

Date of Hearing: May 9, 2018

ASSEMBLY COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT

David Chiu, Chair

AB 1796 (Muratsuchi) – As Amended April 25, 2018

**SUBJECT:** Rental property: electric vehicle charging stations

**SUMMARY:** Removes the exemption that allows lessors of dwellings subject to a residential rent control ordinance to deny requests of lessees to install electric vehicle (EV) charging stations at parking spaces, thereby requiring lessors of rent controlled dwellings to approve EV installation requests. **Specifically, this bill:**

- 1) Requires, for leases executed, extended, or renewed beginning January 1, 2019, the lessor of a dwelling that is subject to a residential rent control ordinance of a public entity to approve a written request of a lessee to install an EV charging station at a parking space allotted for the lessee that meets specified requirements and complies with the lessor's procedural approval process for modification to the property.
- 2) Specifies that this requirement does not apply to a dwelling that is subject to rent control and is located in a jurisdiction that, on or before January 1, 2018, adopted a local ordinance requiring the lessor to approve a written request of a lessee to install an EV charging station at a parking space allotted for the lessee.

**EXISTING LAW:**

- 1) Requires, for any lease executed, extended, or renewed on and after July 1, 2015, a lessor of a dwelling to approve a written request of a lessee to install an EV charging station at a parking space allotted for the lessee that meets specified requirements and complies with the lessor's procedural approval process for modification to the property.
- 2) Provides that 1), above, does not apply to residential rental properties where:
  - a) EV charging stations already exist for lessees in a ratio that is equal to or greater than 10 percent of the designated parking spaces;
  - b) Parking is not provided as part of the lease agreement;
  - c) A property where there are less than five parking spaces; or
  - d) A dwelling that is subject to the residential rent control ordinance of a public entity.
- 3) Defines "EV charging station" or "charging station" as any level of EV supply equipment station that is designed and built in compliance with Article 625 of the California Electrical Code, as it reads on the effective date of this section, and delivers electricity from a source outside an electric vehicle into a plug-in EV.
- 4) Provides that a lessor shall not be obligated to provide an additional parking space to a lessee in order to accommodate an EV charging station.

- 5) Provides that if the EV charging station has the effect of providing the lessee with a reserved parking space, the lessor may charge a monthly rental amount for that parking space.
- 6) Specifies that an EV charging station and all modifications and improvements to the property must comply with federal, state, and local law, and all applicable zoning requirements, land use requirements, and covenants, conditions, and restrictions.
- 7) Provides that a lessee's written request to make a modification to the property in order to install and use an EV charging station must include, but is not limited to, his or her consent to enter into a written agreement that includes, but is not limited to, the following:
  - a) Compliance with the lessor's requirements for the installation, use, maintenance, and removal of the charging station and installation, use, and maintenance of the infrastructure for the charging station;
  - b) Compliance with the lessor's requirements for the lessee to provide a complete financial analysis and scope of work regarding the installation of the charging station and its infrastructure;
  - c) A written description of how, when, and where the modifications and improvements to the property are proposed to be made consistent with those items specified in the "Permitting Checklist" of the "Zero-Emission Vehicles in California: Community Readiness Guidebook" published by the Office of Planning and Research;
  - d) Obligation of the lessee to pay the lessor all costs associated with the lessor's installation of the charging station and its infrastructure prior to any modification or improvement being made to the leased property. The costs associated with modifications and improvements shall include, but are not limited to, the cost of permits, supervision, construction, and, solely if required by the contractor, consistent with its past performance of work for the lessor, performance bonds; and
  - e) Obligation of the lessee to pay as part of rent for the costs associated with the electrical usage of the charging station, and cost for damage, maintenance, repair, removal, and replacement of the charging station, and modifications or improvements made to the property associated with the charging station.
- 8) Requires the lessee to maintain in full force and affect a lessee's general liability insurance policy in the amount of one million dollars (\$1,000,000) and requires the lessee to name the lessor as a named additional insured under the policy commencing with the date of approval of construction until the lessee forfeits possession of the dwelling to the lessor.

**FISCAL EFFECT:** None

**COMMENTS:**

Need for this bill: According to the author, "[a]ccess to charging stations and a broad charging network continues to be one of the greatest barriers to expanded adoption and use of electric vehicles by California drivers and limited access to residential charging is perhaps one of the greatest challenges associated with this obstacle. Use and adoption of electric vehicles will

significantly reduce GHG emissions statewide, as mobile source emissions continue to be the primary contributor to overall emissions. Access to a reliable and readily available charging network, including residential charging stations, will encourage expanded use and help the state meet its climate goals.

"Home owners are able to choose whether or not they wish to install a charging station in their residence, but it was not until 2014 that renters who are electric vehicle owners were able to make this decision with the passage of AB 2565. However, current statute exempts rent controlled properties from being required to authorize installation of electric vehicle charging stations. In some cities, such as San Francisco, rent controlled housing makes up nearly 75% of available rental stock. Authorizing installation of charging stations in rent controlled units would significantly increase access to residential charging and expand EV adoption and use."

AB 2565 (Muratsuchi): AB 2565 (Muratsuchi), Chapter 529, Statutes of 2014 created the requirements for an owner of commercial or residential property to approve the installation of an EV charging station, subject to certain requirements. The June 16, 2014 amendments to AB 2565 added an exemption for dwellings subject to a residential rent control ordinance.

This bill would remove that exemption and apply the provisions of AB 2565 to rent control units with leases executed, extended, or renewed on and after January 1, 2019, unless the local jurisdiction has already adopted an ordinance that requires the owner of the rent controlled building to approve the installation of an EV charging station. The City of West Hollywood is one such jurisdiction that has adopted a local ordinance requiring owners to approve EV installation requests.

#### Related legislation:

AB 1239 (Holden), 2017: Required the Department of Housing and Community Development and the California Building Standards Commission (CBSC) to research, develop, and propose building standards for EV capable parking spaces. *This bill was vetoed by the Governor.*

AB 2565 (Muratsuchi), Chapter 529, Statutes of 2014: Required an owner of a commercial or residential property to approve the installation of an EV charging station if it meets specified requirements and complies with the owner's process for approving a modification to the property, and makes a term in a lease of a commercial property, executed, renewed, or extended on or after January 1, 2015, void and unenforceable if it prohibits or unreasonably restricts the installation of an EV charging station in a parking space.

AB 1092 (Levine), Chapter 410, Statutes of 2013: Required the Building Standards Commission to adopt mandatory building standards for the installation of EV charging infrastructure in multifamily dwellings and non-residential development.

SB 880 (Corbett), Chapter 6, Statutes of 2012: Specified that the governing documents of a common interest development may not prohibit the installation of an EV charging station in an owner's designated parking space.

SB 209 (Corbett), Chapter 121, Statutes of 2011: Provided that a prohibition or restriction on the installation or use of an EV charging station in any of the governing documents of a common interest development is void and unenforceable.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

Bay Area Air Quality Management District  
ChargePoint  
City of Santa Monica  
City of West Hollywood  
Coalition for Clean Air  
Environment California  
The Utility Reform Network  
Plug In America  
Tesla

**Opposition**

None on file

**Analysis Prepared by:** Nicole Restmeyer / H. & C.D. / (916) 319-2085