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## OLR Bill Analysis

### sSB 4 (File 406, as amended by Senate “A”)\*

## AN ACT CONCERNING THE CONNECTICUT CLEAN AIR ACT.

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BACKGROUND

**SUMMARY**

This bill makes various statutory changes and establishes several new programs and initiatives concerning electric vehicle (EV) use and improving air quality by reducing transportation-related greenhouse gas (GHG) emissions. Major components include:

1. establishing grant programs for traffic signal modernization, zero-emission school buses, and zero-emission medium- and heavy-duty trucks;
2. allowing the Department of Energy and Environmental Protection (DEEP) commissioner to adopt California's emission standards for medium- and heavy-duty vehicles;
3. providing property tax exemptions for zero-emission buses and certain EV charging infrastructure;

4. modifying the Connecticut Hydrogen and Electric Automobile Purchase Rebate (CHEAPR) program, including by expanding eligibility, giving priority for incentives to people with low incomes and environmental justice community residents, allowing incentives for electric bicycles, and increasing its funding; and
5. establishing “right to charge” provisions for renters and unit owners in condominiums and common interest communities.

The bill also makes minor, technical, and conforming changes.

EFFECTIVE DATE: July 1, 2022, unless otherwise noted below.

\*Senate Amendment “A” principally (1) eliminates the underlying bill’s (a) requirement that DOT establish a state carbon budget and (b) bonding authorizations for traffic signal and school bus matching grant programs (see BACKGROUND, *Related Bills*); (2) adds the provisions on medium- and heavy-duty truck emission standards and rooftop solar panels in planned community associations; (3) staggers the implementation of the renters’ right to charge provisions; (4) eliminates the underlying bill’s provisions placing the Clean Air Act (CAA) fee into dedicated accounts and instead requires the Office of Policy and Management (OPM) to report on CAA- and air-quality-related expenses; and (5) transfers funds from the Regional Greenhouse Gas Initiative to the CHEAPR account and allows DEEP to use the account to fund the medium- and heavy-duty vehicle voucher program.

## **§ 1 — STATE FLEET ELECTRIFICATION**

*Modifies the schedule for electrifying the state fleet, prohibits procurement of diesel-powered buses after January 1, 2024, and requires DOT and DAS to report certain information to the legislature*

### ***Cars and Light Duty Trucks***

Current law requires that, beginning January 1, 2030, at least 50% of state-purchased or -leased cars and light duty trucks be zero-emission vehicles. The bill eliminates this requirement and instead requires the state to acquire cars and light duty trucks that are battery electric vehicles on the following schedule: (1) 50% by January 1, 2026, (2) 75%

by January 1, 2028, and (3) 100% by January 1, 2030.

Under the bill, a “battery electric vehicle” is a vehicle that operates solely by use of a battery or battery pack, or that is powered primarily by an electric battery or battery pack and uses a flywheel or capacitor that stores energy produced by an electric motor or through regenerative braking to assist in vehicle operation.

The bill also requires the Department of Administrative Services (DAS) to consider the lower cost of maintaining battery electric vehicles when establishing the amount to lease the vehicles to another state agency.

**Report on Noncompliance.** Under the bill, if the state fleet does not meet the above requirements, DAS must report to the Government Administration and Elections (GAE), Transportation, and Environment committees to (1) explain why the requirements were not met and (2) propose an alternative schedule to meet them, considering available funds and market conditions for battery electric vehicles and associated charging infrastructure. This report must be submitted annually starting January 1, 2026.

### **Buses**

Existing law requires that, starting January 1, 2030, at least 30% of state-purchased or -leased buses be zero-emission buses. Beginning January 1, 2024, the bill also prohibits the state from procuring, purchasing, or leasing diesel-fueled transit buses.

A “zero-emission bus” is an urban bus certified by the California Air Resources Board’s executive director as producing zero emissions of any criteria pollutant under all operational modes and conditions.

### **Exemptions**

The bill’s fleet requirements do not apply to emergency vehicles, sport utility vehicles, buses or vans that transport individuals in wheelchairs, specially upfitted motor vehicles, or camp trailers.

### **Study and Reporting**

Existing law requires DAS, in consultation with DOT, to conduct a study and report certain information about zero-emission buses to the GAE and Transportation committees.

