

[State] Right-to-Charge Act

Section 1. Short Title

This Act shall be known and may be cited as the "[State] Right-to-Charge Act."

Section 2. Findings and Purpose

- (A) Electric vehicles provide numerous advantages to [State], such as reducing pollution and greenhouse gas emissions, improving public health, and offering significant consumer savings. By keeping fuel expenditures within the state, they also foster economic development. Additionally, EVs alleviate the transportation energy burden, particularly for low- and moderate-income drivers, and can benefit the electricity grid.
- (B) The availability of power for EV charging at home is one of the most important factors in ensuring affordable access to EVs for all Americans. Those living in single-family homes can charge inexpensive, off-peak rates, whereas those who rely solely on public charging pay whatever rate the operator chooses. Not all EV drivers have designated off-street parking, like a garage or driveway, where they can charge their vehicles. Over [34 percent](#) of U.S. households live in multi-unit dwellings like apartments, townhouses, and condominiums, where charging is less accessible. Additionally, many drivers face restrictions and logistical hurdles that make installing a home charging station difficult and even unattainable.
- (C) This Act aims to advance the adoption of electric vehicles by removing barriers to installing EV charging systems in multi-unit dwellings. It asserts that owners and renters should be able to access EV charging facilities regardless of parking space ownership or income level.

Section 3. Definitions

- (A) For the purposes of this Act, the following definitions apply:
 - (a) "Association" refers to a condominium or common interest community association.
 - (b) "Common-element" means all portions of the condominium other than the units.
 - (c) "Electric vehicle" means a vehicle that is powered solely and refueled by electricity, plugs in to charge, and is licensed to drive on public roadways.
 - (d) "Electric Vehicle Charging System" refers to any system or equipment used to charge electric vehicles.

- (e) "Level 1" and "Level 2" refer to types of electric vehicle charging circuits with different voltage and amperage specifications.
- (f) "Limited common-element" means and includes those common elements designated in the declaration as reserved for the use of a certain unit or units to the exclusion of other units.
- (g) "Property owners" means an individual or group of persons that owns a type of real estate. Types of real estate could include single-family homes, townhouses, condominiums, cooperatives, and multi-family properties.

Section 4. Rights and Protections for Property Owners and Renters

1. Right to Install EV Charging Systems
 - a. Notwithstanding any provisions in declarations, bylaws, leases, or association rules, property owners and renters are entitled to install and use Level 1 or Level 2 EV charging systems for their personal use at their own expense.
 - b. EV charging systems may be installed in designated or assigned parking spaces, garages, carports, or other areas accessible to the tenant or unit owner.
 - c. Charging systems should connect to the unit's electric meter to ensure accurate billing and allow residents to choose between charging options.
2. Availability of Common Element Parking
 - a. If unit-designated parking is unavailable, common element parking must be made available for EV charging installations, subject to the conditions outlined in this policy.
3. Financial Considerations
 - a. Associations and landlords may not impose fees on owners or renters for the placement or use of an EV charging system, except for:
 - i. Reimbursement for the actual cost of electricity used, including network fees if applicable.
 - ii. Reasonable fees for reserving parking spaces in shared areas.
 - iii. Reimbursement for installation costs if the landlord or association manages the installation at the resident's request.
 - b. Residents and associations are encouraged to seek grant programs to offset installation costs.
 - c. Associations are encouraged to fund the installation of charging stations on common property as an amenity for residents and guests.

Section 5. Approval and Installation Process

1. Application Review and Deadline:
 - a. Associations and landlords must approve or deny applications for EV charging installations within 60 days. If an application to install a charger is not denied in

writing within 60 days of receipt, it will automatically be deemed approved. Any denial must include a detailed explanation of the reasons for the denial.

- b. Associations and landlords may impose reasonable requirements related to safety, aesthetics, and registration of the charging system.

2. Installation Conditions:
 - a. Installation must comply with the association's or landlord's design specifications and be performed by licensed electrical contractors familiar with EV charging systems.
 - b. Unit owners and tenants must agree in writing to cover all installation costs, including restoring any disturbed common areas, and to maintain an insurance policy naming the association or landlord as an additional insured.

Section 6: Ongoing Responsibilities and Ownership

1. Responsibility for Damages and Maintenance:
 - a. The unit owner or tenant and their successors are responsible for maintaining, repairing, and replacing the charging system and for any damage caused by its installation or use.
 - b. Each successive unit owner or tenant assumes responsibility for the charging system and must maintain adequate insurance.
2. Removal and Transfer of Charging Systems:
 - a. If the charging system is removable upon sale or lease termination, the owner or tenant may remove it or sell it to the new occupant or landlord. The new occupant or landlord is not obligated to purchase the system.

Section 7: Civil Penalties and Enforcement

1. Non-compliance:
 - a. Associations or landlords that violate these provisions may be subject to a civil penalty of up to \$1,000 for each violation.
 - b. In any legal action to enforce these rights, the prevailing party is entitled to recover attorney fees and costs.

Section 8. Effective Date

This Act shall take effect on [insert effective date].