

AMENDED IN ASSEMBLY MAY 27, 2014
AMENDED IN ASSEMBLY APRIL 21, 2014
AMENDED IN ASSEMBLY MARCH 28, 2014
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2565

Introduced by Assembly Member Muratsuchi

February 21, 2014

An act to add ~~Section~~ *Sections 1947.6 and 1952.7* to the Civil Code, relating to tenancy.

LEGISLATIVE COUNSEL'S DIGEST

AB 2565, as amended, Muratsuchi. Rental property:—~~electronic~~ *electric* vehicle charging stations.

Existing law generally regulates the hiring of real property.

This bill would require a lessor of a dwelling to approve a written request of a lessee to install an electric vehicle charging station at the lessee's designated parking space if the electric vehicle charging station and all modifications and improvements made to the leased premises meet all applicable health and safety standards and requirements imposed by federal, state, and local law, and all applicable zoning requirements, land use requirements, and covenants, conditions, and restrictions, the lessee's written request to make a modification to the leased premises in order to install and use an electric vehicle charging station includes his or her consent to enter into a written agreement including specified provisions, including compliance with the lessor's requirements for the installation, use, and removal of the charging station and installation of the infrastructure for the charging station,

and the lessee maintains in full force and effect a \$1,000,000 lessee liability coverage policy, as specified.

Existing law regulates the terms and conditions of residential and commercial tenancies. Existing law defines and regulates common interest developments and voids any condition affecting the transfer or sale of an interest in a common interest development that prohibits or unreasonably restricts the installation or use of an electric vehicle charging station in a designated parking space in the development, as specified.

~~This bill would void any term in a lease, contract, or other instrument affecting the lease of lease renewed or extended on or after January 1, 2015, that conveys any possessory interest in commercial or residential property that either effectively prohibits or unreasonably restricts, as defined, the installation or use of an electric vehicle charging station in a lessee’s designated parking space or a parking space in a common area or that is otherwise in conflict with its provisions. associated with the commercial or residential property. The bill would prescribe requirements for lessor approval of a lessee request to install or use an electronic vehicle charging station and would require that a lessor approve a request to install a charging station if the lessee agrees in writing to do specified acts, including paying for various costs associated with the charging station and maintaining insurance naming the lessee lessor as an insured. The bill would provide that a lessor that willfully violates its provisions is liable to a lessee applying to install the electric vehicle charging station for actual damages and a civil penalty not to exceed \$1,000. The bill would require, in any action to enforce compliance with these provisions, that a prevailing plaintiff be awarded reasonable attorney’s fees.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
 State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1947.6 is added to the Civil Code, to read:
- 2 1947.6. (a) A lessor of a dwelling shall approve a written
- 3 request of a lessee to install an electric vehicle charging station
- 4 at the lessee’s designated parking space in accordance with this
- 5 section and in the same manner as a lessee’s request to make a
- 6 modification to the leased premises.

1 (b) *This section does not apply to residential rental properties*
2 *where an electric vehicle charging station has already been*
3 *installed or where parking is not provided as part of the lease*
4 *agreement.*

5 (c) *For purposes of this section, “electric vehicle charging*
6 *station” or “charging station” means an electric vehicle supply*
7 *equipment station that is designed and built in compliance with*
8 *the Article 625 of the National Electrical Code, as it reads on the*
9 *effective date of this section, and delivers electricity from a source*
10 *outside an electrical vehicle into a plug-in electrical vehicle.*

11 (d) *An electric vehicle charging station and all modifications*
12 *and improvements made to the leased premises shall meet all*
13 *applicable health and safety standards and requirements imposed*
14 *by federal, state, and local law, and all applicable zoning*
15 *requirements, land use requirements, and covenants, conditions,*
16 *and restrictions.*

17 (e) *A lessee’s written request to make a modification to the*
18 *leased premises in order to install and use an electric vehicle*
19 *charging station shall include, but is not limited to, his or her*
20 *consent to enter into a written agreement that includes, but is not*
21 *limited to, the following:*

22 (1) *Compliance with the lessor’s requirements for the*
23 *installation, use, and removal of the charging station and*
24 *installation of the infrastructure for the charging station.*

25 (2) *Compliance with the lessor’s requirements for the lessee to*
26 *provide an analysis of the financial and physical feasibility of the*
27 *installation of the charging station and its infrastructure.*

