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SENATE BILL NO. 630

Offered January 8, 2020

Prefiled January 7, 2020

A *BILL to amend the Code of Virginia by adding sections numbered 55.1-1823.1, 55.1-1962.1, and 55.1-2139.1 relating to common interest communities; electric vehicle charging stations permitted.*

Patrons—Surovell and DeSteph; Delegate: Kory

Referred to Committee on General Laws and Technology

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding sections numbered 55.1-1823.1, 55.1-1962.1, and 55.1-2139.1 as follows:

§ 55.1-1823.1. Electric vehicle charging stations permitted.

A. Except as otherwise expressly provided in the declaration, no provision of the declaration, bylaws, rules and regulations, architectural guidelines, or articles of incorporation, if any, of the association may prohibit or be enforced so as to prohibit any lot owner from installing an electric vehicle charging station within the boundaries of the lot owner's property. No association may prohibit a lot owner from installing an electric vehicle charging station for an electric vehicle within the boundaries of the lot owner's property.

B. The installation of electric vehicle charging stations shall be subject to the following provisions:

1. The lot owner who is installing an electric vehicle charging station shall be responsible for the costs of installation, operation, maintenance, and repair, including hazard and liability insurance.

2. If the lot owner decides there is no longer a need for the electric vehicle charging station, he shall be responsible for the cost of removal of such charging station.

C. Additionally, the association may require the lot owner to:

1. Request approval to install an electric vehicle charging station.

2. Comply with bona fide safety requirements, consistent with applicable building codes or recognized safety standards, for the protection of persons and property.

3. Comply with reasonable architectural standards adopted by the association that govern the dimensions, placement, or external appearance of the electric vehicle charging station, provided that such standards may not prohibit the installation of such charging station or substantially increase the cost thereof.

4. Engage the services of a licensed and registered electrical contractor or engineer familiar with the installation and core requirements of electric vehicle charging stations.

5. Provide a certificate of insurance naming the association as an additional insured on the owner's insurance policy for any claim related to the installation, maintenance, or use of the electric vehicle charging station within 14 days after receiving the association's approval to install such charging station.

6. Reimburse the association for the actual cost of any increased insurance premium amount attributable to the electric vehicle charging station within 14 days after receiving the association's insurance premium invoice.

7. Meter electricity to the charging station separately from any association electric meter and make electricity for the charging station payable by the lot owner installing such station.

D. The association shall provide an implied easement across the common areas of the association property to the lot owner for purposes of installing the electric vehicle charging station and any necessary equipment and furnishing electrical power to such charging station, subject to the requirements of this section.

§ 55.1-1962.1. Electric vehicle charging stations permitted.

A. Except as otherwise expressly provided in the declaration, no condominium instruments may prohibit or be enforced so as to prohibit any unit owner from installing an electric vehicle charging station within the boundaries of the unit owner's limited common element parking area. The executive board of a unit owners' association may not prohibit a unit owner from installing an electric vehicle charging station for an electric vehicle within the boundaries of the unit owner's limited common element parking area.

B. The installation of electric vehicle charging stations is subject to the following provisions:

1. The installation shall not cause irreparable damage to the condominium property.

2. The unit owner who is installing an electric vehicle charging station is responsible for the costs of installation, operation, maintenance, and repair, including hazard and liability insurance. The

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59 association may enforce payment of such costs pursuant to § 55.1-1959.

60 3. If the unit owner decides there is no longer a need for the electric vehicle charging station, he is
61 responsible for the cost of removal of such charging station. The association may enforce payment of
62 such costs pursuant to § 55.1-1959.

63 C. Additionally, the association may require the lot owner to:

64 1. Request approval to install an electric vehicle charging station.

65 2. Comply with bona fide safety requirements, consistent with applicable building codes or
66 recognized safety standards, for the protection of persons and property.

67 3. Comply with reasonable architectural standards adopted by the association that govern the
68 dimensions, placement, or external appearance of the electric vehicle charging station, provided that
69 such standards may not prohibit the installation of an electric vehicle charging station or substantially
70 increase the cost thereof.

71 4. Engage the services of a licensed and registered electrical contractor or engineer familiar with the
72 installation and core requirements of an electric vehicle charging station.

73 5. Provide a certificate of insurance naming the association as an additional insured on the owner's
74 insurance policy for any claim related to the installation, maintenance, or use of the electric vehicle
75 charging station within 14 days after receiving the association's approval to install such charging
76 station.

77 6. Reimburse the association for the actual cost of any increased insurance premium amount
78 attributable to the electric vehicle charging station within 14 days after receiving the association's
79 insurance premium invoice.

80 7. Meter electricity to the charging station separately from any association electric meter and make
81 electricity for the charging station payable by the unit owner installing such station.

82 D. The association shall provide an implied easement across the common areas of the association
83 property to the lot owner for purposes of installing the electric vehicle charging station and any
84 necessary equipment and furnishing electrical power to such charging station, subject to the
85 requirements of this section.

86 **§ 55.1-2139.1. Electric vehicle charging stations permitted.**

87 A. Except as otherwise expressly provided in the declaration, no declaration may prohibit or be
88 enforced so as to prohibit any proprietary lessee from installing an electric vehicle charging station
89 within the boundaries of the proprietary lessee's limited common element parking area. The executive
90 board of a proprietary lessees' association may not prohibit a proprietary lessee from installing an
91 electric vehicle charging station for an electric vehicle within the boundaries of the proprietary lessee's
92 limited common element parking area.

93 B. The installation of electric vehicle charging stations shall be subject to the following provisions:

94 1. The installation may not cause irreparable damage to the cooperative.

95 2. The proprietary lessee who is installing an electric vehicle charging station shall be responsible
96 for the costs of installation, operation, maintenance, and repair, including hazard and liability
97 insurance. The association may enforce payment of such costs pursuant to § 55.1-1959.

98 3. If the proprietary lessee decides there is no longer a need for the electric vehicle charging station,
99 he shall be responsible for the cost of removal of such charging station. The association may enforce
100 payment of such costs pursuant to § 55.1-1959.

101 C. Additionally, the association may require the proprietary lessee to:

102 1. Request approval to install an electric vehicle charging station.

103 2. Comply with bona fide safety requirements, consistent with applicable building codes or
104 recognized safety standards, for the protection of persons and property.

105 3. Comply with reasonable architectural standards adopted by the association that govern the
106 dimensions, placement, or external appearance of the electric vehicle charging station, provided that
107 such standards may not prohibit the installation of such charging station or substantially increase the
108 cost thereof.

109 4. Engage the services of a licensed and registered electrical contractor or engineer familiar with the
110 installation and core requirements of an electric vehicle charging station.

111 5. Provide a certificate of insurance naming the association as an additional insured on the
112 proprietary lessee's insurance policy for any claim related to the installation, maintenance, or use of the
113 electric vehicle charging station within 14 days after receiving the association's approval to install such
114 charging station.

115 6. Reimburse the association for the actual cost of any increased insurance premium amount
116 attributable to the electric vehicle charging station within 14 days after receiving the association's
117 insurance premium invoice.

118 7. Meter electricity to the charging station separately from any association electric meter and make
119 electricity for the charging station payable by the proprietary lessee installing such station.

120 D. The association shall provide an implied easement across the common areas of the association

121 *property to the lot owner for purposes of installing the electric vehicle charging station and any*
122 *necessary equipment and furnishing electrical power to such charging station, subject to the*
123 *requirements of this section.*