

AMENDED FEBRUARY 1, 2022
ASSOCIATION OF APARTMENT OWNERS OF THE KAHALA BEACH
ADDENDUM TO HOUSE RULES
RULES FOR INSTALLATION OF ELECTRIC VEHICLE CHARGING SYSTEMS

1. As used in this addendum:

“Common elements” include the land, yards, landscaping, parking areas, foundations, main walls, roofs, and other structural components of the building (see Section A.2 of the Restatement of the Declaration for more details).

“Limited common elements” include: (a) the parking stalls designated for the exclusive use of one apartment; (b) the storage spaces designated for the exclusive use of one apartment; and (c) certain parts of the common elements that serve only specific apartments, as more particularly described in Section A.3 of the Restatement of the Declaration and Section 514B-35 of the Hawai‘i Revised Statutes.

Note: Since the installation of electric vehicle charging systems will only be possible on the common elements and limited common elements, and since the installation will connect to the common element electrical system, owners must comply with the procedures outlined below for installing electric vehicle charging systems on those areas.

“Apartment Owner” or “Owner” means the person who owns, or the persons owning jointly or in common, an apartment and its appurtenant common interest.

“Board of Directors” or “Board” means the Board of Directors of the Association of Apartment Owners of The Kahala Beach.

“Electric vehicle charging system” or “system” means a system that is designed in compliance with Article 625 of the National Electrical Code and delivers electricity from a source outside an electric vehicle into one or more electric vehicles. An electric vehicle charging system may include several charge points simultaneously connecting several electric vehicles to the system.

2. Prohibitions

a. No common element electrical outlet shall be used as an electric vehicle charging system.

b. No electric vehicle charging system shall be installed on any parking stall without first obtaining the approval of the Board in writing. This approval requirement also applies to an electric vehicle charging system installed on a limited common element parking stall. In order to process the approval request, the Board may hire an electrical engineer, at the apartment owner’s expense, to determine the capacity of the Association’s electrical system and its ability to support the electric vehicle charging system.

c. Only an apartment owner may install an electric vehicle charging system at the project. No tenant or other resident may install an electric vehicle charging system at the project except with the written permission of the apartment owner, and the apartment owner must: (i) submit the application form on behalf of the tenant; and (ii) on behalf of the tenant, assume all responsibilities imposed by these rules and the law on an apartment owner who installs an electric vehicle charging system.

d. No one may make any cuts into the structure of the building (floors, walls, or ceiling) or trim any vegetation/landscaping on the common elements in connection with the installation of an electric vehicle charging system without the prior written permission of the Board. If a cut is made into the structure of the building, it must be approved by the Board and restored to a condition acceptable to the Board. The Board may require that the owner provide confirmation from an architect or structural engineer that any cuts in the structure of the building will not adversely affect the building.

3. Pre-Installation Procedure

Any owner proposing to install an electric vehicle charging system must:

a. Submit a fully completed copy of the Association's electric vehicle charging system installation form (attached) and obtain the written consent of the Board prior to beginning the installation.

b. If the owner will not be billed directly by Hawaiian Electric Company ("HECO"), the device shall record the time, use, and all other information necessary to determine the cost of the electricity used by the electric vehicle charging system. Such information shall be made available to the Association and its Managing Agent via the internet or other similar means.

c. Hire an electrician licensed in the State of Hawai'i and with the required insurance (and other licensed and insured contractors, if necessary) to install the electric vehicle charging system and inform the electrician/contractor that the installation must comply with these rules.

d. Obtain a building permit for the installation of the electric vehicle charging system.

e. Comply with all the requirements of the National Electrical Code and all laws and regulations applicable to the electric vehicle charging system.

f. Confirm in writing that the electric vehicle charging system will fully comply with these rules.

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4. Installation Requirements

After receiving the Board's written approval to proceed, an owner installing an electric vehicle charging system at the project must:

a. Install the electric vehicle charging system, on the apartment owner's limited common element parking stall or on a general common element that is as close as possible to that parking stall, in the location designated by the Board.

b. Integrate the electric vehicle charging system installation into the architecture and design of the building and make the electric vehicle charging system as visually unobtrusive as possible.

c. Paint all exposed surfaces to match the surface on which the electric vehicle charging system is mounted. (Thereafter, owners shall be responsible for ensuring that the painted surfaces are properly maintained to prevent peeling and cracking of the paint.)

d. Ensure that exterior interconnecting components are minimized and that any parts of the electric vehicle charging system that must be installed on the exterior of walls, floors, or ceilings are enclosed with material that is similar in color and texture to the building.

e. At all times comply with all procedures and requirements of HECO and Article 625 of the National Electric Code.

5. Post-Installation Procedure

a. Within fourteen (14) days of obtaining the Board's written approval of the installation of the electric vehicle charging system, the owner must provide the Board with a certificate of insurance from a company admitted to do business in Hawai'i, naming the Association as an additional insured on the apartment owner's insurance policy. The certificate of insurance must show that the policy covers the electric vehicle charging system and their liability insurance limit shall be at least \$300,000.00 per claim.

b. An owner must: (1) register the completed electric vehicle charging system installation with the Association within thirty (30) days of its installation; and (2) provide a written confirmation by the owner's electrician that the work has been completed in accordance with these rules, the National Electrical Code, and all applicable laws and regulations.

c. The owner or tenant who uses the electric vehicle charging system shall be solely responsible for the cost of electricity used by the system. If the electric charges are not paid by such owner or tenant, these charges may be assessed against the apartment and collected in the same manner as unpaid assessments for common expenses.

6. Maintenance, repair, replacement and removal.

a. If an electric vehicle charging system is placed on a common element or limited common element, the apartment owner who installed the electric vehicle charging system and each successive owner of that apartment shall be responsible for:

i. Any costs for damages to: (1) the electric vehicle charging system; (2) the common elements, including the common element electrical system; (3) the limited common elements; or (4) any adjacent units, arising or resulting from the installation, maintenance, repair, removal, or replacement of the electric vehicle charging system.

ii. Any repair, maintenance, removal, and replacement of the electric vehicle charging system (including the sub meter or other similar device installed to monitor the cost of electricity for the charging system), until the electric vehicle charging system has been removed from the common elements or the limited common elements.

iii. Removal of the electric vehicle charging system if reasonably necessary or convenient for the repair, maintenance, or replacement of the common elements or limited common elements.

b. The Board may also require the removal of an electric vehicle charging system that threatens the health or safety of project residents.

c. The owner and each successive owner shall at all times have and maintain a policy of insurance covering the obligations of the owner under these rules. The policy shall name the Association as an additional insured under the policy, and the owner shall not less than annually provide the Board with a current certificate of insurance confirming that the policy is in effect. The certificate shall provide that the Association must be notified at least thirty (30) days prior to cancellation of the insurance. If the certificate of insurance does not provide such notice, the owner shall provide written notice to the Association within ten (10) days of the owner receiving such notice of cancellation from the owner's insurance company or insurance agent/broker.

d. The Board may require the removal of the electric vehicle charging system and related wiring when the owner or tenant who installed the system moves out of the project, unless a new owner or tenant requests the retention of the system and assumes all responsibilities for the system under these rules.