The bill adds two components to this study by requiring the agencies to (1) develop a plan to implement zero-emission buses statewide and (2) identify barriers to implementation. It also eliminates the current requirement that the agencies study the feasibility of a competitive bid process for total procurement of zero-emission vehicles and instead requires that they do so for light-, medium-, and heavy-duty battery electric vehicles and fuel cell electric vehicles. Under the bill, DAS must report the study's results and a copy of the implementation plan to the committees by January 1, 2024.

EFFECTIVE DATE: October 1, 2022

## **§§ 2 & 3 — RIGHT TO CHARGE IN CONDOMINIUMS AND COMMON INTEREST COMMUNITIES**

*Establishes “right to charge” in condominiums and common interest communities by voiding governing document provisions that unreasonably restrict EV charging installation in a unit or limited common element parking space; establishes requirements for processing applications and provisions applicable to charging station installation*

The bill establishes “right to charge” provisions for unit owners in condominiums (§ 2) and common interest communities (§ 3). Beginning October 1, 2022, the bill makes void and unenforceable any provision in declarations, bylaws, rules, or condominium instruments, as applicable (“governing documents”), that prohibit or unreasonably restrict EV charging station installation in a unit or limited common element parking space.

An EV charging station is an electric component assembly or cluster of component assemblies designed specifically to charge batteries in EVs by permitting the transfer of electric energy to a battery or other storage device. Limited common elements are portions of the condominium or common interest community designated as reserved for the use of one or more units, but not all units.

Under the bill, EV charging stations in condominiums and common interest communities must meet all applicable health and safety

standards and requirements under federal, state, or municipal law.

***Exceptions***

The bill’s right to charge provisions do not apply to condominiums and common interest communities that (1) impose “reasonable restrictions” on EV charging stations or (2) have EV charging stations in a number that is at least equal to 15% of the units. Reasonable restrictions are those that do not significantly increase an EV charging station’s cost or decrease its efficiency or specified performance.

***Application Processing***

Under the bill, unit owners may apply to install an EV charging station to the applicable governing body (board of directors or executive board). If the parking space is located in a limited common element, the unit owner must have written approval from each owner of each unit that has reserved use of the limited common element parking space. The governing body must (1) acknowledge, in writing, the application within 30 days after receiving it and (2) approve or deny an application, in writing, within 60 days after receiving it. The governing body must process the application in the same way as the governing documents require for other additions, alterations, or improvements.

Under the bill, unless the governing body reasonably requests additional information within the 60-day period for acting on an application, an application that is not denied in that timeframe is deemed approved.

***Conditions for Approval***

Under the bill, the governing body must approve an EV charging installation if the owner agrees in writing to:

1. comply with provisions in the governing documents regarding an addition, alteration, or improvement;
2. have a licensed and insured contractor install the charging station;
3. provide a certificate of insurance within 14 days after approval

that shows insurance coverage in amounts the board deems sufficient;

4. pay for the charging station's installation-associated costs (e.g., increased master policy premiums, association attorney's fees, engineering or professional fees, permits, and applicable zoning compliance); and
5. pay for the charging station's electricity usage.

***Unit Owner Responsibilities***

The bill makes the unit owner, and each successive owner, of the EV charging station responsible for the following:

1. costs for damage to the EV charging station, common elements, or units due to the EV charging station's installation, use, maintenance, repair, removal, or replacement;
2. costs to maintain, repair, and replace the EV charging station until its removal;
3. costs to restore the physical space where the charging station was installed after its removal;
4. associated electricity costs;
5. common expenses from uninsured losses under any master insurance policy the association holds on behalf of unit owners; and
6. disclosing to prospective buyers (a) the charging station's existence, (b) the associated responsibilities, and (c) that the purchaser accepts the charging station unless it is removed before the unit's transfer.

The bill also specifies that a unit owner is not required to maintain liability coverage for an existing National Electrical Manufacturers Association standard alternating current power plug.

### **Permitted Association Actions**

The bill specifically authorizes associations to do the following:

1. install an EV charging station in the common elements to be used by all unit owners and develop appropriate rules for the station's use;
2. create a new parking space where one did not previously exist to facilitate installing an EV charging station;
3. require the unit owner to remove the EV charging station before the unit's sale unless the purchaser agrees to take ownership of the station; and
4. assess the unit owner for any uninsured portion of a loss associated with an EV charging station, from a deductible or otherwise, regardless of whether the association submits an insurance claim.

