

AN ACT concerning regulation.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 1. Short title. This Act may be cited as the Electric Vehicle Charging Act.

Section 5. Legislative intent. Electric vehicles are an important tool to fight the climate crisis, tackle air pollution, and provide safe, clean, and affordable personal transportation. The State should encourage urgent and widespread adoption of electric vehicles. Since most current electric vehicle owners are single-family homeowners who charge at home, providing access to home charging for those in multi-unit dwellings is crucial to wider electric vehicle adoption. This includes small multifamily residences and condominium unit owners and renters, regardless of parking space ownership and regardless of income. Therefore, a significant portion of parking spaces in new and renovated residential developments shall be capable of electric vehicle charging. Additionally, renters and condominium unit owners shall be able to install charging equipment for electric vehicles under reasonable conditions.

Section 10. Applicability. This Act applies to newly

constructed single-family homes and multi-unit residential buildings that have parking spaces and are constructed after the effective date of this Act.

Section 15. Definitions. As used in this Act:

"Affordable housing development" means (i) any housing that is subsidized by the federal or State government or (ii) any housing in which at least 20% of the dwelling units are subject to covenants or restrictions that require that the dwelling units to be sold or rented at prices that preserve them as affordable housing for a period of at least 10 years.

"Association" has the meaning set forth in subsection (o) of Section 2 of the Condominium Property Act or Section 1-5 of the Common Interest Community Association Act, as applicable.

"Electric vehicle" means a vehicle that is exclusively powered by and refueled by electricity, plugs in to charge, and is licensed to drive on public roadways. "Electric vehicle" does not include electric mopeds, electric off-highway vehicles, hybrid electric vehicles, or extended-range electric vehicles that are equipped, fully or partially, with conventional fueled propulsion or auxiliary engines.

"Electric vehicle charging system" means a device that is:

(1) used to provide electricity to an electric vehicle;

(2) designed to ensure that a safe connection has been

made between the electric grid and the electric vehicle;
and

(3) able to communicate with the vehicle's control system so that electricity flows at an appropriate voltage and current level. An electric vehicle charging system may be wall mounted or pedestal style, may provide multiple cords to connect with electric vehicles, and shall:

(i) be certified by Underwriters Laboratories or have been granted an equivalent certification; and

(ii) comply with the current version of Article 625 of the National Electrical Code.

"Electric vehicle supply equipment" or "EVSE" means a conductor, including an ungrounded, grounded, and equipment grounding conductor, and electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, and apparatuses installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.

"EV-capable" means parking spaces that have the electrical panel capacity and conduit installed during construction to support future implementation of electric vehicle charging with 208-volt or 240-volt or greater, 40-ampere or greater circuits. Each EV-capable space shall feature a continuous raceway or cable assembly installed between an enclosure or outlet located within 3 feet of the EV-capable space and a suitable panelboard or other onsite electrical distribution

equipment. The electrical distribution equipment to which the raceway or cable assembly connects shall have sufficient dedicated space and spare electrical capacity for a 2-pole circuit breaker or set of fuses. Reserved capacity shall be no less than 40A 208/240V for each EV-capable space unless EV-capable spaces will be controlled by an energy management system providing load management in accordance with NFPA 70, shall have a minimum capacity of 4.1 kilovolt-ampere per space, or have a minimum capacity of 2.7 kilovolt-ampere per space when all of the parking spaces are designed to be EV-capable spaces, EV-ready spaces, or EVSE-installed spaces. The electrical enclosure or outlet and the electrical distribution equipment directory shall be marked "For future electric vehicle supply equipment (EVSE)." This strategy ensures the reduction of up-front costs for electric vehicle charging station installation by providing the electrical elements that are difficult to install during a retrofit. Anticipating the use of dual-head EVSE, the same circuit may be used to support charging in adjacent EV-capable spaces. For purposes of this Act, "EV capable" shall not be construed to require a developer or builder to install or run wire or cable from the electrical panel through the conduit or raceway to the terminus of the conduit.

