

# ASSEMBLY, No. 3367

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

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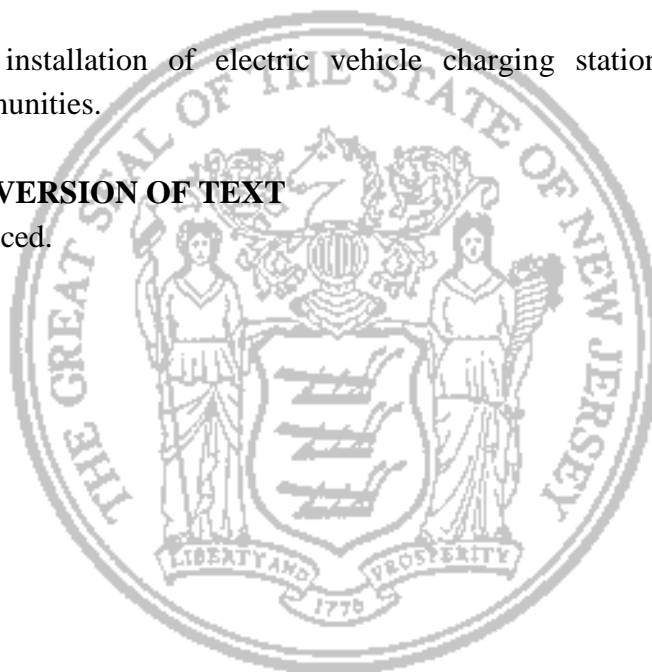
**Assemblywomen Pinkin, Quijano, Assemblymen Calabrese, DeAngelo and  
Senator Pou**

**SYNOPSIS**

Concerns installation of electric vehicle charging stations in common interest communities.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 8/27/2020)**

1 AN ACT concerning the installation of electric vehicle charging  
2 stations in common interest communities and supplementing  
3 P.L.1993, c.30 (C.45:22A-43 et seq.).

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. a. (1) An association formed for the management of  
9 common elements and facilities of a planned real estate  
10 development, regardless of whether organized pursuant to section 1  
11 of P.L.1993, c.30 (C.45:22A-43), shall not adopt or enforce a  
12 restriction, covenant, bylaw, rule, regulation, master deed provision,  
13 or provision of a governing document prohibiting or unreasonably  
14 restricting the installation or use of an electric vehicle charging  
15 station in a designated parking space.

16 (2) Any covenant, restriction, or condition contained in any  
17 deed, contract, security instrument, or other instrument affecting the  
18 transfer or sale of any interest in a planned real estate development,  
19 and any provision of a master deed, bylaw, or other governing  
20 document that either prohibits or unreasonably restricts the  
21 installation or use of an electric vehicle charging station in a  
22 designated parking space, or is in conflict with the provisions of  
23 this section, is void and unenforceable.

24 (3) Notwithstanding any provisions of an association's  
25 governing documents concerning the grant of exclusive or limited  
26 use of any portion of a common element to a unit owner, the  
27 executive board of an association shall grant exclusive or limited  
28 use of any portion of a common element to a unit owner:

29 (a) to install and use an electric vehicle charging station in a  
30 unit owner's designated parking space that meets the requirements  
31 of this section, where the installation or use of the charging station  
32 requires reasonable access through, or across, the common elements  
33 for utility lines or meters; or

34 (b) to install and use an electric vehicle charging station through  
35 a license granted by an association pursuant to subsection e. of this  
36 section.

37 (4) Nothing in this section shall be construed to prohibit an  
38 association from imposing reasonable restrictions on electric  
39 vehicle charging stations.

40 b. An electric vehicle charging station shall meet applicable  
41 health and safety standards and requirements imposed by State and  
42 local authorities as well as all other applicable zoning, land use or  
43 other ordinances, or land use permits.

44 c. If association approval is required for the installation or use  
45 of an electric vehicle charging station, the application for approval  
46 shall be processed and approved by the association in the same  
47 manner as an application for approval of an architectural  
48 modification to the property, and shall not be willfully avoided or

1 delayed. The approval or denial of an application shall be in  
2 writing. If an application is not denied in writing within 60 days  
3 from the date of receipt of the application, the application shall be  
4 deemed approved, unless that delay is the result of a reasonable  
5 request for additional information. If an association reasonably  
6 determines that the cumulative use of electricity on the premises  
7 attributable to the installation and use of electric vehicle charging  
8 stations requires the installation of additional infrastructure  
9 improvements to provide the premises with a sufficient supply of  
10 electricity, then the association may hold an application for  
11 approval in abeyance until the upgrades are completed.