### **Attorney's Fees**

The bill specifies that the prevailing party must be awarded reasonable attorney's fees in any action by an association seeking to enforce compliance with the bill.

EFFECTIVE DATE: October 1, 2022

### **§ 4 — RENTERS' RIGHT TO CHARGE**

*Generally requires landlords of dwelling units to approve a tenant's written request to install an EV charging station at the tenant's dedicated parking space, but staggers implementation of the requirement based on the landlord's number of units; specifies the contents and terms of the written request and the landlord-tenant agreement*

The bill generally requires landlords of dwelling units to approve a tenant's written request to install an EV charging station (see above) at the tenant's dedicated parking space if the request (1) meets the bill's requirements and (2) complies with the landlord's procedural approval process for property modifications. It specifies that landlords are not obligated to provide an additional parking space to a tenant to accommodate an EV charging station.

The bill phases in this installation approval requirement based on the number of dwelling units a landlord has. Specifically, the requirement applies to agreements executed, extended, or renewed on or after (1) October 1, 2022, for landlords of 250 dwelling units or more, (2) October 1, 2023, for landlords of more than 50 but fewer than 250 units, and (3) October 1, 2024, for landlords of 50 or fewer units.

Under the bill, a “dedicated parking space” is a parking space located within a tenant’s separate interest or a parking spot that is a common area, but subject to an individual tenant’s exclusive use rights. It includes a garage space, carport, or parking space that is specifically designated for the lessee’s use. A “dwelling unit” is any house or building, or part of one, that is occupied or designed to be occupied, or is rented, leased, or hired out to be occupied as a residence.

The bill also requires an EV charging station, and all property modifications and improvements, to comply with applicable state, federal, or municipal laws and zoning requirements, land use requirements, covenants, conditions, and restrictions.

### ***Exceptions***

The bill’s requirements do not apply to residential rental property where:

1. the dwelling unit has EV charging stations for tenants’ use in at least 10% of designated parking spaces;
2. parking is not provided as part of the rental agreement;
3. there are fewer than five parking spaces;
4. the property’s development is assisted by an allocation of Low Income Housing Tax Credits under federal tax law; or
5. the property is managed by a housing authority created under state law.

### ***Request and Agreement***

Under the bill, a tenant’s written request to install an EV charging

station must indicate his or her consent to enter into a written agreement with the landlord that includes provisions on the following:

1. installing, using, maintaining, and removing the EV charging station and its infrastructure;
2. a complete financial analysis and scope of work for installing the EV charging station and its infrastructure;
3. payment to the landlord for any costs associated with the landlord's installation of the EV charging station and its infrastructure before any modification or improvement to the rental property (e.g., permitting, supervision, construction costs, performance bonds);
4. payment for the landlord's incurred costs associated with the electric usage of the EV charging station and costs for damage, maintenance, repair, removal, and replacement of the EV charging station (including changes or improvements to the rental property);
5. if another tenant will use the EV charging station, a requirement for the tenant who requested it to enter into a cooperative agreement with the other tenant and the landlord about electricity metering procedures and each party's responsibilities and duties (costs, including attorney's fees, metering costs, and other fees related to the agreement, are the tenants' responsibility);
6. maintaining a general liability insurance policy that covers the EV charging station and names the landlord as an additional insured, beginning on the date of construction approval and until the tenant forfeits possession of the unit to the landlord;
7. a requirement that the tenant (a) post a surety bond in an amount equal to the cost of removing the EV charging station or (b) allow the landlord to withhold all or part of a security deposit when the tenancy ends for any damages he or she suffers due to the

tenant's failure to comply with the requirements for removing the charging station and its infrastructure; and

8. a requirement for the tenant to agree to designate the station as a fixture of the rental property if the tenant does not remove it upon the lease's termination.

EFFECTIVE DATE: October 1, 2022

## **§§ 5 & 17 — NEW CONSTRUCTION EV CHARGING REQUIREMENTS**

*Requires a certain percentage of parking spaces in certain new construction to be equipped with either EV charging stations or charging station infrastructure*

Under the bill, starting January 1, 2023, DAS must require that each new construction of a state facility with total costs over \$100,000 be installed with level two EV charging stations in at least 20% of parking spaces designated for cars or light-duty trucks.

