ELECTRIC VEHICLE CHARGING ACT
PUBLIC ACT 103-0053
SB0040
EFFECTIVE DATE: 1/1/2024

The Act applies to newly constructed SF homes and MF residential buildings that have parking spaces and are constructed after the effective date of this Act (1/1/24).

"EV-capable"

- Parking spaces that have the electrical panel capacity and conduit installed during construction to support future implementation of electric vehicle charging with 208-volt or 240-volt or greater, 40-ampere or greater circuits. Each EV-capable space shall feature a continuous raceway or cable assembly installed between an enclosure or outlet located within 3 feet of the EV-capable space and a suitable panelboard or other onsite electrical distribution equipment.
- For purposes of this Act, "EV capable" shall not be construed to require a developer or builder to install or run wire or cable from the electrical panel through the conduit or raceway to the terminus of the conduit.
- The electrical distribution equipment to which the raceway or cable assembly connects shall have sufficient dedicated space and spare electrical capacity for a 2-pole circuit breaker or set of fuses. Reserved capacity shall be no less than 40A 208/240V for each EV-capable space unless EV-capable spaces will be controlled by an energy management system providing load management in accordance with NFPA 70, shall have a minimum capacity of 4.1 kilovolt-ampere per space, or have a minimum capacity of 2.7 kilovolt-ampere per space when all of the parking spaces are designed to be EV-capable spaces, EV-ready spaces, or EVSE-installed spaces.
- The electrical enclosure or outlet and the electrical distribution equipment directory shall be marked "For future electric vehicle supply equipment (EVSE)." This strategy ensures the reduction of up-front costs for electric vehicle charging station installation by providing the electrical elements that are difficult to install during a retrofit. Anticipating the use of dual-head EVSE, the same circuit may be used to support charging in adjacent EV-capable spaces.

EV CAPABLE PARKING SPACE REQUIREMENT (SINGLE FAMILY AND SMALL MULTI-FAMILY -1 to 4 Families)

- A new single-family residence or a small multifamily residence shall have at least one EV-capable parking space for each residential unit that has dedicated parking, unless any subsequently adopted building code requires additional EV-capable parking spaces, EV-ready parking spaces, or installed EV Service Equipment (EVSE).
- Where code-required parking exceeds one parking space per dwelling unit, only one parking space per dwelling unit is required to be EV-capable.
- A new single-family residence or small multifamily residence that qualifies as an affordable housing development shall have one EV-capable parking space for each code-required parking space if the owner is issued a building permit 24 months (1/1/2026) after the effective date of this Act.

EV CAPABLE PARKING SPACE REQUIREMENT (LARGE MULTI-FAMILY – MORE THAN 5 FAMILIES)

- All building permits issued 90 days after the effective date of this Act (1/1/24) shall require a new, large multifamily residential building or a large multifamily residential building being renovated by a developer who is converting the property to an association to have 100% of its total parking spaces EV-capable.
- If a developer is converting the property to an association, no EV-capable or EV-ready mandate shall apply if it would necessitate the developer having to excavate an existing surface lot or

other parking facility in order to retro-fit the parking lot or facility with the necessary conduit and wiring.

POLICY FOR MULTI-FAMILY UNIT OWNERS

- No association can unreasonably prohibit the installation of or use of an electric vehicle charging system within a unit owner's unit or designate parking space. Existing restrictions are void and unenforceable.
- Any EV charging system installed by a unit owner is the property of that unit owner and not deemed a part of the common elements or common area.
- If HOA approval is required, the process cannot be unreasonably delayed. The approval or denial must be in writing and if not denied in writing within 60 days of the application, the application is deemed approved unless the delay is the result of a reasonable request for additional information.
- If the EV charging system is to be located in the common area or for exclusive use in the common area, the following apply:
    - The unit owner must obtain prior written approval from the HOA and it must comply with the HOA architectural standards or other reasonable conditions and restrictions for the installation.
    - The unit owner must engage a licensed and insured electrical contractor to install the EV charging system.
    - The unit owner must provide a certificate of insurance to the HOA.
    - The unit owner must pay for installation and electricity usage.
    - The unit owner is responsible for damage to any of the common area due to the installation, use, or removal of the system.
- The unit owner or successive unit owner(s) of the EV charging system is responsible for:
    - Costs for damage to the charging system, common area, or separate interests resulting from the installation, maintenance, repair, removal, or replacement of the EV charging system.
    - Cost of electricity associated with the charging system which is based on:
        - An embedded submetering device, or a reasonable calculation of the cost, based on the average miles driven, efficiency of the EV calculated by the US EPA, and the cost of the electricity for the common area.
    - The unit owner must disclose to prospective buyers the existence of the charging system and related responsibilities of the unit owner.
    - The unit owner of the EV charging system, regardless of location, shall maintain a liability coverage policy, and shall provide it to the HOA with the certificate within 14 days of application approval. This must be provided to the HOA annually.
    - A unit owner does not have to maintain liability coverage if they use an existing NEMA standard AC power plug.
- An HOA may install EV charging systems in common areas for use by all unit owners and members of the HOA. The HOA must develop terms for use.
- An HOA that violates the Act, is liable to the unit owner for actual damages and must pay a $500 penalty to the unit owner.

