

HB 1310

Good morning, thank you for considering HB 1310 and allowing me to speak today about the importance of balancing property rights between an Association and a homeowner.

As you might have guessed from my accent I'm a new resident to Fargo...absolutely love it. I received my engineering degree from a federal service academy, worked on ships, went into finance and in the summer of 2021 drove my electric car, which I've had for over four years, up from Texas. When I moved here the property market was still sizzling as I searched for my new home. My three criteria were that my new home be safe for my pets, I could afford it, and I could install an electric car charger.

I'd looked at condo buildings and, of course, asked each about the ability to install a 240V charger at my own expense. It's tougher than you think to find someone who can answer that type of question...especially in a hot market with limited time to make an offer. But I found a place.

It is an older building, built in the late 70s, but each condo has its own separate, deeded garage. The bylaws even state that the units are on separately metered service! Nirvana! The owners at the time had professional grade wood shop equipment- milling machine, dust collectors, etc, and a 240V welding plug in the garage...this was perfect.

Until after I closed and it turned out the garages hadn't actually been built with separately metered service but no one had noticed the difference in the bylaws and garages until an electric car moved in.

I was disappointed but, as an engineer, this was a solvable issue...when installing the car charger I had a licensed electrician add a sub-meter, a device that measures electricity, to measure the electricity used. I've included a photo in case anyone is wondering what this looks like. I asked the Association what the kwh cost was and I started, voluntarily, sending a monthly check for every single electron used by the car and this was fine for months...until my Condo Association apparently had a change of heart and the electric car became an issue. Since then there have been at least two Board meetings that stated current practice was fine but a couple of folks just can't let go of it until finally the board stopped having open meetings, financial documents withheld from residents, and the Association President disconnected my garage electrical services. They hired a lawyer in August 2021 so I hired a lawyer to defend my home. A lot of time, energy, and money is being spent that could have been put to better use. And I stand here today. Good fences make good neighbors and so does good legislation.

North Dakota has about a page of legislation that applies to Associations legally structured as non profits and nothing for any other type. Reasonable people can always work things out but when a homeowner ends up in a situation like I have found myself good legislation can provide some balance between the property rights of opposing parties. While mine will be decided in court I hope this body considers this piece of legislation that allows people to have a little more confidence when buying into an Association and maybe avoiding an expensive court battle that has paralyzed the community I live in.

While there's a little more legislation that, in my humble opinion, could be helpful and is yet to be written this one has been relevant. Plugging in a car isn't actually any different from plugging in a freezer, refrigerator, a welder, or wood shop equipment and they, and hybrids, are becoming more common.

It is easy to focus on the EV part of this story, but this legislation is, at heart, about allowing a homeowner the peaceful enjoyment of our home and the ability to make our own decisions in matters, and in a manner, that causes no harm to our neighbors.

Thank you.

