

**POLICY
OF
NO. 25 DOWNING CONDOMINIUM ASSOCIATION REGARDING
ELECTRIC VEHICLE CHARGING STATIONS IN BELOW-GRADE
PARKING AREAS**

SUBJECT: Policy Regarding Electric Vehicle (EV) Charging Stations in Below-Grade Parking Facilities.

PURPOSE: To protect the life, health, and safety of residents and property by prohibiting electric vehicle charging in below-grade parking facilities in accordance with the Denver Fire Department's fire safety policy.

AUTHORITY: The Declaration, Articles and Bylaws of the Association and Colorado law.

EFFECTIVE DATE: July 30th, 2026

DEFINITIONS:

1. **Electric Vehicles:** fully-electric vehicles, plug-in hybrids, e-bikes, e-scooters and other similar electric vehicles.
2. **EV Charging Stations and Charging Equipment:** wall-mounted or free-standing charging docks, cords, wiring and other related equipment needed to convert and transfer electric power from an external source to EV batteries.
3. **P1 (Level 1), P2 (Level 2) and P3 (Level 3) EV Chargers:** P1 is a trickle (or slow) portable charger that plugs into a standard 120 volt wall socket. P2 is a faster charger that is plugged into into a 240 volt wall socket or hardwired directly into an external electrical system. P3 is a super-fast hardwired charger that delivers up to 900 volts and is most often used in commercial locations and large residential buildings.
4. **Lithium-ion Batteries:** a type of rechargeable battery used for EVs that is lighter, more efficient and longer-lasting than other types of rechargeable batteries.

WHEREAS, the Board of Directors (the "Board") has reviewed the Denver Fire Department Fire Marshal's Policy Memorandum entitled "Policy on Electric Vehicle (EV) Charging Stations in Below-Grade Parking Facilities," which is attached hereto as Exhibit A. The Fire Marshal determined that EV charging stations in below-grade (subsurface) parking facilities present significant life safety concerns due to the unique hazards associated with lithium-ion battery fires, the absence of comprehensive codes standards for subsurface charging installations, and the substantial challenges associated with emergency response and fire suppression in enclosed parking structures. For these reasons, the Denver Fire Department's policy, effective November 4, 2025, prohibits the installation of P1, P2, and P3 EV charging stations within all below-grade parking levels.

NOW, THEREFORE, IT IS RESOLVED that the Association adopts the following policy: (the "Association Policy"):

1. Fire Safety Policy. The Association hereby adopts the Denver Fire Department's policy which prohibits the installation, operation or use of P1, P2 and P3 electric vehicle charging in below-grade (subsurface) parking facilities. The Association Policy shall remain in effect until such time as new code requirements are issued and the Denver Fire Department is willing to accept the use of EV chargers in below-grade parking facilities.
2. Relationship to Colorado Law. The Board recognizes that Colorado law, including C.R.S. 38-33.3-106.8, provides owners with certain rights relating to the installation of electric vehicle charging systems. The Board further recognizes that the Denver Fire Department policy may be asserted to be inconsistent with or limited by applicable provisions of the Colorado Common Interest Ownership Act ("CCIOA").

The Board finds that the extraordinary life, health, and safety concerns identified by the Denver Fire Department warrant the immediate adoption of their policy pending the development of applicable fire codes, standards, or judicial guidance. The Board therefore determines that prohibiting below-grade EV charging is necessary to protect the health, safety, and welfare of the Association's residents and property.

Nothing in this Association Policy shall be construed as prohibiting owners from utilizing lawful charging facilities located outside below-grade parking areas.

3. Existing Installations. Any Owner currently operating or utilizing an EV charging station or charging equipment within a below-grade parking facility shall discontinue such use of charging equipment within 14 calendar days of the effective date of this Association Policy. Therefore, owners must be in compliance by August 13th.
4. Enforcement. Following expiration of the 14-day compliance period, continued operation or use of any below-grade EV charging equipment shall constitute a violation of this Association Policy and may be subject to enforcement in accordance with the Association's governing documents.