The bill also requires that level two EV charging stations be installed in new construction school building projects on any project list that DAS submits to the legislature beginning July 1, 2023. It does so by prohibiting DAS from approving a school building project plan that does not provide for level two EV charger installation in at least 20% of parking spots for cars or light-duty trucks at the school building.

Starting January 1, 2023, the bill requires municipalities to require that each new construction of a commercial building or multi-unit residential building with 30 or more parking spaces be equipped with EV charging infrastructure in at least 10% of parking spaces. Municipalities may, through their legislative bodies, require these buildings to have charging infrastructure in a higher percentage of spaces. The charging infrastructure must be capable of supporting level two EV or direct current fast charging stations.

Under the bill, a "level two EV charging station" is an EV charging station that supplies 208 to 240 volt alternating current. A "direct current fast charging station" is an EV charging station that uses direct current electricity providing 40 kilowatts or greater.

EFFECTIVE DATE: October 1, 2022

## **§ 6 — PROPERTY TAX EXEMPTIONS**

*Exempts from property taxes certain EV charging stations, fuel cell vehicle refueling equipment, and zero-emission school buses*

The bill exempts from property tax (1) level two EV charging stations (see § 5) located on commercial or industrial property, (2) EV charging stations located on residential property, (3) refueling equipment for fuel cell electric vehicles, and (4) zero-emission school buses (see § 1).

Under the bill, a zero-emission school bus is a school bus certified by the Environmental Protection Agency (EPA) as having a drivetrain that produces, under any possible operational mode or condition, zero exhaust emission of any EPA-listed air pollutant or GHG (42 U.S.C. § 16091(a)(8)).

EFFECTIVE DATE: October 1, 2022, and applicable to assessment years starting on or after that date.

## **§§ 7, 10 & 18 — CHEAPR PROGRAM**

*Makes numerous changes to the CHEAPR program, including making the CHEAPR board advisory-only, modifying the board's membership, giving priority to low-income individuals and residents of environmental justice communities, and extending eligibility to businesses, municipalities, nonprofits, and e-bikes; directs all of the greenhouse gas reduction fee and part of Regional Greenhouse Gas Initiative funds to the CHEAPR account*

The bill makes numerous changes to the CHEAPR program, some of which correspond to agency practice. Under current law, the CHEAPR board is responsible for the program's administration. The bill (1) requires DEEP to administer the program; (2) makes the CHEAPR board advisory, responsible for advising the DEEP commissioner on priorities for allocating, distributing, and using CHEAPR funds; and (3) eliminates the program's sunset date (December 31, 2025), thereby making the program permanent.

The bill modifies the program parameters for the vehicle rebates and adds a component for electric bicycles (e-bikes). For both components, the bill allows the program to offer rebates or vouchers ("incentives"). It also increases funding for the program.

### **Advisory Board**

The bill modifies the CHEAPR board’s membership. First, it adds the Public Utilities Regulatory Authority chairperson, or her designee, as an ex-officio member. As under existing law, the other ex-officio members are the DEEP commissioner, the consumer protection commissioner, and the Green Bank president (or their designees).

The bill also (1) increases the number of appointed members from six to 10 by adding appointments for the Transportation Committee leaders and (2) specifies qualifications for some existing members, as shown in Table 1.

**Table 1: CHEAPR Board Appointing Authorities and Qualifications**

<b><i>Appointing Authority</i></b>	<b><i>Qualification</i></b>
House speaker*	Representative of an environmental organization knowledgeable in EV policy*
Senate president pro tempore*	Owner or manager of bicycle sale or repair business
House majority leader*	Representative of an organization representing an environmental justice community*
Senate majority leader*	Representative of an automotive retailers’ association*
House minority leader*	Representative of an EV consumer association
Senate minority leader*	None specified*
Transportation Committee House chairperson	Representative of an organization promoting walking or bicycling
Transportation Committee Senate chairperson	None specified
Transportation Committee House ranking member	Representative of an association representing EV manufacturers
Transportation Committee Senate ranking member	None specified

\*Existing appointment/qualification

Under the bill, each appointed member serves a two-year term and may serve until the member’s successor is appointed. The bill allows the advisory board to establish rules governing its internal procedures.