12 d. The following provisions shall apply to installations of  
13 electric vehicle charging stations for the exclusive use of a unit  
14 owner:

15 (1) if required by the governing documents or the association's  
16 rules and regulations, the unit owner shall first obtain approval from  
17 the association to install the electric vehicle charging station and the  
18 association shall approve the installation if the provisions of this  
19 section are met and the unit owner agrees in writing to:

20 (a) comply with the association's architectural standards for the  
21 installation of the electric vehicle charging station;

22 (b) engage a licensed electrician to install all necessary electric  
23 lines and electrical infrastructure in compliance with the  
24 association's architectural standards;

25 (c) within 14 days of approval and prior to installation, obtain  
26 and maintain at all times, while the electric vehicle charging station  
27 is in place, insurance protecting the association and the other unit  
28 owners from damage as a result of the existence and operation of  
29 the electric vehicle charging station, and provide evidence of  
30 insurance specifying that insurance covers the electric vehicle  
31 charging station in the amount required under this section. Nothing  
32 in this subparagraph shall be construed as impairing the right of an  
33 association to require a unit owner to maintain homeowner's  
34 insurance under the association's governing documents or rules and  
35 regulations;

36 (d) pay for the electricity usage associated with the electric  
37 vehicle charging station;

38 (e) pay for reasonable charges imposed by an association to  
39 recover the costs of the review and approval of an application for  
40 the installation or use of an electric vehicle charging station,  
41 including, without limitation, reasonable engineering and legal fees.  
42 An association may require that anticipated review charges be  
43 placed in escrow in advance of commencing review of an  
44 application for the installation or use of an electric vehicle charging  
45 station;

46 (2) an association may deny an application for the installation or  
47 use of an electric vehicle charging station if the association

1 reasonably concludes that the electric vehicle charging station  
2 constitutes a life-safety risk;

3 (3) if an association reasonably determines that the cumulative  
4 use of electricity on the premises attributable to the installation and  
5 use of electric vehicle charging stations requires the installation of  
6 additional infrastructure improvements to provide the premises with  
7 a sufficient supply of electricity, then the association may specially  
8 assess the cost of those additional infrastructure improvements to  
9 the unit owners who have installed electric vehicle charging  
10 stations, and have applied to install electric vehicle charging  
11 stations, in equal shares per electric vehicle charging station. An  
12 association may require a unit owner to pay a special assessment  
13 before the unit owner may install an electric vehicle charging  
14 station;

15 (4) any monies that a unit owner owes an association under this  
16 section shall be deemed special assessments, and the association  
17 may collect those monies from the unit owner in the same manner  
18 as the association's governing documents and applicable law  
19 provides for the collection of delinquent common expenses, rent, or  
20 other delinquent amounts, and unless any of the following  
21 responsibilities are specifically abrogated as they relate to electric  
22 vehicle charging stations, in whole or in part, under the governing  
23 documents of the association, the unit owner and each successive  
24 unit owner of the electric vehicle charging station shall be  
25 responsible for the cost of the following items as if the items were  
26 an assessment applicable to the unit owner:

27 (a) any damage to the electric vehicle charging station, the  
28 parking space, a common element, a limited common element, the  
29 property of other unit owners, or separate interests, which damage  
30 results from the installation, maintenance, repair, removal, or  
31 replacement of the charging station;

32 (b) any maintenance, repair, and replacement of an electric  
33 vehicle charging station, and restoration of the area after removal of  
34 the electric vehicle charging station;

35 (c) the electricity usage associated with the electric vehicle  
36 charging station;

37 (d) all installation costs associated with electric vehicle charging  
38 stations; and

39 (e) any costs associated with an application for the installation  
40 or use of an electric vehicle charging station to satisfy applicable  
41 health and safety standards and requirements imposed by State and  
42 local authorities, including but not limited to applicable zoning,  
43 land use, and other ordinance requirements;

44 (5) the unit owner, and each successive unit owner, of an  
45 electric vehicle charging station shall be responsible for disclosing  
46 to prospective buyers the existence of the unit owner's electric  
47 vehicle charging station and the related responsibilities of the unit  
48 owner under this section; and

1 (6) except as otherwise provided in this paragraph, a unit owner,  
2 and each successive unit owner, of an electric vehicle charging  
3 station shall, at all times, maintain a homeowner's liability coverage  
4 policy in the amount of \$100,000 and shall name the association as  
5 a certificate holder with the right to receive a notice of cancellation.  
6 An association may require the unit owner of an electric vehicle  
7 charging station to carry a homeowner's liability coverage policy in  
8 excess of \$100,000 if the association's governing documents or  
9 rules and regulations require all unit owners to carry a greater  
10 amount. If a unit owner fails to procure or maintain insurance  
11 required under this section, the association may procure insurance  
12 on the unit owner's behalf and charge the unit owner the cost of the  
13 insurance. The unit owner shall hold the association and the other  
14 unit owners harmless from any and all claims, damages, liabilities,  
15 costs and expenses, including reasonable attorney's fees, arising out  
16 of or relating to any personal injuries, death, or damage to property  
17 that were caused by, or contributed to by, the installation, removal  
18 or use of the electric vehicle charging station.

