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AB-1796 Rental property: electric vehicle charging stations. (2017-2018)

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Assembly Bill No. 1796

CHAPTER 163

An act to amend Section 1947.6 of the Civil Code, relating to tenancy.

[Approved by Governor August 20, 2018. Filed with Secretary of State August 20, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1796, Muratsuchi. Rental property: electric vehicle charging stations.

Existing law requires a lessor of a dwelling to approve a written request of a lessee to install an electric vehicle charging station at a parking space allotted for the lessee in accordance with specified requirements. Existing law provides exemptions for specified dwellings, including an exemption for a dwelling that is subject to the residential rent control ordinance of a public entity.

This bill would eliminate that exemption, thereby requiring a lessor of a dwelling subject to the residential rent control ordinance of a public entity to approve a written request of a lessee to install an electric vehicle charging station in accordance with specified requirements, unless the dwelling is located in a local jurisdiction that, on or before January 1, 2018, adopted an ordinance requiring the lessor of such a dwelling to approve a written request of a lessee to install an electric vehicle charging station.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 1947.6 of the Civil Code is amended to read:

1947.6. (a) For any lease executed, extended, or renewed on and after July 1, 2015, a lessor of a dwelling shall approve a written request of a lessee to install an electric vehicle charging station at a parking space allotted for the lessee that meets the requirements of this section and complies with the lessor's procedural approval process for modification to the property.

(b) This section does not apply to residential rental properties where:

- (1) Electric vehicle charging stations already exist for lessees in a ratio that is equal to or greater than 10 percent of the designated parking spaces.
- (2) Parking is not provided as part of the lease agreement.
- (3) There are fewer than five parking spaces.
- (4) The dwelling is subject to a residential rent control ordinance. This paragraph shall not apply to a lease executed, extended, or renewed on and after January 1, 2019.

(5) The dwelling is subject to both a residential rent control ordinance and an ordinance, adopted on or before January 1, 2018, that requires the lessor to approve a lessee's written request to install an electric vehicle charging station at a parking space allotted to the lessee.

(c) For purposes of this section, "electric vehicle charging station" or "charging station" means any level of electric vehicle 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 electric vehicle.

(d) A lessor shall not be obligated to provide an additional parking space to a lessee in order to accommodate an electric vehicle charging station.

(e) If the electric vehicle 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.

(f) An electric vehicle charging station and all modifications and improvements to the property shall comply with federal, state, and local law, and all applicable zoning requirements, land use requirements, and covenants, conditions, and restrictions.

(g) A lessee's written request to make a modification to the property in order to install and use an electric vehicle charging station shall include, but is not limited to, the lessee's consent to enter into a written agreement that includes, but is not limited to, the following:

(1) 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.

(2) 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.

(3) 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.

(4) 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.

(5) 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.

(h) The lessee shall maintain in full force and effect a lessee's general liability insurance policy in the amount of one million dollars (\$1,000,000) and shall 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.