



Mike Tipping
Senator, District 8

THE MAINE SENATE
132nd Legislature

3 State House Station
Augusta, Maine 04333

Senator Carney, Representative Kuhn and members of the Judiciary Committee,

My name is Mike Tipping, I represent Senate District 8 in Penobscot County and I'm proud to present **LD 1133, An Act to Allow Electric Vehicle Charging Stations by Condominium and Residential Associations.**

This legislation is an important step in supporting the growing adoption of electric vehicles and ensuring that all Mainers, regardless of where they live, have the ability to charge their cars at home.

Electric vehicles are a key part of our necessary transition to a sustainable transportation system and they are rapidly increasing in use, but one significant barrier to EV adoption, especially in Maine, is the lack of accessible and reliable charging infrastructure, particularly for residents of houses subject to a Homeowner Association (an HOA) or who live in multi-unit dwellings such as apartments and condominiums.

This bill proposes a "Right to Charge" policy that would ensure Mainers have the right to install EV charging stations at their own home by prohibiting homeowner and condominium associations from imposing covenants, deed restrictions and other regulations that specifically prevent such installations.

Currently, some Mainers face challenges in installing EV charging stations due to restrictive policies from HOAs or property managers. Many of these residents will not choose to purchase an EV, even though it might otherwise make sense for them, and those who do face increased hassle and costs. Often, their only option is to use public chargers and pay higher rates for electricity.

These restrictions also effectively prevent them from charging their vehicles at off-peak hours and therefore reduce the overall efficiency of our electricity grid.

I'll note that there has been testimony submitted online by the Community Associations Institute, which represents HOAs, proposing that instead of banning these types of covenants, this committee instead pass legislation creating a more positive right to install charging stations while also describing some additional responsibilities of residents.

I would be absolutely amenable to that approach and happy to work with CAI in drafting an amendment. They suggest laws in Connecticut and Oregon could serve as examples. I've

attached the text of the California law, which has similar provisions to the law in Connecticut, but includes some additional protections for homeowners.

Whatever path this committee chooses to take, I hope we can make some progress toward a more sustainable transportation system while protecting Mainers' rights to choose a vehicle that works for them.

Thank you for your time and your consideration.



State of California

CIVIL CODE

Section 4745

4745. (a) Any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a common interest development, and any provision of a governing document, as defined in Section 4150, that either effectively prohibits or unreasonably restricts the installation or use of an electric vehicle charging station within an owner's unit or in a designated parking space, including, but not limited to, a deeded parking space, a parking space in an owner's exclusive use common area, or a parking space that is specifically designated for use by a particular owner, or is in conflict with this section is void and unenforceable.

(b) (1) This section does not apply to provisions that impose reasonable restrictions on electric vehicle charging stations. However, it is the policy of the state to promote, encourage, and remove obstacles to the use of electric vehicle charging stations.

(2) For purposes of this section, "reasonable restrictions" are restrictions that do not significantly increase the cost of the station or significantly decrease its efficiency or specified performance.

(c) An electric vehicle charging station shall meet applicable health and safety standards and requirements imposed by state and local authorities, and all other applicable zoning, land use, or other ordinances, or land use permits.

(d) For purposes of this section, "electric vehicle charging station" means a station that is designed in compliance with the California Building Standards Code and delivers electricity from a source outside an electric vehicle into one or more electric vehicles. An electric vehicle charging station may include several charge points simultaneously connecting several electric vehicles to the station and any related equipment needed to facilitate charging plug-in electric vehicles.

(e) If approval is required for the installation or use of an electric vehicle charging station, the application for approval shall be processed and approved by the association in the same manner as an application for approval of an architectural modification to the property, and shall not be willfully avoided or delayed. The approval or denial of an application shall be in writing. If an application is not denied in writing within 60 days from the date of receipt of the application, the application shall be deemed approved, unless that delay is the result of a reasonable request for additional information.

(f) If the electric vehicle charging station is to be placed in a common area or an exclusive use common area, as designated in the common interest development's declaration, the following provisions apply:

(1) The owner first shall obtain approval from the association to install the electric vehicle charging station and the association shall approve the installation if the owner agrees in writing to do all of the following:

(A) Comply with the association's architectural standards for the installation of the charging station.

(B) Engage a licensed contractor to install the charging station.

(C) Within 14 days of approval, provide a certificate of insurance that names the association as an additional insured under the owner's insurance policy in the amount set forth in paragraph (3).

(D) Pay for both the costs associated with the installation of and the electricity usage associated with the charging station.

(2) The owner and each successive owner of the charging station shall be responsible for all of the following:

(A) Costs for damage to the charging station, common area, exclusive use common area, or separate interests resulting from the installation, maintenance, repair, removal, or replacement of the charging station.

(B) Costs for the maintenance, repair, and replacement of the charging station until it has been removed and for the restoration of the common area after removal.

(C) The cost of electricity associated with the charging station.

(D) Disclosing to prospective buyers the existence of any charging station of the owner and the related responsibilities of the owner under this section.

(3) The owner of the charging station, whether located within a separate unit or within the common area or exclusive use common area, shall, at all times, maintain a liability coverage policy. The owner that submitted the application to install the charging station shall provide the association with the corresponding certificate of insurance within 14 days of approval of the application. That owner and each successor owner shall provide the association with the certificate of insurance annually thereafter.

(4) A homeowner shall not be required to maintain a homeowner liability coverage policy for an existing National Electrical Manufacturers Association standard alternating current power plug.

(g) Except as provided in subdivision (h), installation of an electric vehicle charging station for the exclusive use of an owner in a common area, that is not an exclusive use common area, shall be authorized by the association only if installation in the owner's designated parking space is impossible or unreasonably expensive. In such cases, the association shall enter into a license agreement with the owner for the use of the space in a common area, and the owner shall comply with all of the requirements in subdivision (f).

(h) The association or owners may install an electric vehicle charging station in the common area for the use of all members of the association and, in that case, the association shall develop appropriate terms of use for the charging station.

(i) An association may create a new parking space where one did not previously exist to facilitate the installation of an electric vehicle charging station.

(j) An association that willfully violates this section shall be liable to the applicant or other party for actual damages, and shall pay a civil penalty to the applicant or other party in an amount not to exceed one thousand dollars (\$1,000).

(k) In any action by a homeowner requesting to have an electric vehicle charging station installed and seeking to enforce compliance with this section, the prevailing plaintiff shall be awarded reasonable attorney's fees.

(Amended by Stats. 2018, Ch. 376, Sec. 1. (SB 1016) Effective January 1, 2019.)