
SUBSTITUTE HOUSE BILL 1793

State of Washington

67th Legislature

2022 Regular Session

By House Civil Rights & Judiciary (originally sponsored by Representatives Hackney, Fitzgibbon, Berry, Bateman, Macri, Ramel, Senn, Wylie, Bergquist, Valdez, Pollet, and Kloba)

READ FIRST TIME 01/31/22.

1 AN ACT Relating to electric vehicle charging stations in common
2 interest communities; adding a new section to chapter 64.32 RCW;
3 adding a new section to chapter 64.34 RCW; adding a new section to
4 chapter 64.38 RCW; adding a new section to chapter 64.90 RCW; and
5 prescribing penalties.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 64.32
8 RCW to read as follows:

9 (1)(a) An association of apartment owners may not adopt or
10 enforce a restriction, covenant, condition, bylaw, rule, regulation,
11 provision of a governing document, or master deed provision that:

12 (i) Effectively prohibits or unreasonably restricts the
13 installation or use of an electric vehicle charging station in
14 compliance with the requirements of this section and for the personal
15 noncommercial use of an apartment owner in a designated parking
16 space; or

17 (ii) Is in conflict with the provisions of this section.

18 (b) Nothing in this section prohibits an association from
19 imposing reasonable restrictions on electric vehicle charging
20 stations. However, it is the policy of the state to promote,

1 encourage, and remove obstacles to the use of electric vehicle
2 charging stations.

3 (2) An association of apartment owners may require an apartment
4 owner to submit an application for approval for the installation of
5 an electric vehicle charging station before installing the charging
6 station.

7 (3) (a) If approval is required for the installation or use of an
8 electric vehicle charging station, the application for approval must
9 be processed and approved in the same manner as an application for
10 approval of an architectural modification.

11 (b) The approval or denial of an application must be in writing
12 and must not be willfully avoided or delayed.

13 (c) If an application is not denied in writing within 60 days
14 from the date of receipt of the application, the application is
15 deemed approved, unless that delay is the result of a reasonable
16 request for additional information.

17 (d) An association of apartment owners may not assess or charge
18 an apartment owner a fee for the placement of an electric vehicle
19 charging station. An association may charge a reasonable fee for
20 processing the application to approve the installation of an electric
21 vehicle charging station, but only if such a fee exists for all
22 applications for approval of architectural modifications.

23 (4) If approval is required for the installation or use of an
24 electric vehicle charging station, an association of apartment owners
25 must approve the installation in a designated parking space if the
26 installation is reasonably possible and the apartment owner agrees in
27 writing to:

28 (a) Comply with the association's reasonable architectural
29 standards applicable to the installation of the electric vehicle
30 charging station;

31 (b) Engage an electrical contractor familiar with the standards
32 for the installation of electric vehicle infrastructure to assess the
33 existing infrastructure necessary to support the proposed electric
34 vehicle charging station, identify additional infrastructure needs,
35 and install the electric vehicle charging station;

36 (c) (i) Provide, within the time specified in (c) (ii) of this
37 subsection, a certificate of insurance naming the association as an
38 additional insured on the apartment owner's insurance policy for any
39 claim related to the installation, maintenance, or use of the
40 electric vehicle charging station, or, reimbursement to the

1 association for the actual cost of any increased insurance premium
2 amount attributable to the charging station;

3 (ii) A certificate of insurance required under (c)(i) of this
4 subsection must be provided within 14 days after the association
5 approves the installation of the electric vehicle charging station.
6 Reimbursement for an increased insurance premium amount under (c)(i)
7 of this subsection must be provided within 14 days after the
8 apartment owner receives the association's invoice for the amount
9 attributable to the charging station;

10 (d) Register the electric vehicle charging station with the
11 association within 30 days after installation;

12 (e) Pay for the electricity usage associated with the electric
13 vehicle charging station and the required means to facilitate payment
14 for the electricity; and

15 (f) Comply with the requirements of this section.

16 (5)(a) An apartment owner must obtain any permit or approval for
17 an electric vehicle charging station as required by the local
18 government in which the common interest community is located and
19 comply with all relevant building codes and safety standards.