PRESIDENT'S CERTIFICATION: The undersigned, being the President of No. 25 Downing Condominium Association, certifies the foregoing Association Policy was adopted at a special meeting of the Board of Directors on July 28, 2026 and in witness thereof, the undersigned has subscribed his name below.

No. 25 Downing Condominium Association, a Colorado nonprofit corporation

By its President:

Date:

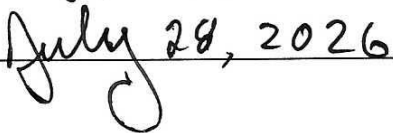



EXHIBIT A

Denver Fire Department – Fire Prevention Bureau Policy Memorandum – Policy on Electric Vehicle (EV) Charging Stations in Below- Grade Parking Facilities (Effective November 4, 2025). Attached.

Policy Memorandum-Office of the Fire Marshal

Subject: Policy on Electric Vehicle (EV) Charging Stations in Below-Grade Parking Facilities

Effective Date: November 4, 2025

Issued by: Fire Prevention Bureau, Fire Marshal's Office

Purpose

The purpose of this policy is to establish clear guidance regarding the installation and operation of electric vehicle (EV) charging stations in below-grade (subsurface) parking levels within the City and County of Denver. This directive is based on current national fire codes, the absence of comprehensive below-grade EV charging standards, and documented challenges in emergency response and fire suppression associated with lithium-ion battery fires in confined environments.

Policy Statement

After review of applicable codes, literature, and national fire safety standards, the installation of EV charging stations remains prohibited in below-grade parking levels (P1, P2, and P3) within all occupancies regulated by the Fire Prevention Bureau. This position is based on identified life safety hazards, the absence of prescriptive code provisions, and the significant challenges posed by EV fire events in enclosed, limited-access environments.

Empirical and Code-Based Rationale

1. Absence of Explicit Code Guidance for Below-Grade EV Charging

At present, neither the International Fire Code (IFC) nor NFPA 70 (National Electrical Code) provides prescriptive guidance for EV charging infrastructure in enclosed, below-grade environments. This regulatory gap leaves local authorities responsible for interpreting and applying best practices to ensure life safety, structural preservation, and emergency responder access.

2. Fire Suppression and Emergency Response Limitations

Although EVs are statistically less likely to catch fire than conventional vehicles, the complexity and severity of lithium-ion battery fires present unique risks in confined garages. Such fires are:

- Extremely difficult to extinguish, requiring extensive water application and prolonged suppression efforts.
- Prone to thermal runaway and re-ignition, releasing toxic gases such as hydrogen fluoride.
- Capable of causing significant structural damage due to prolonged, high-heat exposure.

Documented cases in both the U.S. and abroad demonstrate that underground EV fires can render entire structures inoperable and result in substantial property losses.

3. Precedent and Policy Trends

Fire authorities in multiple jurisdictions, including major U.S. cities, have adopted precautionary restrictions on below-grade EV charging pending the development of clear standards and tested mitigation strategies. Despite ongoing advancements in battery and suppression technology, data regarding performance in confined, sub-grade conditions remains limited and inconclusive.



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Path Forward

The Fire Prevention Bureau fully supports the City of Denver's electrification and sustainability goals. To that end, we strongly encourage the development of surface-level or open-air EV charging infrastructure that ensures:

- Adequate ventilation for hazardous gas dispersion.
- Improved fire department access and water supply availability.
- Safer evacuation and operational conditions for occupants and emergency personnel.

The Bureau remains available to collaborate with property managers, design professionals, and project stakeholders to identify compliant, above-grade EV charging alternatives that meet both safety and sustainability objectives.

Disclaimer: Installation at Owner's Risk

Any EV charging installation attempted in below-grade locations contrary to this policy is strictly at the owner's and installer's own risk. Such installations are not recognized as code-compliant, will not receive Fire Prevention Bureau approval, and may be subject to enforcement action under applicable fire and building regulations.

Authorized by:

Cory DeBaere
Fire Marshal
Denver Fire Department – Fire Prevention Bureau
Fire Marshal's Office