### **Program Funding**

The bill increases funding for the program by increasing and adding

revenue sources to the CHEAPR account.

First, it transfers the entirety of the GHG reduction fee to the CHEAPR account. Current law transfers only the first \$3 million collected from the fee, with the remainder going to the General Fund. By law, the fee is (1) \$15 for the registration of a new vehicle and (2) generally \$7.50 for new registrations and registration renewals.

Beginning with FY 24, the bill also diverts to the CHEAPR account the portion of Regional Greenhouse Gas Initiative (RGGI) proceeds allocated to the Green Bank according to a regulatory formula in excess of \$5.2 million. Currently, 23% of RGGI proceeds are allocated to the Green Bank for the Clean Energy Fund. (The bill also codifies existing practice regarding the Clean Energy Fund's uses.)

RGGI is a regional interstate "cap and trade" program to reduce GHG emissions. The program subjects the region's power plants to a declining cap on the amount of carbon dioxide they can emit and requires them to purchase emission allowances at quarterly auctions. Those that exceed the cap may buy credits from those that do not. Auction sales proceeds fund energy efficiency and renewal programs.

### ***Vehicle Incentive Component***

***Eligible Vehicles.*** Under the bill, the CHEAPR program provides incentives to state residents who purchase battery electric vehicles (BEVs), plug-in hybrid electric vehicles (PHEVs), or fuel cell electric vehicles (FCEVs). The bill makes hydrogen vehicles ineligible for incentives. This conforms to current program practice.

Additionally, the bill sets the maximum base manufacturer's suggested retail price (MSRP) for a vehicle to be eligible for an incentive at \$50,000, which applies from July 1, 2022, to June 30, 2027. Current law does not impose an MSRP cap, but under current program practice, the MSRP cap is \$42,000 for BEVs and PHEVs and \$60,000 for FCEVs.

***Eligible Entities.*** Under current law, only individuals qualify for incentives through CHEAPR. The bill extends eligibility for incentives to in-state municipalities, businesses, nonprofits, and tribal entities. It

limits these entities to 10 incentives per year, within available funds, and 20 incentives total. But it allows DEEP to issue additional incentives to eligible businesses or nonprofits that operate fleets exclusively in environmental justice communities (see BACKGROUND).

***Incentive Amounts and Income Eligibility.*** The bill generally makes DEEP responsible for establishing and revising incentive amounts, with the advisory board's advice, but caps the amount of incentive for residents of environmental justice communities at 100% more than the standard incentive amount. Under current law, the board establishes rebate amounts.

The bill requires the DEEP commissioner to prioritize granting incentives to residents (1) of environmental justice communities; (2) with household incomes at or below 300% of the federal poverty level; or (3) who participate in state and federal assistance programs such as the Supplemental Nutrition Assistance Program, Low Income Home Energy Assistance Program, Head Start, and Operation Fuel. Under current agency practice, participants in certain income-qualified programs are eligible for higher rebates.

### ***E-Bike Incentive Component***

The bill requires the DEEP commissioner to provide incentives through the CHEAPR program for state residents to purchase e-bikes. As with the vehicle component, the commissioner is generally responsible for determining incentive amounts, except that the incentive must be at least \$500. The bill also requires DEEP, in consultation with the advisory board, to determine the maximum income eligibility for e-bike incentives.

The e-bike component must be designed to maximize air quality benefits associated with e-bike use and prioritize granting incentives to residents (1) of environmental justice communities; (2) with household incomes at or below 300% of the federal poverty level; or (3) who participate in state and federal assistance programs such as the Supplemental Nutrition Assistance Program, Low Income Home Energy Assistance Program, Head Start, and Operation Fuel.

Under the bill, from July 1, 2022, to June 30, 2027, an e-bike must have a base MSRP of \$3,000 or less to be eligible for a program incentive.

### **Reporting**

The bill requires DEEP, rather than the CHEAPR board, to annually evaluate the program. It also requires that DEEP report annually, starting by June 20, 2024, to the Transportation and Environment committees on the program's status and effectiveness. The report must include information on program participation and the environmental benefits accruing to environmental justice communities and communities overburdened by air pollution.

### **Outreach and Marketing**

Under the bill, DEEP must conduct outreach programs and implement a marketing campaign to promote CHEAPR.