20 (b) An electric vehicle charging station must meet all applicable
21 health and safety standards and requirements imposed by national,
22 state, or local authorities, and all other applicable zoning, land
23 use or other ordinances, building codes, or land use permits.

24 (6)(a) Unless otherwise agreed to by written contract with the
25 association, an apartment owner is responsible for the costs of
26 installing an electric vehicle charging station.

27 (b) Electric vehicle charging station equipment that is installed
28 at the apartment owner's cost and is removable without damage to the
29 property owned by others may be removed at the apartment owner's
30 cost. Removable equipment for the electric vehicle charging station
31 is not considered real property in any form, including fixture law.
32 Upon sale of the apartment, the apartment owner may either remove the
33 charging station or sell it to the buyer of the apartment or to the
34 association for an agreed price. Nothing in this subsection requires
35 the buyer or the association to purchase the electric vehicle
36 charging station.

37 (7) An apartment owner must disclose to any prospective buyers of
38 the unit:

39 (a) The existence of an electric vehicle charging station and the
40 related responsibilities of the owner under this section; and

1 (b) Whether the electric vehicle charging station is removable
2 and whether the owner intends to remove the charging station.

3 (8) The owner and each successive owner of an electric vehicle
4 charging station is responsible for:

5 (a) Costs for the maintenance, repair, and replacement of the
6 electric vehicle charging station up until the station is removed;

7 (b) Costs for damage to the electric vehicle charging station,
8 any apartment, common area, or limited common area resulting from the
9 installation, use, maintenance, repair, removal, or replacement of
10 the electric vehicle charging station;

11 (c) The cost of electricity associated with the electric vehicle
12 charging station;

13 (d) Obtaining and maintaining an insurance policy that meets the
14 requirements in subsection (4) (c) of this section;

15 (e) If the owner decides to remove the electric vehicle charging
16 station, costs for the removal and the restoration of the common area
17 or limited common area after the removal; and

18 (f) Removing the electric vehicle charging station if reasonably
19 necessary for the repair, maintenance, or replacement of the common
20 area or limited common area.

21 (9) If an association of apartment owners reasonably determines
22 that the cumulative use of electricity in the common interest
23 community attributable to the installation and use of electric
24 vehicle charging stations requires the installation of additional
25 infrastructure improvements to provide the community with a
26 sufficient supply of electricity, the association may assess the cost
27 of the infrastructure improvements against each apartment owner that
28 has, or will, install an electric vehicle charging station.

29 (10) An association of apartment owners may install an electric
30 vehicle charging station in the common areas for the use of all
31 apartment owners and, in that case, the association must develop
32 appropriate terms of use for the charging station.

33 (11)(a) An association of apartment owners that willfully
34 violates this section is liable to the apartment owner for actual
35 damages, and shall pay a civil penalty to the apartment owner in an
36 amount not to exceed \$1,000.

37 (b) In any action by an apartment owner requesting to have an
38 electric vehicle charging station installed and seeking to enforce
39 compliance with this section, the court shall award reasonable
40 attorneys' fees and costs to any prevailing apartment owner.

1 (12) The definitions in this subsection apply throughout this
2 section unless the context clearly requires otherwise.

3 (a) "Designated parking space" means a parking space that is
4 specifically designated for use by a particular apartment owner,
5 including a garage, a deeded parking space, and a parking space in a
6 limited common area that is restricted for use by one or more
7 apartment owners.

8 (b) "Electric vehicle charging station" means a station that
9 delivers electricity from a source outside an electric vehicle into
10 one or more electric vehicles. An electric vehicle charging station
11 may include several charge points simultaneously connecting several
12 electric vehicles to the station and any related equipment needed to
13 facilitate charging plug-in electric vehicles.

14 (c) "Reasonable restriction" means a restriction that does not
15 significantly increase the cost of an electric vehicle charging
16 station or significantly decrease its efficiency or specified
17 performance.

18 NEW SECTION. **Sec. 2.** A new section is added to chapter 64.34
19 RCW to read as follows:

20 (1)(a) A unit owners' association may not adopt or enforce a
21 restriction, covenant, condition, bylaw, rule, regulation, provision
22 of a governing document, or master deed provision that:

23 (i) Effectively prohibits or unreasonably restricts the
24 installation or use of an electric vehicle charging station in
25 compliance with the requirements of this section and for the personal
26 noncommercial use of a unit owner, within the boundaries of a unit or
27 in a designated parking space; or

28 (ii) Is in conflict with the provisions of this section.