28 (3) *Obligation of the lessee to pay the lessor all costs associated*
29 *with installing the charging station and its infrastructure prior to*
30 *any modification or improvement being made to the leased*
31 *premises. The costs associated with installation shall include, but*
32 *are not limited to, written identification of how, where, and when*
33 *the modifications and improvements will be made, and the permits,*
34 *construction contracts, performance bond, and assessments*
35 *identified for the proposed modifications.*

36 (4) *Obligation of the lessee to pay for the costs associated with*
37 *the electrical usage of the charging station, damage, maintenance,*
38 *repair, removal, and replacement of the charging station, and*
39 *modifications or improvements made to the leased premises*
40 *associated with the charging station.*

1 (f) *The lessee shall maintain in full force and effect a lessee*
 2 *liability coverage policy in the amount of one million dollars*
 3 *(\$1,000,000) and shall name the lessor as a named additional*
 4 *insured under the policy commencing with the date of approval of*
 5 *construction until the lessee forfeits possession of the dwelling to*
 6 *the lessor.*

7 **SECTION 1.**

8 *SEC. 2.* Section 1952.7 is added to the Civil Code, to read:

9 1952.7. (a) (1) Any term in a ~~lease, contract, security~~
 10 ~~instrument, or other instrument affecting the lease of any lease~~
 11 ~~that is executed, renewed, or extended on or after January 1, 2015,~~
 12 ~~that conveys any possessory interest in commercial or residential~~
 13 ~~property that either effectively prohibits or unreasonably restricts~~
 14 ~~the installation or use of an electric vehicle charging station in a~~
 15 ~~lessee's designated parking space, including, but not limited to,~~
 16 ~~an assigned parking space, a parking space in a common area, or~~
 17 ~~a parking space that is specifically designated for use by a particular~~
 18 ~~lessee, or is parking space associated with the commercial or~~
 19 ~~residential property, or that is otherwise in conflict with the~~
 20 ~~provisions of this section, is void and unenforceable.~~

21 (2) This subdivision does not apply to provisions that impose
 22 reasonable restrictions on the installation of electric vehicle
 23 charging stations. However, it is the policy of the state to promote,
 24 encourage, and remove obstacles to the use of electric vehicle
 25 charging stations.

26 (3) *This subdivision shall not grant the holder of a possessory*
 27 *interest under the lease described in paragraph (1) the right to*
 28 *install electric vehicle charging stations in more parking spaces*
 29 *than are allotted to the lease holder in his or her lease, or, if no*
 30 *parking spaces are allotted, a number of parking spaces determined*
 31 *by multiplying the total number of parking spaces located at the*
 32 *commercial or residential property by a fraction, the numerator*
 33 *of which is the total rentable square feet at the property, and the*
 34 *denominator of which is the number of total square feet rented by*
 35 *the lease holder.*

36 (4) *If the installation of an electric vehicle charging station has*
 37 *the effect of granting the lease holder a reserved parking space*
 38 *and a reserved parking space is not allotted to the lease holder in*
 39 *the lease, the owner of the commercial or residential property may*
 40 *charge a reasonable monthly rental amount for the parking space.*

1 (b) This section shall not apply to any of the following:

2 (1) A commercial property where charging stations already
3 exist for use by tenants in a ratio that is equal to or greater than
4 two available parking spaces for every 100 parking spaces at the
5 commercial property.

6 (2) A commercial property where there are less than 50 parking
7 spaces.

8 (3) A residential property where there are less than 5 parking
9 spaces.

10 ~~(b)~~

11 (c) For purposes of this section:

12 (1) “Electric vehicle charging station” or “charging station”
13 means a station that is designed in compliance with the California
14 Building Standards Code Article 625 of the National Electrical
15 Code, as it reads on the effective date of this section, and delivers
16 electricity from a source outside an electric vehicle into one or
17 more electric vehicles.

18 (2) “Reasonable costs” includes, but is not limited to, costs
19 associated with those items specified in the “Permitting Checklist”
20 of the “Zero-Emission Vehicles in California: Community
21 Readiness Guidebook” published by the Office of Planning and
22 Research.