EFFECTIVE DATE: The CHEAPR program provisions are applicable to appointments made on or after July 1, 2022.

## **§§ 7, 12 & 13 — ZERO-EMISSION SCHOOL BUSES**

*Allows for 10-year school transportation contracts if the contract includes at least one zero-emission school bus, sets targets for converting school buses to zero-emission school buses, and establishes a matching grant program for zero-emission school buses and charging infrastructure*

### **School Bus Contracts**

Under current law, local and regional boards of education may enter into contracts for student transportation for a maximum term of five years. The bill allows them to have contracts with up to 10-year terms if the contract includes transportation provided by at least one school bus that is a zero-emission bus (see § 6, above).

### **Transition to Zero-Emission School Buses**

The bill requires that all school buses be zero-emission school buses by (1) January 1, 2030, in school districts entirely within, or that contain, an environmental justice community as of July 1, 2022 (see BACKGROUND) and (2) January 1, 2040, in the remaining districts. It also sets an interim requirement for school districts that are not located entirely within, or do not contain, an environmental justice community,

requiring that 100% of buses in these districts be zero-emission school buses or alternative fuel school buses. An “alternative fuel school bus” is a school bus that reduces emissions and operates entirely or in part using liquified or compressed natural gas, hydrogen, propane, or biofuels.

**Grant Program**

The bill requires DEEP to establish and administer a grant program to provide matching funds necessary for municipalities, school districts, and school bus operators to submit federal grant applications and maximize federal funding to buy or lease zero-emission school buses and EV charging or fueling infrastructure.

Applications must be filed when and how the commissioner determines, and DEEP must determine the matching amount that applicants must provide. The bill requires DEEP to give preference to applications to purchase or lease zero-emission buses that will operate primarily in an environmental justice community.

**Technical Assistance**

The bill requires DEEP, within available funds and appropriations, to provide administrative and technical assistance to municipalities, school districts, and school bus operators transitioning to using zero-emission school buses, applying for federal grants for them, and installing EV charging and fueling infrastructure.

**Staff Funding**

The bill allows the DEEP commissioner to use funds from the CHEAPR account to pay for grant program staffing needs and the technical assistance.

EFFECTIVE DATE: The school bus contracts provision is effective October 1, 2022.

**§§ 7 & 14 — MEDIUM- AND HEAVY-DUTY TRUCK VOUCHERS**

*Allows DEEP to establish a voucher program to support the use of zero-emission medium- and heavy- duty vehicles and funds the program from the CHEAPR account*

Beginning January 1, 2023, the bill allows DEEP, within available

funds, to establish a voucher program to support the use of zero-emission (1) vehicles within class 5 to class 13 of the Federal Highway Administration's (FHWA) vehicle category classification system (see BACKGROUND) and (2) school buses within class 3 to class 8 of the system. The DEEP commissioner must (1) consult with the education, motor vehicles, and transportation commissioners in establishing the program and (2) prescribe the time and manner for filing program applications. The bill funds the program through the CHEAPR account.

Under the bill, eligible technology for vouchers includes battery electric and fuel cell systems and EV charging infrastructure. Vouchers are unavailable for vehicle classes where there is no commercially available zero-emission technology. DEEP must (1) set aside 40% of available funding to maximize air pollution reduction in environmental justice communities (see BACKGROUND) and (2) consider the amount of available funding when awarding vouchers.

**EFFECTIVE DATE:** The provision requiring DEEP to establish the program and creating the account is effective October 1, 2022.

### **§§ 8 & 19 — EV REGISTRATION FEE**

*Eliminates the reduced registration fee for electric vehicles*

The bill eliminates the reduced registration fee for EVs (\$57 for a triennial period) and instead subjects them to the same registration fee that applies to other passenger motor vehicles (e.g., \$120 for a triennial period).

### **§ 9 — CLEAN AIR ACT (CAA) FEE**

*Requires the OPM secretary to annually report on (1) the amount of CAA fee revenue collected and (2) state funds spent on implementing the CAA, improving air quality, and reducing transportation sector GHG*

Starting by January 1, 2023, the bill requires the OPM secretary to annually report to the Appropriations, Environment, and Transportation committees on (1) the amount of CAA fee revenue (see BACKGROUND) collected in the prior fiscal year and (2) state funds spent during the prior fiscal year on implementing the federal CAA, improving air quality, and reducing transportation sector GHG emissions. OPM must consult with DEEP, DOT, and DMV in preparing

the report.