"EV-ready" means parking spaces that are provided with a branch circuit and either an outlet, junction box, or receptacle that will support an installed EVSE. Each branch

circuit serving EV-ready spaces shall terminate at an outlet or enclosure, located within 3 feet of each EV-ready space it serves. The panelboard or other electrical distribution equipment directory shall designate the branch circuit as "For electric vehicle supply equipment (EVSE)" and the outlet or enclosure shall be marked "For electric vehicle supply equipment (EVSE)." The capacity of each branch circuit serving multiple EV-ready spaces designed to be controlled by an energy management system providing load management in accordance with NFPA 70, shall have a minimum capacity of 4.1 kilovolt-ampere per space, or have a minimum capacity of 2.7 kilovolt-ampere per space when all of the parking spaces are designed to be EV-capable spaces, EV-ready spaces, or EVSE spaces.

"EVSE-installed" means electric vehicle supply equipment that is fully installed from the electrical panel to the parking space.

"Large multifamily residence" means a single residential building that accommodates 5 families or more.

"Level 1" means a 120-volt 20-ampere minimum branch circuit.

"Level 2" means a 208-volt to 240-volt 40-ampere branch circuit.

"New" means newly constructed.

"Reasonable restriction" means a restriction that does not significantly increase the cost of the electric vehicle

charging station or electric vehicle charging system or significantly decrease its efficiency or specified performance.

"Single-family residence" means a detached single-family residence on a single lot.

"Small multifamily residence" means a single residential building that accommodates 2 to 4 families.

Section 20. EV-capable parking space requirement. A new single-family residence or a small multifamily residence shall have at least one EV-capable parking space for each residential unit that has dedicated parking, unless any subsequently adopted building code requires additional EV-capable parking spaces, EV-ready parking spaces, or installed EVSE. A new single-family residence or small multifamily residence that qualifies as an affordable housing development shall have one EV-capable parking space for each code-required parking space if the owner is issued a building permit 24 months after the effective date of this Act. Where code-required parking exceeds one parking space per dwelling unit, only one parking space per dwelling unit is required to be EV-capable.

Section 25. Residential requirements.

(a) All building permits issued 90 days after the effective date of this Act shall require a new, large

multifamily residential building or a large multifamily residential building being renovated by a developer converting the property to an association to have 100% of its total parking spaces EV-capable. However, nothing in this Act shall be construed to require that in the case of a developer converting the property to an association, no EV-capable or EV-ready mandate shall apply if it would necessitate the developer having to excavate an existing surface lot or other parking facility in order to retro-fit the parking lot or facility with the necessary conduit and wiring.

(b) The following requirements and timelines shall apply for affordable housing. A new construction single-family residence or small multifamily residence that qualifies as an affordable housing development under the same project ownership and is located on a campus with centralized parking areas is subject to the requirements and timelines below.

All building permits issued 24 months after the effective date of this Act shall require a new construction large multifamily residence that qualifies as an affordable housing development to have the following, unless additional requirements are required under a subsequently adopted building code:

(1) For permits issued 24 months after the effective date of this Act, a minimum of 40% EV-capable parking spaces.

(2) For permits issued 5 years after the effective

date of this Act, a minimum of 50% EV-capable parking spaces.

(3) For permits issued 10 years after the effective date of this Act, a minimum of 70% EV-capable parking spaces.

(d) An accessible parking space is not required by this Section if no accessible parking spaces are required by the local zoning code.

Section 30. Electric vehicle charging system policy for unit owners.

(a) Any covenant, restriction, or condition contained in any deed, contract, security interest, or other instrument affecting the transfer or sale of any interest in a condominium or common interest community, and any provision of a governing document that effectively prohibits or unreasonably restricts the installation or use of an electric vehicle charging system within a unit owner's unit or a designated parking space, including, but not limited to, a deeded parking space, a parking space in a unit owner's exclusive use common area, or a parking space that is specifically designated for use by a particular unit owner, or is in conflict with this Section, is void and unenforceable.

(b) This Section does not apply to provisions that impose a reasonable restriction on an electric vehicle charging system. Any electric vehicle charging system installed by a

unit owner pursuant to this Section is the property of that unit owner and in no case will be deemed a part of the common elements or common area.

(c) An electric vehicle charging system shall meet applicable health and safety standards and requirements imposed by State and local authorities and all other applicable zoning, land use, or other ordinances or land use permits.

(d) If approval is required for the installation or use of an electric vehicle charging system, the association shall process and approve the application in the same manner as an application for approval of an alteration, modification, or improvement to common elements or common areas or an architectural modification to the property, and the association shall not unreasonably delay the approval or denial of the application. The approval or denial of an application shall be in writing. If an application is not denied in writing within 60 days from the date of the receipt of the application, the application shall be deemed approved unless the delay is the result of a reasonable request for additional information.

