

Research on PEV infrastructure legislation for EVIC July 17th meeting

As ownership of electric vehicles has proliferated in the United States, access to electric vehicle charging stations has become a major public policy issue in many states. While installation of these charging stations has become increasingly common in public places and installation of a charging station is usually fairly easy for private home owners, residents of multi-unit housing developments (apartments, condominiums, or homeowners associations) have faced significant barriers to installing these charging stations for their residences. Oftentimes homeowners associations (HOAs) or condo associations are resistant to installation of charging stations. Owners' associations often will attempt to block installation of charging stations, as they fear that their usage will drive up electricity costs for the development.

There are currently four states, California, Hawaii, Oregon, and Colorado, which have enacted specific legislation dealing with the issue of electric vehicle charging station installation at condominiums and homeowners associations (HOAs). These pieces of legislation all have a similar basic premise; condominiums and HOAs do not have the right to block installation of an electric vehicle charging station, as long as the resident pays for installation and all electricity used in the charging process.

Hawaii: Act 186 [HRS 196-7.5](#) (2010)

http://capitol.hawaii.gov/hrscurrent/Vol03_Ch0121-0200D/HRS0196/HRS_0196-0007_0005.htm

Hawaii was the first state to enact legislation regarding electric vehicle charging stations in multi-unit housing developments, as its legislature approved Act 186 in 2010. The act states that as long as the resident is the owner of their residence, *“no private entity shall assess or charge any homeowner any fees for the placement of any electric vehicle charging system; provided that the private entity may require reimbursement for the cost of electricity used by such electric vehicle charging system.”* The act further stipulates that the owner of the electric vehicle shall be financially responsible for the installation of the station, and any maintenance that may be necessary, as well as indemnify the landlord or HOA for any losses caused by installation or operation.

California: Davis Stirling Act, **Civil Code §1353.9. Electric Vehicle Charging Stations.**

<http://www.davis-stirling.com/Statutes/CivilCode13539/tabid/3372/Default.aspx#axzz32CGtdXf>

In 2012, California followed Hawaii to become the second state to enact legislation regarding the issue of PEV charging stations in multi-unit developments, when Governor Jerry Brown signed the Davis Sterling Act. The section of the Act that deals with PEV charging stations, **§1353.9**, is even stronger and more expansive in its language than Hawaii's. The act declares that while reasonable restrictions on EV charging stations are permitted, “it is the policy of the state to promote, encourage, and remove obstacles to the use of electric vehicle charging

stations.” The law declares that the owners association or board can implement an applications process, but that the application must be treated in the same manner as any other architectural modification. Furthermore, applications not denied within 60 days will be considered to be approved.

SB 880 also permits "private" charging stations to be installed in the common area for the exclusive use of an owner, but only if installing a charging station in an owner's exclusive use common area parking area or space is impossible or unreasonably expensive. The law also encourages owners' associations to install an electric vehicle charging station in the common area for the use of all members, although it is not required. Finally, the law also includes a penalty of up to \$1000 for any association that willfully violates this statute. This specific penalty is a unique feature of California's law.

Colorado: SB 13-126 (2013)

http://www.leg.state.co.us/clics/clics2013a/csl.nsf/fsbillcont3/A59A32ABE3B4AD2287257AEE0058ED4A?Open&file=126_enr.pdf

Colorado enacted legislation to deal with this issue in 2013. Colorado's legislation is similar to Hawaii's legislation in that it declares that residents of multi-unit developments shall not be subject to extraneous fees if they choose to install a PEV charging station. Like Hawaii's law, no specific penalty is included within the law for failure to comply. However, unlike both Hawaii's and California's legislation, Colorado's legislation deals not only with homeowners in common interest condominiums, but also protects the right of rental tenants to install PEV charging stations in their assigned parking spaces. Like the corresponding legislation for homeowners, tenants still are responsible for all costs associated with charging station installation and all electricity costs generated from the use of the station.

Oregon: HB 3301(2013)

<https://olis.leg.state.or.us/liz/2013R1/Downloads/MeasureDocument/HB3301/Introduced>

Oregon, like Colorado, also enacted legislation to deal with the installation of Oregon's legislation declares that an association of homeowners may not prohibit the installation of an electric vehicle charging station when certain criteria are met. A resident can apply for the installation of a charging station if it is installed in the parking space assigned to his/her residence, or installed in a "limited common element" agreed upon by the owners of the units to which the element is reserved. Much like California's SB880, Oregon's legislation allows the HOA to require an application process for a charging station, but stipulates that the application process must not last longer than 60 days. However, it does not specify a penalty for noncompliance with this statute.

Technologies for PEV Charging Stations in Multi-unit Housing

A number of firms that produce PEV charging stations are now specifically marketing their products towards condos/HOAs and their residents. EverCharge¹ is a California-based company that claims to have created “the first and only charging system designed specifically for condos and apartments.” However, while EverCharge may be the only company to exclusively cater to condos and apartments, other electric vehicle charger companies have certainly caught on to this market opportunity. NRG eVgo² and EV Solutions³ both have pages on their websites dedicated to installations at multi-unit housing sites. ChargePoint, which operates the nation’s largest network of electric vehicle charging stations, recently won a competitive bid to install stations at a number of multi-unit dwellings throughout the City of San Diego, backed by a grant from the city’s energy commission.⁴ However, despite the legislation that has been passed in states like California, and the proliferation of companies catering towards multi-unit dwelling installations, limitations still remain. eVgo’s VP of Operations in California claims that installing stations at these developments is “a complicated business,” due to different utility providers at each development, and varying wiring setups.

¹ <http://www.evercharge.net/>

² <http://www.nrgevgo.com/own-or-manage-multi-family-communities/>

³ http://evsolutions.avinc.com/yourbusiness/landlords/multi-unit_ev_charging

⁴ <http://insideevs.com/apartment-condo-dwellers-and-electric-vehicle-ownership-does-it-work/>