23 ~~(2)~~

24 (3) “Reasonable restrictions” or “reasonable standards” are
25 restrictions or standards that do not significantly increase the cost
26 of the electric vehicle charging station or its installation or
27 significantly decrease the charging station’s efficiency or specified
28 performance.

29 ~~(e)~~

30 (d) An electric vehicle charging station shall meet applicable
31 health and safety standards and requirements imposed by state and
32 local authorities as well as all other applicable zoning, land use,
33 or other ordinances, or land use permit requirements.

34 ~~(d)~~

35 (e) If lessor approval is required for the installation or use of an
36 electric vehicle charging station, the application for approval shall
37 be processed and approved by the lessor in the same manner as an
38 application for approval of a lessee modification to the property,
39 and shall not be willfully avoided or delayed. The approval or
40 denial of an application shall be in writing. ~~If an application is not~~

1 ~~denied in writing within 60 days from the date of receipt of the~~
2 ~~application, the application shall be deemed approved, unless that~~
3 ~~delay is the result of a reasonable request for additional~~
4 ~~information.~~

5 (e)

6 (f) An electric vehicle charging station installed by a lessee shall
7 satisfy the following provisions:

8 (1) If lessor approval is required, the lessee first shall obtain
9 approval from the lessor to install the electric vehicle charging
10 station and the lessor shall approve the installation if the lessee
11 *complies with the applicable provisions of the lease consistent*
12 *with the provisions of this section and agrees in writing to do all*
13 *of the following:*

14 (A) Comply with the lessor's reasonable standards for the
15 installation of the charging station.

16 (B) Engage a licensed contractor to install the charging station.

17 (C) Within 14 days of approval, provide a certificate of
18 insurance that names the lessor as an additional insured under the
19 lessee's insurance policy in the amount set forth in paragraph (3).

20 ~~(D) Pay for the electricity usage associated with the charging~~
21 ~~station.~~

22 (2) The lessee shall be responsible for all of the following:

23 (A) Costs for damage to property and the charging station
24 resulting from the installation, maintenance, repair, removal, or
25 replacement of the charging station.

26 (B) Costs for the maintenance, repair, and replacement of the
27 charging station.

28 (C) The cost of electricity associated with the charging station.

29 (3) The lessee at all times, shall maintain a lessee liability
30 coverage policy in the amount of one million dollars (\$1,000,000),
31 and shall name the lessor as a named additional insured under the
32 policy with a right to notice of ~~cancellation~~. *cancellation and*
33 *property insurance covering any damage or destruction caused*
34 *by the charging station, naming the lessor as its interests may*
35 *appear.*

36 ~~(f) Except as provided in subdivision (g), installation of an~~
37 ~~electric vehicle charging station for the exclusive use of a lessee~~
38 ~~in a common area, that is not an exclusive use common area, shall~~
39 ~~be authorized by the lessor if installation in the lessee's designated~~
40 ~~parking space is impossible or unreasonably expensive and the~~

1 lessor complies with the requirements in subdivision (e). In this
2 case, the lessor shall enter into a license agreement with the lessee
3 for the use of the space in the common area.

4 ~~(g) The lessor or the lessee may install an electric vehicle~~
5 ~~charging station in the common area for the use of all lessees of~~
6 ~~the lessor and, in that case, the lessor shall develop appropriate~~
7 ~~terms of use for the charging station.~~

8 ~~(h)~~

9 ~~(g) A lessor may may, in its sole discretion, create a new parking~~
10 ~~space where one did not previously exist to facilitate the installation~~
11 ~~of an electric vehicle charging station. station, in compliance with~~
12 ~~all applicable laws.~~

13 ~~(i) A lessor that willfully violates this section shall be liable to~~
14 ~~the lessee applying to install the electric vehicle charging station~~
15 ~~for actual damages, and shall pay a civil penalty to the lessee in~~
16 ~~an amount not to exceed one thousand dollars (\$1,000). In any~~
17 ~~action to enforce compliance with this section, the prevailing~~
18 ~~plaintiff shall be awarded reasonable attorney's fees.~~

19 ~~(h) Any installation by a lessor or a lessee of an electric vehicle~~
20 ~~charging station in a common interest development is also subject~~
21 ~~to all of the requirements of subdivision (f) of Section 4745 of the~~
22 ~~Civil Code.~~