(e) If the electric vehicle charging system is to be placed in a common area or exclusive use common area, as designated by the condominium or common interest community association, the following applies:

(1) The unit owner shall first obtain prior written

approval from the association to install the electric vehicle charging system and the association shall approve the installation if the unit owner agrees, in writing, to:

(A) comply with the association's architectural standards or other reasonable conditions and restrictions for the installation of the electric vehicle charging system;

(B) engage a licensed and insured electrical contractor to install the electric vehicle charging system. The electrical contractor shall name the association, its officers, directors, and agents as additional insured and shall provide a certificate of insurance to the association evidencing such additional insured status;

(C) within 14 days after approval, provide a certificate of insurance that names the association, its officers, directors, and agents as an additional insured party under the unit owner's insurance policy as required under paragraph (3);

(D) pay for both the costs associated with the installation of and the electricity usage associated with the electric vehicle charging system; and

(E) be responsible for damage to the common elements or common areas or other units resulting from the installation, use, and removal of the electric vehicle charging system.

(2) The unit owner, and each successive unit owner of the electric vehicle charging system, is responsible for:

(A) costs for damage to the electric vehicle charging system, common area, exclusive use common area, or separate interests resulting from the installation, maintenance, repair, removal, or replacement of the electric vehicle charging system;

(B) costs for the maintenance, repair, and replacement of the electric vehicle charging system until it has been removed, and for the restoration of the common area after removal;

(C) costs of electricity associated with the charging system, which shall be based on:

(i) an embedded submetering device; or

(ii) a reasonable calculation of cost, based on the average miles driven, efficiency of the electric vehicle calculated by the United States Environmental Protection Agency, and the cost of electricity for the common area; and

(D) disclosing to a prospective buyer the existence of any electric vehicle charging system of the unit owner and the related responsibilities of the unit owner under this Section.

(3) The purpose of the costs under paragraph (2) is for the reasonable reimbursement of electricity usage and shall not be set to deliberately exceed the reasonable

reimbursement.

(4) The unit owner of the electric vehicle charging system, whether the electric vehicle charging system is located within the common area or exclusive use common area, shall, at all times, maintain a liability coverage policy. The unit owner that submitted the application to install the electric vehicle charging system shall provide the association with the corresponding certificate of insurance within 14 days after approval of the application. The unit owner, and each successive unit owner, shall provide the association with the certificate of insurance annually thereafter.

(5) A unit owner is not required to maintain a homeowner liability coverage policy for an existing National Electrical Manufacturers Association standard alternating current power plug.

(f) Except as provided in subsection (g), the installation of an electric vehicle charging system for the exclusive use of a unit owner in a common area that is not an exclusive use common area may be authorized by the association, subject to applicable law, only if installation in the unit owner's designated parking space is impossible or unreasonably expensive. In such an event, the association shall enter into a license agreement with the unit owner for the use of the space in a common area, and the unit owner shall comply with all of the requirements in subsection (e).

(g) An association may install an electric vehicle charging system in the common area for the use of all unit owners and members of the association. The association shall develop appropriate terms of use for the electric vehicle charging system.

(h) An association that willfully violates this Section shall be liable to the unit owner for actual damages and shall pay a civil penalty to the unit owner not to exceed \$500.

(i) In any action by a unit owner requesting to have an electric vehicle charging system installed and seeking to enforce compliance with this Section, the court shall award reasonable attorney's fees to a prevailing party.

Section 35. Electric vehicle charging system policy for renters.

(a) Notwithstanding any provision in the lease to the contrary and subject to subsection (b):

(1) a tenant may install, at the tenant's expense for the tenant's own use, a level 1 receptacle or outlet, a level 2 receptacle or outlet, or a level 2 electric vehicle charging system on or in the leased premises;

(2) a landlord shall not assess or charge a tenant any fee for the placement or use of an electric vehicle charging system, except that:

(A) the landlord may:

(i) require reimbursement for the actual cost

of electricity provided by the landlord that was used by the electric vehicle charging system;

(ii) charge a reasonable fee for access. If the electric vehicle charging system is part of a network for which a network fee is charged, the landlord's reimbursement may include the amount of the network fee. Nothing in this subparagraph requires a landlord to impose upon a tenant a fee or charge other than the rental payments specified in the lease; or

(iii) charge a security deposit to cover costs to restore the property to its original condition if the tenant removes the electric vehicle charging system.