## **§ 11 — TRAFFIC SIGNAL GRANT PROGRAM**

*Requires DOT to establish a matching grant program to help municipalities modernize existing traffic signal equipment*

The bill requires DOT to establish a matching grant program to help municipalities modernize existing traffic signal equipment and operations to make them (1) capable of using transit signal priority, (2) responsive to congestion, and (3) reduce idling.

Under the bill, applications must be submitted annually to the DOT commissioner when, and in the way, he requires. The commissioner must (1) develop eligibility criteria for program participation, (2) determine the matching amount required, (3) give preference to applications submitted by two or more municipalities, and (4) establish incentives for projects undertaken by two or more municipalities.

## **§ 15 — MEDIUM- AND HEAVY-DUTY VEHICLE EMISSION STANDARDS**

*Authorizes the DEEP commissioner to adopt regulations implementing California's medium- and heavy-duty motor vehicle standards*

The bill authorizes the DEEP commissioner to adopt regulations implementing California's medium- and heavy-duty motor vehicle standards in Connecticut. It requires her, if she adopts these regulations, to amend them whenever the California standards change. The Connecticut regulations may incorporate by reference the California Air Resources Board's (CARB) adopted regulations (see BACKGROUND).

State law already requires DEEP to adopt regulations implementing California's emissions standards for light-duty motor vehicles (e.g., passenger cars, SUVs, pickup trucks) and keep them current with changes California makes. The regulations applied beginning with the 2008 model year.

Under the federal Clean Air Act, all new vehicles sold in the United States must comply with emission standards set by either the U.S. Environmental Protection Agency or California (42 U.S.C. § 7507). The U.S. Department of Transportation categorizes vehicles based on gross

vehicle weight ratings (GVWR). Medium-duty vehicles generally have a GVWR of between 10,000 and 26,000 pounds (e.g., box trucks, firetrucks). Heavy-duty vehicles have a GVWR of more than 26,000 pounds (e.g., city transit buses, cement mixers, refuse trucks, tractor trailers).

## **§ 16 — SOLAR PANELS IN PLANNED COMMUNITY ASSOCIATIONS**

*Prohibits planned community associations from adopting or enforcing rules that effectively prohibit unit owners from installing solar panels on their own units' roofs*

The bill prohibits planned community associations from adopting or enforcing rules that effectively prohibit unit owners from installing solar power generating systems (i.e., solar panels) on their own units' roofs. Condominiums and cooperatives are exempt from this ban. Presumably, a condominium or cooperative located within a planned community is also exempt.

The bill authorizes planned community associations to adopt rules governing these systems with respect to (1) their size; (2) how they are attached, installed, and removed; and (3) the unit owner's responsibility for their maintenance and periodic upkeep. The rules may also prohibit owners from installing the systems on the association's common elements.

Under existing law, the association's executive board must give unit owners certain notice before adopting rules and the adopted rules must be reasonable.

EFFECTIVE DATE: October 1, 2022

### **BACKGROUND**

#### ***School Building Project***

By law, a "school building project" includes the following:

1. construction, purchase, extension, replacement, renovation, or major alteration of a building to be used for public school purposes, including equipping and furnishing the construction, purchase, extension, replacement, renovation, or major

- alteration, the improvement of land, or the improvement of the site of an existing building for public school purposes;
2. construction, including equipping and furnishing construction, of any building which the towns of Norwich, Winchester, and Woodstock may provide by lease or otherwise for use by the Norwich Free Academy, Gilbert School, and Woodstock Academy, respectively, to provide education for public school students; and
  3. addition to, renovation of, and associated equipping and furnishing of, any building which may be leased, upon the approval of the education and DAS commissioners, to any local or regional board of education for a term of 20 years or more to provide education for public school students (CGS § 10-282).

***Environmental Justice Communities***

By law, an “environmental justice community” is (a) any U.S. census block group, as determined by the most recent census, for which at least 30% of the population consists of low-income people who are not institutionalized and have an income below 200% of the federal poverty level or (b) a distressed municipality (CGS § 22a-20a).

