 - (a) Be responsible for all costs associated with installation, maintaining, and repairing the EV Charging Station, as well as any costs for damage to the Common Area or adjacent Condominiums resulting from installation and maintenance of the EV Charging Station.

(b) The EV Charging Station shall be designed and installed in compliance with any and all Hawaii Building Standards Codes and shall be used to charge only the batteries of the Owner's vehicle(s) parked within the Owner's Parking Space(s).

(c) The EV Charging Station must meet all applicable electrical, health and safety standards and any requirements imposed by state and local permitting authorities.

6. In the event of any legal action or arbitration arising out of or in connection with this Agreement, the prevailing party shall be entitled, in addition to any other relief, to reasonable attorneys' fees, expert witness fees and costs.

7. This Agreement touches and concerns the Property described in Paragraph 1. above, and shall run with the land and be binding upon current Owner(s) and upon any successor Owner(s) of the Property.

OWNER(s):

By: _____
Signature

Date: _____

Print Name

Signature (additional owner)

Date: _____

Print Name