29 (b) Nothing in this section prohibits an association from
30 imposing reasonable restrictions on electric vehicle charging
31 stations. However, it is the policy of the state to promote,
32 encourage, and remove obstacles to the use of electric vehicle
33 charging stations.

34 (2) A unit owners' association may require a unit owner to submit
35 an application for approval for the installation of an electric
36 vehicle charging station before installing the charging station.

37 (3)(a) If approval is required for the installation or use of an
38 electric vehicle charging station, the application for approval must

1 be processed and approved in the same manner as an application for
2 approval of an architectural modification.

3 (b) The approval or denial of an application must be in writing
4 and must not be willfully avoided or delayed.

5 (c) If an application is not denied in writing within 60 days
6 from the date of receipt of the application, the application is
7 deemed approved, unless that delay is the result of a reasonable
8 request for additional information.

9 (d) A unit owners' association may not assess or charge a unit
10 owner a fee for the placement of an electric vehicle charging
11 station. An association may charge a reasonable fee for processing
12 the application to approve the installation of an electric vehicle
13 charging station, but only if such a fee exists for all applications
14 for approval of architectural modifications.

15 (4) If approval is required for the installation or use of an
16 electric vehicle charging station, a unit owners' association must
17 approve the installation within the boundaries of a unit or in a
18 designated parking space if the installation is reasonably possible
19 and the unit owner agrees in writing to:

20 (a) Comply with the association's reasonable architectural
21 standards applicable to the installation of the electric vehicle
22 charging station;

23 (b) Engage an electrical contractor familiar with the standards
24 for the installation of electric vehicle infrastructure to assess the
25 existing infrastructure necessary to support the proposed electric
26 vehicle charging station, identify additional infrastructure needs,
27 and install the electric vehicle charging station;

28 (c)(i) Provide, within the time specified in (c)(ii) of this
29 subsection, a certificate of insurance naming the association as an
30 additional insured on the unit owner's insurance policy for any claim
31 related to the installation, maintenance, or use of the electric
32 vehicle charging station, or, reimbursement to the association for
33 the actual cost of any increased insurance premium amount
34 attributable to the charging station;

35 (ii) A certificate of insurance required under (c)(i) of this
36 subsection must be provided within 14 days after the association
37 approves the installation of the electric vehicle charging station.
38 Reimbursement for an increased insurance premium amount under (c)(i)
39 of this subsection must be provided within 14 days after the unit

1 owner receives the association's invoice for the amount attributable
2 to the charging station;

3 (d) Register the electric vehicle charging station with the
4 association within 30 days after installation;

5 (e) Pay for the electricity usage associated with the electric
6 vehicle charging station and the required means to facilitate payment
7 for the electricity; and

8 (f) Comply with the requirements of this section.

9 (5)(a) A unit owner must obtain any permit or approval for an
10 electric vehicle charging station as required by the local government
11 in which the common interest community is located and comply with all
12 relevant building codes and safety standards.

13 (b) An electric vehicle charging station must meet all applicable
14 health and safety standards and requirements imposed by national,
15 state, or local authorities, and all other applicable zoning, land
16 use or other ordinances, building codes, or land use permits.

17 (6)(a) Unless otherwise agreed to by written contract with the
18 unit owners' association, a unit owner is responsible for the costs
19 of installing an electric vehicle charging station.

20 (b) Electric vehicle charging station equipment that is installed
21 at the unit owner's cost and is removable without damage to the
22 property owned by others may be removed at the unit owner's cost.
23 Removable equipment for the electric vehicle charging station is not
24 considered real property in any form, including fixture law. Upon
25 sale of the unit, the unit owner may either remove the charging
26 station or sell it to the buyer of the unit or to the association for
27 an agreed price. Nothing in this subsection requires the buyer or the
28 association to purchase the electric vehicle charging station.

