

Kimball, Tirey & St. John LLP

Electric Vehicle Charging Stations for California Landlords

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Updated October, 2019

California law provides a framework for California tenants to request permission from their landlords to install electric vehicle charging stations. Those laws are found at [Civil Code §1947.6](#) (residential tenancies) and [Civil Code §1952.7](#) (commercial tenancies). Laws regarding electric vehicle charging stations in homeowner's associations are found at [Civil Code §4745](#) and 4745.1. In 2018, [SB 1016](#) amended the law regarding electric charging stations in HOAs, and [AB 1796](#) amended the law regarding electric vehicle stations in rent controlled units. A summary of the law is below. In 2019, [SB 638](#) changed the insurance requirements for electric vehicle charging stations in residential properties.

Residential

For residential leases signed, renewed or extend on or after July 1, 2015, landlords are required to approve a tenant's written request to install an electric vehicle charging station at the tenant's parking space if the tenant enters into a written agreement which includes requirements regarding the installation, use, maintenance and removal of the charging station, requires the tenant pay for all modifications, and requires the tenant to maintain a \$1,000,000 general liability insurance policy. (The \$1,000,000 general liability insurance requirement changes on January 1, 2020. Under [SB 638](#) the landlord may require the tenant to obtain personal liability coverage, equal to 10 times the annual rent charged for the dwelling, covering property damage and personal injury caused by the installation or operation of the electric vehicle charging station. This insurance requirement would not apply if the charging station is certified by a Nationally Recognized Testing Laboratory that is approved by the Occupational Safety and Health Administration of the United States Department of Labor and any associated alterations to the dwelling's electrical system are performed by a licensed electrician.) The charging station and modifications must comply with all applicable laws and covenants, conditions and restrictions. The tenant is required to pay the cost associated with the electric usage of the charging station. The landlord is not required to provide the tenant with an *additional* parking space in order to comply with this law. This law does not apply: (1) when parking is not included as part of the rental contract; (2) to properties with fewer than five parking spaces; (3) to properties subject to rent control (unless either (1) a lease is executed, extended, or renewed on or after January 1, 2019, or (2) the unit is within a jurisdiction that adopted an ordinance before January 1, 2018 requiring the landlord to approve a tenant's request to install an electric vehicle charging station at the tenant's parking space); (4) when 10% or more of existing spaces already have electric vehicle charging stations.

Commercial

For commercial leases executed on or after January 1, 2015, landlords are required to approve a tenant's written request to install an electric vehicle charging station if certain requirements are met. The tenant is not allowed to install more electric vehicle charging stations than the number of spaces allocated to tenant under the lease. If no parking spaces were allocated, the tenant has the right to convert a number of spaces based on a formula which takes into account the square footage of the rented premises and the total number of parking spaces for the entire property. This law does not apply: (1) to a commercial property with less than 50 parking spaces; or (2) to a commercial property which already has 2 electric charging stations for every

100 spaces. AB 2565 is codified at Civil Code §§1947.6 (residential property) and 1952.7 (commercial property).

HOA

HOAs may not prohibit or unreasonably restrict the installation or use of electric vehicle charging stations in a designated parking space.

If you have questions regarding this article, please contact Jamie Sternberg at (800) 574-5587 or jamie.sternberg@kts-law.com.

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