19 e. The executive board of an association may license, for a  
20 defined period of time, as set forth in the license, a common area  
21 parking space for the exclusive use of a unit owner for the  
22 installation of an electric vehicle charging station. The grant of any  
23 such license shall be at the sole discretion of the board, but such  
24 grant shall not be fraudulent, unconscionable, or self-dealing.

25 f. An association may install electric vehicle charging stations  
26 in common element parking spaces for the use of all unit owners.  
27 An association may adopt appropriate rules and regulations for the  
28 use of common electric vehicle charging stations.

29 g. An association may create a parking space where one did not  
30 previously exist to facilitate the installation of an electric vehicle  
31 charging station. If an association creates a parking space to  
32 accommodate an electric vehicle charging station for the exclusive  
33 use of a unit owner, the unit owner shall be responsible for all costs  
34 associated with creating the space including but not limited to land  
35 use approvals, permits, reviews, easements, and construction costs.  
36 If a new parking space to accommodate an electric vehicle charging  
37 station for the exclusive use of a unit owner is to be located in a  
38 common element or limited common element, the provisions of  
39 subsection d. of this section shall apply.

40 h. The Commissioner of Community Affairs shall enforce the  
41 provisions of this section in accordance with the authority granted  
42 under section 18 of P.L.1977, c.419 (C.45:22A-38).

43 i. As used in this section:

44 "Designated parking space" means a parking space that is  
45 specifically designated for use by a particular unit owner, including,  
46 but not limited to, a garage, a deeded parking space, and a parking  
47 space in a limited common element that is restricted for use by one  
48 or more unit owners;

1 “Electric vehicle charging station” means a station that is  
2 designed in compliance with the State Uniform Construction Code,  
3 adopted pursuant to P.L.1975, c.217 (C.52:27D-119 et seq.), that  
4 delivers electricity from a source outside an electric vehicle into  
5 one or more electric vehicles, and that is capable of providing, at a  
6 minimum, Level 2 charging. An electric vehicle charging station  
7 may include several charge points simultaneously connecting  
8 several electric vehicles to the station and any related equipment  
9 needed to facilitate charging plug-in electric vehicles;

10 “Reasonable restriction” means a restriction that does not  
11 significantly increase the cost of an electric vehicle charging station  
12 or significantly decrease its efficiency or specified performance;  
13 and

14 “Unit owner” means the record owner of a residential dwelling  
15 unit located within an association, or, in the case of a cooperative  
16 housing corporation, a shareholder of record owning the shares  
17 appurtenant to an individual dwelling unit. This act shall not apply  
18 to the owners of commercial units, space, or interest located within  
19 an association.

20

21 2. This act shall take effect immediately.

22

23

24

#### STATEMENT

25

26 This bill establishes standards to encourage the installation and  
27 use of electric vehicle (EV) charging stations in common interest  
28 communities.

29 Specifically, the bill prohibits common interest communities  
30 from adopting rules that prohibit or unreasonably restrict the  
31 installation or use of EV charging stations in the designated parking  
32 space of a unit owner. Under the bill, common interest  
33 communities may, however, impose “reasonable restrictions” on the  
34 installation and use of EV charging stations, provided that the  
35 restrictions do not significantly increase the cost of the charging  
36 station or significantly decrease the efficiency or performance of  
37 the charging station.

38 In addition, if the approval of an association is required for the  
39 installation of an EV charging station, the bill requires the  
40 application to be processed and approved in the same manner as  
41 that of an architectural modification. The bill also provides that if  
42 an application is not denied in writing within 60 days of the receipt  
43 of the application, the application would be deemed approved,  
44 unless the delay is due to a reasonable request for additional  
45 information.

46 The bill also authorizes the executive board of a common interest  
47 community to grant the exclusive use of a common area parking  
48 space by a unit owner for the purposes of installing an EV charging

1 station at the sole discretion of the board as long as the grant is not  
2 fraudulent.