29 (7) A unit owner must disclose to any prospective buyers of the
30 unit:

31 (a) The existence of an electric vehicle charging station and the
32 related responsibilities of the owner under this section; and

33 (b) Whether the electric vehicle charging station is removable
34 and whether the owner intends to remove the charging station.

35 (8) The owner and each successive owner of an electric vehicle
36 charging station is responsible for:

37 (a) Costs for the maintenance, repair, and replacement of the
38 electric vehicle charging station up until the station is removed;

39 (b) Costs for damage to the electric vehicle charging station,
40 any unit, common element, or limited common element resulting from

1 the installation, use, maintenance, repair, removal, or replacement
2 of the electric vehicle charging station;

3 (c) The cost of electricity associated with the electric vehicle
4 charging station;

5 (d) Obtaining and maintaining an insurance policy that meets the
6 requirements in subsection (4) (c) of this section;

7 (e) If the owner decides to remove the electric vehicle charging
8 station, costs for the removal and the restoration of the common
9 element or limited common element after the removal; and

10 (f) Removing the electric vehicle charging station if reasonably
11 necessary for the repair, maintenance, or replacement of the common
12 element or limited common element.

13 (9) If a unit owners' association reasonably determines that the
14 cumulative use of electricity in the common interest community
15 attributable to the installation and use of electric vehicle charging
16 stations requires the installation of additional infrastructure
17 improvements to provide the community with a sufficient supply of
18 electricity, the association may assess the cost of the
19 infrastructure improvements against each unit owner that has, or
20 will, install an electric vehicle charging station.

21 (10) A unit owners' association may install an electric vehicle
22 charging station in the common elements for the use of all unit
23 owners and, in that case, the association must develop appropriate
24 terms of use for the charging station.

25 (11)(a) A unit owners' association that willfully violates this
26 section is liable to the unit owner for actual damages, and shall pay
27 a civil penalty to the unit owner in an amount not to exceed \$1,000.

28 (b) In any action by a unit owner requesting to have an electric
29 vehicle charging station installed and seeking to enforce compliance
30 with this section, the court shall award reasonable attorneys' fees
31 and costs to any prevailing unit owner.

32 (12) The definitions in this subsection apply throughout this
33 section unless the context clearly requires otherwise.

34 (a) "Designated parking space" means a parking space that is
35 specifically designated for use by a particular unit owner, including
36 a garage, a deeded parking space, and a parking space in a limited
37 common element that is restricted for use by one or more unit owners.

38 (b) "Electric vehicle charging station" means a station that
39 delivers electricity from a source outside an electric vehicle into
40 one or more electric vehicles. An electric vehicle charging station

1 may include several charge points simultaneously connecting several
2 electric vehicles to the station and any related equipment needed to
3 facilitate charging plug-in electric vehicles.

4 (c) "Reasonable restriction" means a restriction that does not
5 significantly increase the cost of an electric vehicle charging
6 station or significantly decrease its efficiency or specified
7 performance.

8 NEW SECTION. **Sec. 3.** A new section is added to chapter 64.38
9 RCW to read as follows:

10 (1)(a) A homeowners' association may not adopt or enforce a
11 restriction, covenant, condition, bylaw, rule, regulation, provision
12 of a governing document, or master deed provision that:

13 (i) Effectively prohibits or unreasonably restricts the
14 installation or use of an electric vehicle charging station in
15 compliance with the requirements of this section and for the personal
16 noncommercial use of a lot owner, within the boundaries of a lot or
17 in a designated parking space; or

18 (ii) Is in conflict with the provisions of this section.

19 (b) Nothing in this section prohibits an association from
20 imposing reasonable restrictions on electric vehicle charging
21 stations. However, it is the policy of the state to promote,
22 encourage, and remove obstacles to the use of electric vehicle
23 charging stations.

24 (2) A homeowners' association may require a lot owner to submit
25 an application for approval for the installation of an electric
26 vehicle charging station before installing the charging station.

27 (3)(a) If approval is required for the installation or use of an
28 electric vehicle charging station, the application for approval must
29 be processed and approved in the same manner as an application for
30 approval of an architectural modification.

31 (b) The approval or denial of an application must be in writing
32 and must not be willfully avoided or delayed.