The Department of Economic and Community Development annually designates distressed municipalities, based on high unemployment and poverty, aging housing stock, and low or declining rates of job, population, and per capita income growth (CGS § 32-9p). The current (2021) distressed municipalities are Ansonia, Bridgeport, Chaplin, Derby, East Hartford, East Haven, Griswold, Groton, Hartford, Meriden, Montville, New Britain, New London, Norwich, Plainfield, Putnam, Sprague, Sterling, Stratford, Torrington, Voluntown, Waterbury, West Haven, Winchester, and Windham.

Towns with current designated census blocks (that are not also distressed municipalities) are Barkhamsted, Bethel, Bloomfield, Branford, Bristol, Brooklyn, Clinton, Colchester, Cromwell, Danbury, East Hampton, East Lyme, Ellington, Enfield, Essex, Fairfield,

Farmington, Greenwich, Haddam, Hamden, Killingly, Killingworth, Ledyard, Manchester, Mansfield, Marlborough, Middletown, Milford, Naugatuck, New Fairfield, New Haven, New Milford, North Canaan, North Stonington, Norwalk, Old Saybrook, Plainville, Portland, Preston, Ridgefield, Rocky Hill, Sharon, Shelton, Simsbury, Southbury, Southington, Stafford, Stamford, Stonington, Thomaston, Thompson, Vernon, Wallingford, Waterford, Watertown, West Hartford, Westbrook, Wethersfield, Willington, Windsor Locks, and Windsor.

### **CAA Fees on Motor Vehicle Registrations**

State law requires the Department of Motor Vehicles to collect the CAA fee on new registrations and renewals and sets the fee at \$15 for a triennial registration period (proportionately reduced for other registration lengths). By law, the CAA fee does not apply to motor vehicles that are electrically powered, not self-propelled, or exempt from a registration fee (CGS § 14-49b(a)).

By law, these fees must be split between the General Fund (42.5%) and the Special Transportation Fund (STF) (57.5%) and are not dedicated to any specific purpose.

### **FHWA Vehicle Category Classification System**

The FHWA vehicle category classification system sorts vehicles into different classes based on their characteristics, as shown in the table below.

<b>Class</b>	<b>Vehicles</b>	<b>Class</b>	<b>Vehicles</b>
1	Motorcycles	8	Single trailer, 3- or 4-axle trucks
2	Passenger cars	9	Single trailer, 5-axle trucks
3	Pickups, panels, and vans	10	Single trailer, 6+ axle trucks
4	Buses	11	Multi-trailer, 5 or fewer axle trucks
5	Single unit, 2-axle trucks	12	Multi-trailer, 6-axle trucks
6	Single unit, 3-axle trucks	13	Multi-trailer, 7+ axle trucks
7	Single unit, 4+ axle trucks		

### **California Standards & Connecticut Emission Reduction Goal**

CARB adopted (1) a heavy-duty omnibus rule, which creates emission standards for engine manufacturers, and (2) an advanced clean

trucks rule, which requires truck manufacturers to deliver for sale a certain percentage of advanced technology vehicles (i.e., zero-emission vehicles (ZEVs)).

In July 2020, Connecticut signed onto a memorandum of understanding (MOU) with 14 other states and the District of Columbia to work collaboratively to reduce emissions from medium- and heavy-duty vehicles. The signatories' goal is to have all medium- and heavy-duty vehicle sales be ZEVs by 2050, with an interim goal of 30% ZEV sales by 2030.

**Related Bills**

sSB 12 (File 609), favorably reported by the Finance, Revenue and Bonding Committee, authorizes \$75 million in general obligation (GO) bonds to help municipalities modernize traffic signals and \$20 million in GO bonds to match federal grants for zero-emission school buses.

SB 225 (File 142), favorably reported by the Planning and Development Committee, contains identical provisions on rooftop solar panel installation in planned community associations.

HB 5039 (File 465), favorably reported by the Environment and Transportation committees, contains identical provisions on medium- and heavy-duty truck emissions standards.

**COMMITTEE ACTION**

Transportation Committee

Joint Favorable Substitute  
Yea 23 Nay 11 (03/24/2022)

Finance, Revenue and Bonding Committee

Joint Favorable  
Yea 35 Nay 15 (04/20/2022)