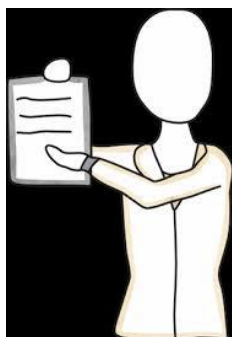


The Laws of EV Charging at Multi-Unit Dwellings (MUDs)

The state has passed laws that prioritize Electric Vehicle charging at MUDs. The statutes listed below are the first of many in the coming years. The current statutes that are relevant are:

Senate Bill 880

protects the rights of residents of multi-unit dwellings, affirming that "it is the policy of the state to promote, encourage, and remove obstacles to the use of electric vehicle charging stations." The legislation makes it illegal to impose any condition that "effectively prohibits or unreasonably restricts" installation of charging in an owner's designated parking space. If the charging unit is installed in a common area, the law states that certain conditions can be imposed, e.g. a \$1 million home owner liability policy that names the Home Owner Association as an additional insured.



SB 880 Explained: This law focuses on HOAs. The basic purpose of the law is to ensure that PEV drivers are not unreasonably prohibited from installing a charging station, either in their deeded or designated parking spaces or in common areas. HOAs must allow charging in common areas only if installation in the PEV owner's deeded or designated space is impossible or unreasonably expensive. If a driver has exclusive use of a charging station in a common area, HOAs must then enter a license agreement with the PEV driver.

The HOA can also compel current and future owners of the charging station to pay for maintenance, repair or removal of the charging station and for any resulting damage to the station, common area, or exclusive use common area. Importantly, the law allows, without a full HOA member vote, a portion of the common area to be used for utility lines or meters to support charging in a deeded or designated parking space.

Enforcement of this and other vague provisions in the law may be decided in court. However, there is no need for enforcement if the parties can make their own arrangements. Utilities could make a

professional mediator available to assist with negotiations between residents and HOAs, or even between landlords and tenants looking for a way to charge in an MUD.

Assembly Bill 2565

provides that for a residential lease executed, extended, or renewed after July 1, 2015, “a lessor of a dwelling shall approve a written request of a lessee to install an electric vehicle charging station at a parking space allotted for the lessee that meets the requirements of this section and complies with the lessor’s procedural approval process for modification to the property.” The law does not apply to residential properties with less than five parking spaces, properties that are subject to rent control, residential leases where no parking is provided as part of the lease, or residential properties where EV charging stations already account for at least 10% of available parking spaces.



AB 2565 Explained: This law focuses on owners and tenants. It requires apartment owners to allow tenants to install charging stations, at their own expense. The law applies to residential rental properties where off-street parking is provided in the lease, with more than five parking spaces, and where electric vehicle charging stations number less than 10% of the parking spaces. It requires the use of regular charging stations, so simple power outlets would not be sufficient.

The process starts with a written request from the tenant to the landlord, and the tenant must meet a fairly high level of documentation. This includes a complete plan, provided by the tenant, for the installation, use, maintenance and removal of the charging station, as well as a complete financial model, and complete documentation of modifications required to the landlord’s property. Additionally, the tenant must put up a \$1 million insurance policy naming the landlord, in case there is some kind of problem.

Owners will want to consider the impacts of AB 2565 early in the lease negotiation process. Owners providing an allocation of reserved parking to a tenant may want to provide in their lease that future EV parking will come out of that allocation. Owners may also want to designate specific areas in the parking lot for EV charging station installation, so that stations are not located far from supporting infrastructure. Owners may also want to reserve the right to create lease rules and regulations regarding the maintenance, operation, and surrender of tenant-installed EV charging stations. Tenants, in the lease negotiation process could potentially mention their desire to use AB 2565 to allow installation of a charging station. Tenants may also attempt to gain certainty regarding rental rates for charging station space and the location of the space.

Source: <https://environmentcalifornia.org/reports/cae/plugging-speeding-adoption-electric-vehicles-california-smart-local-policies>