33 (c) If an application is not denied in writing within 60 days
34 from the date of receipt of the application, the application is
35 deemed approved, unless that delay is the result of a reasonable
36 request for additional information.

37 (d) A homeowners' association may not assess or charge a lot
38 owner a fee for the placement of an electric vehicle charging
39 station. An association may charge a reasonable fee for processing

1 the application to approve the installation of an electric vehicle
2 charging station, but only if such a fee exists for all applications
3 for approval of architectural modifications.

4 (4) If approval is required for the installation or use of an
5 electric vehicle charging station, a homeowners' association must
6 approve the installation within the boundaries of a lot or in a
7 designated parking space if the installation is reasonably possible
8 and the lot owner agrees in writing to:

9 (a) Comply with the association's reasonable architectural
10 standards applicable to the installation of the electric vehicle
11 charging station;

12 (b) Engage an electrical contractor familiar with the standards
13 for the installation of electric vehicle infrastructure to assess the
14 existing infrastructure necessary to support the proposed electric
15 vehicle charging station, identify additional infrastructure needs,
16 and install the electric vehicle charging station;

17 (c) Register the electric vehicle charging station with the
18 association within 30 days after installation;

19 (d) Pay for the electricity usage associated with the electric
20 vehicle charging station and the required means to facilitate payment
21 for the electricity; and

22 (e) Comply with the requirements of this section.

23 (5)(a) A lot owner must obtain any permit or approval for an
24 electric vehicle charging station as required by the local government
25 in which the common interest community is located and comply with all
26 relevant building codes and safety standards.

27 (b) An electric vehicle charging station must meet all applicable
28 health and safety standards and requirements imposed by national,
29 state, or local authorities, and all other applicable zoning, land
30 use or other ordinances, building codes, or land use permits.

31 (6)(a) Unless otherwise agreed to by written contract with the
32 homeowners' association, a lot owner is responsible for the costs of
33 installing an electric vehicle charging station.

34 (b) Electric vehicle charging station equipment that is installed
35 at the lot owner's cost and is removable without damage to the
36 property owned by others may be removed at the lot owner's cost.
37 Removable equipment for the electric vehicle charging station is not
38 considered real property in any form, including fixture law. Upon
39 sale of the lot, the lot owner may either remove the charging station
40 or sell it to the buyer of the lot or to the association for an

1 agreed price. Nothing in this subsection requires the buyer or the
2 association to purchase the electric vehicle charging station.

3 (7) A lot owner must disclose to any prospective buyers of the
4 lot:

5 (a) The existence of an electric vehicle charging station and the
6 related responsibilities of the owner under this section; and

7 (b) Whether the electric vehicle charging station is removable
8 and whether the owner intends to remove the charging station.

9 (8) The owner and each successive owner of an electric vehicle
10 charging station is responsible for:

11 (a) Costs for the maintenance, repair, and replacement of the
12 electric vehicle charging station up until the station is removed;

13 (b) Costs for damage to the electric vehicle charging station,
14 any lot, common area, or limited common area resulting from the
15 installation, use, maintenance, repair, removal, or replacement of
16 the electric vehicle charging station;

17 (c) The cost of electricity associated with the electric vehicle
18 charging station;

19 (d) If the owner decides to remove the electric vehicle charging
20 station, costs for the removal and the restoration of the common area
21 or limited common area after the removal; and

22 (e) Removing the electric vehicle charging station if reasonably
23 necessary for the repair, maintenance, or replacement of the common
24 area or limited common area.

25 (9) If a homeowners' association reasonably determines that the
26 cumulative use of electricity in the common interest community
27 attributable to the installation and use of electric vehicle charging
28 stations requires the installation of additional infrastructure
29 improvements to provide the community with a sufficient supply of
30 electricity, the association may assess the cost of the
31 infrastructure improvements against each lot owner that has, or will,
32 install an electric vehicle charging station.

33 (10) A homeowners' association may install an electric vehicle
34 charging station in the common area for the use of all lot owners
35 and, in that case, the association must develop appropriate terms of
36 use for the charging station.

37 (11)(a) A homeowners' association that willfully violates this
38 section is liable to the lot owner for actual damages, and shall pay
39 a civil penalty to the lot owner in an amount not to exceed \$1,000.