3 The bill provides that in all instances, if an association's  
4 governing documents, rules, or regulations, require a unit owner to  
5 obtain association approval to install an EV charging station, the  
6 unit owner must seek association approval. An association must  
7 approve the installation of an EV charging station if the unit owner  
8 complies with all provisions of this bill and the unit owner agrees in  
9 writing to:

- 10 • comply with the association's architectural standards for the  
11 installation of the electric vehicle charging station;
- 12 • engage a licensed contractor to install the EV charging  
13 station, including all necessary improvements and signage;
- 14 • engage a licensed electrician to install all necessary electric  
15 lines and electrical infrastructure in compliance with the  
16 association's architectural standards;
- 17 • obtain, maintain, and provide evidence of insurance  
18 protecting the association and the other unit owners from  
19 damage as a result of the EV charging station
- 20 • pay for the electricity usage associated with the electric  
21 vehicle charging station; and
- 22 • pay for reasonable charges imposed by the association to  
23 recover the costs of the review and approval of an  
24 application for the installation or use of an EV charging  
25 station, including, reasonable engineering and legal fees. An  
26 association may require an applicant to place anticipated  
27 review charges in escrow before commencing review of an  
28 application.

29 The bill provides that an association may deny an application for  
30 the installation or use of an EV charging station if the association  
31 reasonably concludes that the EV charging station constitutes a life-  
32 safety risk.

33 If an association reasonably determines that the amount of  
34 electricity attributable to EV charging stations requires the  
35 installation of additional infrastructure, then the association may  
36 require the unit owners who have installed, or applied to install EV  
37 charging stations, to equally cover the cost of the additional  
38 infrastructure.

39 The bill provides that any monies owed to an association by a  
40 unit owner are deemed special assessments which can be collected  
41 by the association in the manner the association's governing  
42 documents and applicable law provides for the collection of  
43 delinquent common expenses, rent, or other delinquent amounts.

44 The bill also provides that, unless any of the following  
45 responsibilities, as they relate to EV charging stations, are  
46 abrogated a unit owner who installs an EV charging station, and  
47 each successive unit owner entitled to use an EV charging station,  
48 shall be responsible for the cost of the following items:

- 1       • any damage to the EV charging station, the parking space, a  
2       common element, a limited common element, the property of  
3       other unit owners, or separate interests, which damage  
4       results from the installation, maintenance, repair, removal,  
5       or replacement of the charging station;
- 6       • any maintenance, repair, and replacement of an EV charging  
7       station, and restoration of the area after removal of the EV  
8       charging station;
- 9       • the electricity usage associated with the EV charging station;
- 10      • all installation costs associated with the EV charging station;  
11      and
- 12      • any costs associated with an application for the installation  
13      or use of an EV charging station to satisfy applicable health  
14      and safety standards and requirements imposed by State and  
15      local authorities, including but not limited to applicable  
16      zoning, land use, and other ordinance requirements.

17       The bill imposes upon the unit owner, and each successive unit  
18       owner, of an EV charging station the responsibility for disclosing to  
19       prospective buyers the existence of the unit owner's EV charging  
20       station and the related responsibilities of the unit owner of a  
21       charging station.

22       The bill requires a unit owner, and each successive unit owner,  
23       of an EV charging station to maintain a homeowner's liability  
24       coverage policy in the amount of \$100,000 and to name the  
25       association as a certificate holder with the right to receive a notice  
26       of cancellation. However, an association may require the unit  
27       owner of an EV charging station to carry a homeowner's liability  
28       coverage policy in excess of \$100,000 if the association's  
29       governing documents or rules and regulations require all unit  
30       owners to carry a greater amount. An association may procure  
31       insurance on a unit owner's behalf and charge the unit owner the  
32       cost of the insurance if the unit owner fails to procure or maintain  
33       required insurance.

34       The bill authorizes the executive board of an association, in its  
35       sole discretion, to license a common area parking space for the  
36       exclusive use of a unit owner to install an EV charging station, so  
37       long as the grant is not fraudulent, unconscionable, or self-dealing.

38       The bill authorizes an association to install EV charging stations  
39       in common element parking spaces for the use of all unit owners,  
40       and to adopt appropriate rules and regulations for the use of  
41       common EV charging stations.

42       Finally, the bill authorizes an association to create a parking  
43       space where one did not previously exist to facilitate the installation  
44       of an EV charging station. If a new parking space would be located  
45       in a common element or limited common element, many of the  
46       provisions of the bill would not apply. However, if an association



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1 elects to create a new parking space to accommodate an EV  
2 charging station for the exclusive use of a unit owner, the unit  
3 owner would be responsible for all costs associated with creating  
4 the parking space, including but not limited to, land use approvals,  
5 permits, reviews, easements, and construction costs.