

**HILLCREST CLUSTER ASSOCIATION, INC.**

**POLICY RESOLUTION NO. 2021-01**

**Electric Vehicle Charging**

**WHEREAS**, the Hillcrest Cluster Association was created by recordation of the relevant deed (book 7624, page 0429) which deed is subject to the Reston Association covenants as amended; and

**WHEREAS**, Article VII, Section VII.1 of the First Amendment to the Deed of Amendment to the Deeds of Dedication of Reston (book 18419, page 1226) (“First Amendment”) establish that portions of the Reston Association Property may be organized as Clusters, such as Hillcrest Cluster Association, with obligations created by the Cluster’s Articles of Incorporation, Bylaws; and furthermore that the purpose of a Cluster Association is to own, manage and provide Upkeep for Cluster Common Area, promote the peace, comfort, safety, and general welfare of the Owners and Occupants of the Cluster, represent its Members as a group in matters related to the Association, and collect and disburse the Cluster Assessments and charges; and

**WHEREAS**, Article VII, Section VII.1 of the First Amendment establishes that each Cluster shall be governed by a board of directors, consistent with its Cluster governing documents, and the Board shall have all powers needed to carry out the purposes of the Cluster Association; and

**WHEREAS**, Article VII, Section VII.2 of the First Amendment establish the right of the Cluster Board to establish reasonable charges for the use of parking, and other facilities on the Cluster Common Area; and

**WHEREAS**, with plug-in electric vehicles becoming more readily available to public consumers and the demand for electric charging options increasing, the Board deems it desirable to provide a framework for electric vehicle charging within the common parking areas for use by the homeowners; and

**WHEREAS**, there is a need to establish orderly and judicious rules and regulations regarding the charging of electric vehicles, as well as remedies for violations of such rules, which are consistent with the governing documents of the Hillcrest Cluster Association (“Association”).

**NOW THEREFORE BE IT RESOLVED**, the Association’s Board of Directors adopts the following Rules and Regulations with respect to the use of electric vehicle charging stations.

## **I. DEFINITIONS**

1. "Electric Vehicle" means any vehicle that operates, either partially or exclusively, on electrical energy, including 100% battery-powered electric vehicles and plug-in hybrid electric vehicles.

## **II. RULES & REGULATIONS**

### **A. Vehicle Charging Safety Protocol**

1. The safety of persons and property is the first and most important priority for all users of Association property, and all owners and operators of electric vehicles while charging. Accordingly, all owners, guests, visitors, tenants, family members should use caution and be responsible for their own safety at all times, including near charging vehicles and related equipment, such as electric cords, facilities, and meters.
2. In the event a charging vehicle requires the use of an electric cord, and the electric cord crosses Association property, the owner(s) and user(s) of the electric cord are fully responsible for the safety of bystanders, walkers, runners, and other persons, pets, and service animals who use the property over which the electric cord runs. The owners and users of all electric cords fully indemnify and hold harmless the Association, its Board officers, directors, agents, managers, and service providers for any claim, injury, and/or damage resulting from or relating to electric cords located on Association property.
3. Charging Equipment which crosses Association property, must be indicated by the presence of an orange traffic cone. If the corresponding electric cord crosses a cluster owned sidewalk, it must be contained within a pedestrian cable tray protector for the entire length of cable located within the boundary of the sidewalk.
4. No Charging Equipment shall be placed in a manner such that it may present a tripping hazard, or may otherwise interfere with the ingress, egress, or movement of any pedestrian.
5. No Charging Equipment shall be placed in a manner such that it blocks or crosses the path of another vehicle, including extending into Association roadways or beyond the parking lines of the applicable parking space.

### **B. Charging Equipment**

1. The owners and operators of electric vehicle shall be responsible for the installation and maintenance of charging equipment for any homeowner. The owners and operators of electric vehicle shall be responsible for providing cords or connectors or other equipment required for charging. Installation of any necessary equipment must comply with all Reston Association Design Review Board procedures. The Association's Board shall not be responsible for any activities or materials in this regard.