1 (b) In any action by a lot owner requesting to have an electric
2 vehicle charging station installed and seeking to enforce compliance
3 with this section, the court shall award reasonable attorneys' fees
4 and costs to any prevailing lot owner.

5 (12) The definitions in this subsection apply throughout this
6 section unless the context clearly requires otherwise.

7 (a) "Designated parking space" means a parking space that is
8 specifically designated for use by a particular lot owner, including
9 a garage, a deeded parking space, and a parking space in a limited
10 common area that is restricted for use by one or more lot owners.

11 (b) "Electric vehicle charging station" means a station that
12 delivers electricity from a source outside an electric vehicle into
13 one or more electric vehicles. An electric vehicle charging station
14 may include several charge points simultaneously connecting several
15 electric vehicles to the station and any related equipment needed to
16 facilitate charging plug-in electric vehicles.

17 (c) "Reasonable restriction" means a restriction that does not
18 significantly increase the cost of an electric vehicle charging
19 station or significantly decrease its efficiency or specified
20 performance.

21 NEW SECTION. **Sec. 4.** A new section is added to chapter 64.90
22 RCW to read as follows:

23 (1)(a) A unit owners association may not adopt or enforce a
24 restriction, covenant, condition, bylaw, rule, regulation, provision
25 of a governing document, or master deed provision that:

26 (i) Effectively prohibits or unreasonably restricts the
27 installation or use of an electric vehicle charging station in
28 compliance with the requirements of this section and for the personal
29 noncommercial use of a unit owner, within the boundaries of a unit or
30 in a designated parking space; or

31 (ii) Is in conflict with the provisions of this section.

32 (b) Nothing in this section prohibits an association from
33 imposing reasonable restrictions on electric vehicle charging
34 stations. However, it is the policy of the state to promote,
35 encourage, and remove obstacles to the use of electric vehicle
36 charging stations.

37 (2) A unit owners association may require a unit owner to submit
38 an application for approval for the installation of an electric
39 vehicle charging station before installing the charging station.

1 (3) (a) If approval is required for the installation or use of an
2 electric vehicle charging station, the application for approval must
3 be processed and approved in the same manner as an application for
4 approval of an architectural modification.

5 (b) The approval or denial of an application must be in writing
6 and must not be willfully avoided or delayed.

7 (c) If an application is not denied in writing within 60 days
8 from the date of receipt of the application, the application is
9 deemed approved, unless that delay is the result of a reasonable
10 request for additional information.

11 (d) An association may not assess or charge a unit owner a fee
12 for the placement of an electric vehicle charging station. An
13 association may charge a reasonable fee for processing the
14 application to approve the installation of an electric vehicle
15 charging station, but only if such a fee exists for all applications
16 for approval of architectural modifications.

17 (4) If approval is required for the installation or use of an
18 electric vehicle charging station, a unit owners association must
19 approve the installation within the boundaries of a unit or in a
20 designated parking space if the installation is reasonably possible
21 and the unit owner agrees in writing to:

22 (a) Comply with the association's reasonable architectural
23 standards applicable to the installation of the electric vehicle
24 charging station;

25 (b) Engage an electrical contractor familiar with the standards
26 for the installation of electric vehicle infrastructure to assess the
27 existing infrastructure necessary to support the proposed electric
28 vehicle charging station, identify additional infrastructure needs,
29 and install the electric vehicle charging station;

30 (c) (i) Provide, within the time specified in (c) (ii) of this
31 subsection, a certificate of insurance naming the association as an
32 additional insured on the unit owner's insurance policy for any claim
33 related to the installation, maintenance, or use of the electric
34 vehicle charging station in a common interest community other than an
35 association of single-family homes, site condominiums, or a planned
36 use development where the units are not immediately adjacent;

37 (ii) A certificate of insurance required under (c) (i) of this
38 subsection must be provided within 14 days after the association
39 approves the installation of the electric vehicle charging station.
40 Reimbursement for an increased insurance premium amount under (c) (i)

1 of this subsection must be provided within 14 days after the unit
2 owner receives the association's invoice for the amount attributable
3 to the charging station;

4 (d) Register the electric vehicle charging station with the
5 association within 30 days after installation;

6 (e) Pay for the electricity usage associated with the electric
7 vehicle charging station and the required means to facilitate payment
8 for the electricity; and

9 (f) Comply with the requirements of this section.