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ELECTRIC VEHICLE CHARGING SYSTEM POLICY FOR RENTERS

- A renter can install, at their expense for their own use, a Level 1 receptacle or outlet, a Level 2 receptacle or outlet, or a Level 2 EV charging system on or in the leased property.
- The landlord cannot assess or charge a tenant any fee for the placement or use of the EV charging system except:
    - The landlord may:
        - Require reimbursement for the actual cost of electricity provided by the landlord to the system.
        - The landlord can charge a reasonable fee for access. If the EV system is part of a network and a network fee is charged, the landlord can include that fee in the reimbursement.
        - The landlord can charge a security deposit to cover costs to restore the property to its original condition if the tenant removes the EV charging system.
    - If a tenant asks the landlord to install the EV charging system, the landlord may require reimbursement for the installation cost, including any wiring.
    - If a tenant wants the EV charging system in an area accessible to other tenants, the landlord may charge the tenant a reasonable fee to reserve a specific parking space where the EV charging system is placed.
- A landlord may require a tenant comply with
    - Safety requirements consistent with a building code or recognized safety standard.
    - A requirement that the EV charging system must be registered with the landlord within 30 days after installation.
    - Reasonable aesthetics regarding dimensions, placement, or external appearance.
- A tenant may install an EV charging system if:
    - The system complies with all requirements adopted by a landlord.
    - The tenant must agree to the following in writing:
        - Comply with landlord's design specs.
        - Hire a licensed and registered electrical contractor familiar with installing EV charging systems.
        - Provide a Certificate of Insurance naming the landlord as additional insured on the tenant's renters insurance policy within 14 days after receiving consent from the landlord. If the landlord's insurance cost increases because of the new EV charging system, the tenant has to reimburse the landlord within 14 days after receiving an invoice from the landlord for the amount attributable to the EV charging system.
    - If a landlord consents to a tenant's installation of an EV charging system on property accessible to other tenants, then:
        - The tenant and successive tenant with exclusive rights to the EV charging system is responsible for costs for damages to the EV charging equipment and any property of the landlord that is damaged during installation, maintenance, removal, or replacement. Costs are based on:
            - An embedded submetering device
            - A reasonable calculation of cost of electricity
        - Successive that have exclusive rights to the space are responsible for all costs until the EV charging system is removed.

        - Successive tenants must maintain an insurance policy naming the landlord as additional insured.
    - The tenant, or successive tenant with exclusive rights to the EV charging system is responsible for removing the system, whether or not leased to another tenant.
- An EV charging system installed at the tenant's cost is the property of the tenant. Upon termination of the lease, if the system is removable, the tenant may remove it or sell it to the landlord or another tenant.
- If a tenant brings action against a landlord to enforce compliance of this section, the landlord shall be liable to the tenant for actual damages and $1,000 civil penalty. Attorney's fees shall be awarded to the plaintiff.

HOUSING TYPES

- "Single-family residence" means a detached single-family residence on a single lot.
- "Small multifamily residence" means a single residential building that accommodates 2 to 4 families.
- "Large multifamily residence" means a single residential building that accommodates 5 families or more.

EV CAPABLE PARKING SPACE REQUIREMENT (AFFORDABLE HOUSING)

- A new construction single-family residence or small multifamily residence that qualifies as an
- affordable housing development under the same project ownership and is located on a campus with centralized parking areas is subject to the requirements and timelines below.
- All building permits issued 24 months after the effective date of this Act shall require a new construction large multifamily residence that qualifies as an affordable housing development to have the following, unless additional requirements are required under a subsequently adopted building code:
    - For permits issued 24 months after the effective date of this Act, a minimum of 40% EV-capable parking spaces.
    - For permits issued 5 years after the effective date of this Act, a minimum of 50% EV-capable parking spaces.
    - For permits issued 10 years after the effective date of this Act, a minimum of 70% EV-capable parking spaces.
- An accessible parking space is not required by this Section if no accessible parking spaces are required by the local zoning code.