AN ACT CONCERNING ELECTRIC VEHICLE CHARGING STATIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (Effective October 1, 2022) (a) As used in this section:

1. "Association" means any association of homeowners, community association, condominium association, cooperative, common interest associations or nongovernmental entity with covenants, bylaws and administrative provisions with which a homeowner's compliance is required. "Association" includes an association of unit owners, as defined in section 47-68a of the general statutes, and a common interest community, as defined in section 47-202 of the general statutes;

2. "Electric vehicle charging station" means an electric component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles by permitting the transfer of electric energy to a battery or other storage device in the electric vehicle. "Electric vehicle charging station" includes any associated metering equipment; and

3. "Reasonable restrictions" means a restriction that does not
significantly increase the cost of the station or significantly decrease its efficiency or specified performance.

(b) Any covenant, restriction or condition contained within any deed, contract, security instrument or other instrument affecting the transfer or sale of any interest in a property, or any bylaw or other instrument that governs the creation or operation of an association, that either 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 a unit owner's exclusive use common element or a parking space that is specifically designated for use by a particular unit owner, or otherwise is in conflict with the provisions of this section, shall be void and unenforceable.

(c) This section shall not apply to:

(1) Any contract, covenant, deed, security instrument or other instrument affecting the transfer or sale of any interest in a property entered into before October 1, 2022; or

(2) An association that: (A) Has bylaws that impose reasonable restrictions on electric vehicle charging stations; or (B) already provides electric vehicle charging stations to its unit owners at a ratio that is equal to or greater than ten per cent of the designated parking spaces.

(d) An electric vehicle charging station shall meet all applicable health and safety standards and requirements imposed by applicable federal, state or municipal law.

(e) If an association requires a unit owner to submit an application for approval to install an electric vehicle charging station, the association shall process and approve the application in the same manner as an application for approval of an architectural modification to the property. The approval or denial of the application shall be in writing and shall be issued not later than sixty days after the date of receipt of the application. If an application is not denied in writing within such
sixty-day period, the application shall be deemed approved, unless the
association reasonably requests additional information within sixty
days from the date of receipt of the application.

(f) If a unit owner seeks to install an electric vehicle charging station,
the following provisions shall apply:

(1) The unit owner 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 the
following: (A) Comply with the association's architectural standards for
the installation of the electric vehicle charging station; (B) engage a
licensed contractor to install the electric vehicle charging station; (C) if
the proposed electric vehicle charging station is located within a
common element, provide a certificate of insurance, within fourteen
days of approval, that names the association as a named additional
insured under the owner's insurance policy pursuant to subdivision (3)
of this subsection; (D) pay for the costs associated with the installation
of the electric vehicle charging station; and (E) pay the electricity usage
costs associated with the electric vehicle charging station.

(2) The unit owner, and each successive owner, of the electric vehicle
charging station shall be responsible for all of the following: (A) Costs
for damage to the electric vehicle charging station, common elements or
separate units resulting from the installation, maintenance, repair,
removal or replacement of the electric vehicle charging station; (B) costs
for the maintenance, repair and replacement of the electric vehicle
charging station until it has been removed; (C) costs for the restoration
of the electric vehicle charging station after it is removed; (D) costs of
electricity associated with the electric vehicle charging station; and (E)
disclosing to prospective buyers (i) the existence of the electric vehicle
charging station, and (ii) the associated responsibilities of the unit owner
under this section.

(3) The unit owner of the electric vehicle charging station, whether
located within a separate unit, within the common element or exclusive
use common element, shall, at all times, maintain a liability coverage policy. The owner shall provide the association with the corresponding certificate of insurance not later than fourteen days after approval of the application. The owner, and each successor owner, shall provide the association with the certificate of insurance annually thereafter.

(4) A unit owner shall not be required to maintain a liability coverage policy for an existing national electrical manufacturers association standard alternating current power plug.

(g) Except as provided in subsection (h) of this section, installation of an electric vehicle charging station for the exclusive use of a unit owner in a common element, that is not an exclusive use common element, shall be authorized by the association only if installation in the unit 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 requirements described in subsection (f) of this section.