10 (5) (a) A unit owner must obtain any permit or approval for an
11 electric vehicle charging station as required by the local government
12 in which the common interest community is located and comply with all
13 relevant building codes and safety standards.

14 (b) An electric vehicle charging station must meet all applicable
15 health and safety standards and requirements imposed by national,
16 state, or local authorities, and all other applicable zoning, land
17 use or other ordinances, building codes, or land use permits.

18 (6) (a) Unless otherwise agreed to by written contract with the
19 unit owners association, a unit owner is responsible for the costs of
20 installing an electric vehicle charging station.

21 (b) Electric vehicle charging station equipment that is installed
22 at the unit owner's cost and is removable without damage to the
23 property owned by others may be removed at the unit owner's cost.
24 Removable equipment for the electric vehicle charging station is not
25 considered real property in any form, including fixture law. Upon
26 sale of the unit, the unit owner may either remove the charging
27 station or sell it to the buyer of the unit or to the association for
28 an agreed price. Nothing in this subsection requires the buyer or the
29 association to purchase the electric vehicle charging station.

30 (7) A unit owner must disclose to any prospective buyers of the
31 unit:

32 (a) The existence of an electric vehicle charging station and the
33 related responsibilities of the owner under this section; and

34 (b) Whether the electric vehicle charging station is removable
35 and whether the owner intends to remove the charging station.

36 (8) The owner and each successive owner of an electric vehicle
37 charging station is responsible for:

38 (a) Costs for the maintenance, repair, and replacement of the
39 electric vehicle charging station up until the station is removed;

1 (b) Costs for damage to the electric vehicle charging station,
2 any unit, common element, or limited common element resulting from
3 the installation, use, maintenance, repair, removal, or replacement
4 of the electric vehicle charging station;

5 (c) The cost of electricity associated with the electric vehicle
6 charging station;

7 (d) Obtaining and maintaining an insurance policy that meets the
8 requirements in subsection (4) (c) of this section;

9 (e) If the owner decides to remove the electric vehicle charging
10 station, costs for the removal and the restoration of the common
11 element or limited common element after the removal; and

12 (f) Removing the electric vehicle charging station if reasonably
13 necessary for the repair, maintenance, or replacement of the common
14 element or limited common element.

15 (9) If a unit owners association reasonably determines that the
16 cumulative use of electricity in the common interest community
17 attributable to the installation and use of electric vehicle charging
18 stations requires the installation of additional infrastructure
19 improvements to provide the community with a sufficient supply of
20 electricity, the association may assess the cost of the
21 infrastructure improvements against each unit owner that has, or
22 will, install an electric vehicle charging station.

23 (10) A unit owners association may install an electric vehicle
24 charging station in the common elements for the use of all unit
25 owners and, in that case, the association must develop appropriate
26 terms of use for the charging station.

27 (11)(a) A unit owners association that willfully violates this
28 section is liable to the unit owner for actual damages, and shall pay
29 a civil penalty to the unit owner in an amount not to exceed \$1,000.

30 (b) In any action by a unit owner requesting to have an electric
31 vehicle charging station installed and seeking to enforce compliance
32 with this section, the court shall award reasonable attorneys' fees
33 and costs to any prevailing unit owner.

34 (12) The definitions in this subsection apply throughout this
35 section unless the context clearly requires otherwise.

36 (a) "Designated parking space" means a parking space that is
37 specifically designated for use by a particular unit owner, including
38 a garage, a deeded parking space, and a parking space in a limited
39 common element that is restricted for use by one or more unit owners.

1 (b) "Electric vehicle charging station" means a station that
2 delivers electricity from a source outside an electric vehicle into
3 one or more electric vehicles. An electric vehicle charging station
4 may include several charge points simultaneously connecting several
5 electric vehicles to the station and any related equipment needed to
6 facilitate charging plug-in electric vehicles.

7 (c) "Reasonable restriction" means a restriction that does not
8 significantly increase the cost of an electric vehicle charging
9 station or significantly decrease its efficiency or specified
10 performance.

--- END ---