2. All Charging Equipment must comply with all applicable federal, state and local laws, codes, and standards for use with an Electric Vehicle, and shall be certified and so marked by a nationally recognized testing laboratory (e.g. Underwriters Laboratories). The use of Charging Equipment in violation of this paragraph is strictly prohibited.
3. Owners may not install any permanent charging equipment on Association property, including sidewalks and/or parking spaces.
4. Charging equipment must be returned to the homeowner's private property when not actively in use charging the vehicle.
5. The relevant homeowner(s) who use Charging Equipment shall be fully responsible for any and all damages, and/or costs attributable to the Charging Equipment. The relevant homeowner shall also be fully responsible for all costs and damages attributable to the homeowner's household member, guest, invitee, tenant, or permittee's use of Charging Equipment.

### **C. Parking Spaces**

1. The ownership or operation of an electric vehicle does not exclusively entitle any owner or operator the right to a reserved parking space within the Association.

## **III. ENFORCEMENT**

### **A. Owner Responsibility**

1. Each Owner shall be governed by and comply with the terms of this Policy Resolution, and shall be responsible for ensuring that his/her family members, tenants, guests, agents, employees, licensees or permittees comply with the terms of this Policy Resolution

### **B. Remedies of the Association**

1. The Board and/or Management Agent will monitor the parking areas for compliance with the provisions of this Policy Resolution, and are authorized to initiate enforcement of this Policy Resolution, as provided by the Bylaws, First Amendment to the Deed of Amendment to the Deeds of Dedication of Reston, and/or applicable law.
2. Violation of this Policy Resolution shall give the Board the right to use self-help to remove or cure the violation, including disconnecting vehicles from charging equipment without notice.
3. Nothing in this Policy Resolution is intended to limit the Association's enforcement remedies. In addition to the remedies outlined in this Policy Resolution, the Board shall have the authority to initiate such other remedies outlined in the Association's governing documents or the laws of the Commonwealth of Virginia, as may be necessary.

**IV. LIABILITY**

The Board and/or Management Agent are not responsible for any damage to vehicles or charging equipment owned or operated by the Lot Owner or his/her family members, tenants, guests, agents, employees, licensees or permittees that arise from the act of charging an electric vehicle.

This Policy Resolution shall be effective as of the 9th day of April, 2021.

**The Hillcrest Cluster Association**

The undersigned being the President of the Association certifies that the foregoing Resolution was adopted by the Board of Directors of the Association, at a duly called and held meeting of the Board of Directors on this April 8<sup>th</sup>, 2021 and witness thereof, the undersigned has subscribed his/her name.



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Nathan Hagan, President

**THE HILLCREST CLUSTER ASSOCIATION COUNCIL OF CO-OWNERS  
RESOLUTIONS ACTION RECORD**

Resolution Type Policy.

Pertaining to: Electric Vehicle Charging

Duly adopted at a meeting of the Board of Directors of Hillcrest Cluster Association held April 8<sup>th</sup>, 2021.

Motion by: Nathan Hagan Seconded by: Sonia Patterson

VOTE:

	YES	NO	ABSTAIN	ABSENT
<u>Nathan Hagan</u> President	<u>X</u>	—	—	—
<u>Ben Miller</u> Vice President	<u>X</u>	—	—	—
<u>Greg Overkamp</u> Treasurer	<u>X</u>	—	—	—
<u>Chris Topoleski</u> Secretary	<u>X</u>	—	—	—
<u>Alexandra Schlesinger</u> Director	—	—	—	<u>X</u>
<u>Sonia Patterson</u> Director	<u>X</u>	—	—	—
<u>Amir Golalipour</u> Director	<u>X</u>	—	—	—

ATTEST:

Chris Topoleski  
Secretary  
File:

April 8, 2021  
Date

Resolution Effective April 9, 2021