(h) An association may install an electric vehicle charging station in the common element for the use of all members of the association. For any such electric vehicle charging station, the association shall develop appropriate terms of use for the electric vehicle 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 may require the unit owner to have the electric vehicle charging station removed prior to the unit owner's sale of the property unless the prospective purchaser of the property agrees to take ownership of the electric vehicle charging station.

(k) An association that knowingly violates this section shall pay a civil penalty of not more than one thousand dollars.
(l) In any action by a unit owner seeking to enforce compliance with this section, the prevailing unit owner shall be awarded reasonable attorney's fees.

Sec. 2. (NEW) (Effective October 1, 2022) (a) As used in this section:

(1) "Dedicated parking space" means a parking space located within a lessee's separate interest or a parking spot that is in a common area, but subject to exclusive use rights of an individual lessee, including, but not limited to, a garage space, carport or parking space that is specifically designated for use by a particular lessee;

(2) "Dwelling unit" has the same meaning as provided in section 47a-1 of the general statutes;

(3) "Electric vehicle charging station" means an electric component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles by permitting the transfer of electric energy to a battery or other storage device in an electric vehicle. "Electric vehicle charging station" includes any associated metering equipment;

(4) "Landlord" has the same meaning as provided in section 47a-1 of the general statutes;

(5) "Rent" has the same meaning as provided in section 47a-1 of the general statutes;

(6) "Rental agreement" has the same meaning as provided in section 47a-1 of the general statutes; and

(7) "Tenant" has the same meaning as provided in section 47a-1 of the general statutes.

(b) Notwithstanding any provision in the rental agreement to the contrary, for any rental agreement executed, extended or renewed on and after October 1, 2022, a landlord of a dwelling unit shall approve a tenant's written request to install an electric vehicle charging station at
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a dedicated parking space for the tenant that meets the requirements of this section and complies with the landlord's procedural approval process for modification to the property.

(c) This section shall not apply to residential rental properties where:

(1) Electric vehicle charging stations for use by tenants already exist as of the effective date of this section in a ratio that is equal to or greater than ten per cent of the designated parking spaces;

(2) Parking is not provided as part of the rental agreement; or

(3) There are fewer than five parking spaces.

(d) A landlord shall not be obligated to provide an additional parking space to a tenant in order to accommodate an electric vehicle charging station.

(e) If the electric vehicle charging station has the effect of providing the tenant with a reserved parking space, the landlord may charge a monthly rental amount for that parking space.

(f) An electric vehicle charging station, and all modifications and improvements to the property, shall comply with federal, state and municipal law, and all applicable zoning requirements, land use requirements, and covenants, conditions and restrictions.

(g) A tenant's written request to modify the rental property in order to install an electric vehicle charging station shall indicate his or her consent to enter into a written agreement that includes, but is not limited to, the following:

(1) Compliance with the landlord's requirements for the installation, use, maintenance and removal of the electric vehicle charging station and its infrastructure;

(2) Compliance with the landlord's requirements for the tenant to provide a complete financial analysis and scope of work regarding the
installation of the electric vehicle charging station and its infrastructure;

(3) Compliance with the landlord's requirements to pay the landlord any costs associated with the landlord's installation of the electric vehicle charging station and its infrastructure prior to any modification or improvement to the rental property. The costs associated with modifications and improvements include, but are not limited to, the cost of permits, supervision, construction and, solely if required by the contractor and consistent with its past performance of work for the landlord, performance bonds;

(4) Compliance with the landlord's requirements to pay, as part of the tenant's rent, any costs associated with the electrical usage of the electric vehicle charging station, and costs for damage, maintenance, repair, removal and replacement of the electric vehicle charging station, including such modifications or improvements made to the rental property associated with the electric vehicle charging station; and

(5) Compliance with the landlord's requirements to maintain a general liability insurance policy that covers an electric vehicle charging station at a tenant's dedicated parking space and to name the landlord as a named additional insured under the policy commencing with the date of approval for construction until the tenant forfeits possession of the dwelling unit to the landlord.

This act shall take effect as follows and shall amend the following sections:

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<tr>
<th>Section 1</th>
<th>October 1, 2022</th>
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<td>Sec. 2</td>
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Statement of Purpose:
To require certain contracts affecting real estate to allow for the installation of electric vehicle charging stations and to require increased tenant access to electric vehicle charging stations in their dwelling units or common areas.
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[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]