(B) the landlord may require reimbursement for the cost of the installation of the electric vehicle charging system, including any additions or upgrades to existing wiring directly attributable to the requirements of the electric vehicle charging system, if the landlord places or causes the electric vehicle charging system to be placed at the request of the tenant; and

(C) if the tenant desires to place an electric vehicle charging system in an area accessible to other tenants, the landlord may assess or charge the tenant a reasonable fee to reserve a specific parking space

in which to install the electric vehicle charging system.

(b) A landlord may require a tenant to comply with:

(1) bona fide safety requirements consistent with an applicable building code or recognized safety standard for the protection of persons and property;

(2) a requirement that the electric vehicle charging system be registered with the landlord within 30 days after installation; or

(3) reasonable aesthetic provisions that govern the dimensions, placement, or external appearance of an electric vehicle charging system.

(c) A tenant may place an electric vehicle charging system if:

(1) the electric vehicle charging system is in compliance with all applicable requirements adopted by a landlord under subsection (b); and

(2) the tenant agrees, in writing, to:

(A) comply with the landlord's design specifications for the installation of an electric vehicle charging system;

(B) engage the services of a duly licensed and registered electrical contractor familiar with the installation and code requirements of an electric vehicle charging system; and

(C) provide, within 14 days after receiving the

landlord's consent for the installation, a certificate of insurance naming the landlord as an additional insured party on the tenant's renter's insurance policy for any claim related to the installation, maintenance, or use of the electric vehicle charging system or, at the landlord's option, reimbursement to the landlord for the actual cost of any increased insurance premium amount attributable to the electric vehicle charging system, notwithstanding any provision to the contrary in the lease. The tenant shall provide reimbursement for an increased insurance premium amount within 14 days after the tenant receives the landlord's invoice for the amount attributable to the electric vehicle charging system.

(d) If the landlord consents to a tenant's installation of an electric vehicle charging system on property accessible to other tenants, including a parking space, carport, or garage stall, then, unless otherwise specified in a written agreement with the landlord:

(1) The tenant, and each successive tenant with exclusive rights to the area where the electric vehicle charging system is installed, is responsible for costs for damages to the electric vehicle charging system and to any other property of the landlord or another tenant resulting from the installation, maintenance, repair, removal, or replacement of the electric vehicle charging system.

(A) Costs under this paragraph shall be based on:

(i) an embedded submetering device; or

(ii) a reasonable calculation of cost, based on the average miles driven, efficiency of the electric vehicle calculated by the United States Environmental Protection Agency, and the cost of electricity for the common area.

(B) The purpose of the costs under this paragraph is for reasonable reimbursement of electricity usage and shall not be set to deliberately exceed that reasonable reimbursement.

(2) Each successive tenant with exclusive rights to the area where the electric vehicle charging system is installed shall assume responsibility for the repair, maintenance, removal, and replacement of the electric vehicle charging system until the electric vehicle charging system is removed.

(3) The tenant, and each successive tenant with exclusive rights to the area where the electric vehicle charging system is installed, shall, at all times, have and maintain an insurance policy covering the obligations of the tenant under this subsection and shall name the landlord as an additional insured party under the policy.

(4) The tenant, and each successive tenant with exclusive rights to the area where the electric vehicle charging system is installed, is responsible for removing

the system if reasonably necessary or convenient for the repair, maintenance, or replacement of any property of the landlord, whether or not leased to another tenant.

(e) An electric vehicle charging system installed at the tenant's cost is the property of the tenant. Upon termination of the lease, if the electric vehicle charging system is removable, the tenant may either remove it or sell it to the landlord or another tenant for an agreed price. Nothing in this subsection requires the landlord or another tenant to purchase the electric vehicle charging system.

(f) A landlord that willfully violates this Section shall be liable to the tenant for actual damages, and shall pay a civil penalty to the tenant in an amount not to exceed \$1,000.

(g) In any action by a tenant requesting to have an electric vehicle charging system installed and seeking to enforce compliance with this Section, the court shall award reasonable attorney's fees to a prevailing plaintiff.

(h) A tenant whose landlord is an owner in an association and who desires to install an electric vehicle charging station must obtain approval to do so through the tenant's landlord or owner and in accordance with those provisions of this Act applicable to associations.