

SB0040



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB0040

Introduced 1/20/2023, by Sen. Sara Feigenholtz

SYNOPSIS AS INTRODUCED:

New Act

Creates the Electric Vehicle Charging Act. Provides that the Act applies to new single-family homes and newly constructed or renovated multi-unit residential buildings that have parking spaces and are constructed or renovated after the effective date of the Act. Defines terms. Provides that a new single-family residence or a small multifamily residence shall have at least one electric vehicle capable parking space for each residential unit that has dedicated parking, unless any subsequently adopted building code requires additional electric vehicle capable parking spaces or installed electric vehicle supply equipment. Includes electric vehicle parking space requirements for a new, large multifamily residential building or a large multifamily residential building being renovated by a developer converting the property to an association. Includes electric vehicle parking space requirements for affordable housing and for an existing multi-unit residential building subject to an association that undertakes renovation. Includes electric vehicle charging station policies for unit owners and for renters.

LRB103 04654 LNS 49662 b

A BILL FOR

1 AN ACT concerning regulation.

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

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

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

22 Section 10. Applicability. This Act applies to new

1 single-family homes and newly constructed or renovated
2 multi-unit residential buildings that have parking spaces and
3 are constructed or renovated after the effective date of this
4 Act.

5 Section 15. Definitions. As used in this Act:

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

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

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

23 "Electric vehicle charging station" means a station that
24 is designed in compliance with the relevant building code and
25 delivers electricity from a source outside an electric vehicle

1 into one or more electric vehicles.

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

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

5 (2) designed to ensure that a safe connection has been
6 made between the electric grid and the electric vehicle;
7 and

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

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

15 (ii) comply with the current version of Article
16 625 of the National Electrical Code.

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

24 "Electric vehicle system" includes several charging points
25 simultaneously connecting several electric vehicles to the
26 electric vehicle charging station and any related equipment

1 needed to facilitate charging an electric vehicle.

2 "EV-capable" means parking spaces that have the electrical
3 panel capacity and conduit installed during construction to
4 support future implementation of electric vehicle charging
5 with 208-volt or 240-volt or greater, 40-ampere or greater
6 circuits. This strategy ensures the reduction of up-front
7 costs for electric vehicle charging station installation by
8 providing the electrical elements that are difficult to
9 install during a retrofit. Anticipating the use of dual-head
10 EVSE, the same circuit may be used to support charging in
11 adjacent EV-capable spaces.

12 "EV-ready" means parking spaces that have full circuit
13 installations of 208-volt or 240-volt or greater, 40-ampere or
14 greater panel capacity, raceway wiring, receptacle and circuit
15 overprotection devices. This strategy provides all required
16 electrical hardware for the future installation of electric
17 vehicle supply equipment. Anticipating the use of dual-head
18 EVSE, the same circuit may be used to support charging in
19 adjacent EV-ready spaces.

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

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

25 "Level 1" means a charging system that provides charging
26 through a 120-volt AC plug with a standard conductive

1 connector that meets the SAE International J1772 or J2954
2 standard or successor standards.

3 "Level 2" means a charging system that provides charging
4 through a 208-volt to 240-volt AC plug with a standard
5 conductive connector that meets the SAE International J1772 or
6 J2954 standard or successor standards.

7 "New" means newly constructed.

8 "Reasonable restriction" means a restriction that does not
9 significantly increase the cost of the electric vehicle
10 charging station or electric vehicle charging system or
11 significantly decrease its efficiency or specified
12 performance.

13 "Renovated" means altered or added where electrical
14 service capacity is increased by one electric service panel or
15 more.

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

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

20 Section 20. Electric vehicle capable parking space
21 requirement. A new single-family residence or a small
22 multifamily residence shall have at least one electric vehicle
23 capable parking space for each residential unit that has
24 dedicated parking, unless any subsequently adopted building
25 code requires additional electric vehicle capable parking

1 spaces or installed EVSE. A new single-family residence or
2 small multifamily residence that qualifies as an affordable
3 housing development shall have one EV-capable parking space
4 for each code-required parking space if the owner is issued a
5 building permit 24 months after the effective date of this
6 Act. Where code-required parking exceeds one parking space per
7 dwelling unit, only one parking space per dwelling unit is
8 required to be EV-capable.

9 Section 25. Residential requirements.

10 (a) A new, large multifamily residential building or a
11 large multifamily residential building being renovated by a
12 developer converting the property to an association shall
13 have:

14 (1) 100% of its total parking spaces electric vehicle
15 ready, if there are one to 6 parking spaces;

16 (2) 100% of its total parking spaces electric vehicle
17 capable, of which at least 20% shall be electric vehicle
18 ready, if there are 7 to 23 parking spaces; or

19 (3) 100% of its total parking spaces electric vehicle
20 capable, if there are 24 or more parking spaces, of which
21 at least 5 spots shall be electric vehicle ready.
22 Additionally, if there are 24 or more parking spaces, a
23 new or renovated residential multi-unit building shall
24 provide at least one parking space with electric vehicle
25 supply equipment installed, and for each additional

1 parking space with electric vehicle supply equipment
 2 installed, the electric vehicle ready requirement is
 3 decreased by 2%. Where additional parking exists or is
 4 feasible, each parking space shall be marked and signed
 5 for common use by residents. A resident shall use an
 6 electric vehicle parking space only when the resident is
 7 charging the electric vehicle.

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

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

20	Total number	Minimum number	Minimum number	Minimum
21	of parking	of	or percentage of	percentage of
22	spaces	EVSE-installed	EV-ready spaces	EV-capable
		spaces		spaces
23	1-6	1 space	100%	--
24	7-23	1 space	20%	40%
25	24+	1 space	5 spaces	40%

1 Required EVSE-installed spaces and EV-ready spaces count
 2 toward meeting the required percentage of EV-capable spaces;
 3 for example, for lots with 20% EV-ready spaces, an additional
 4 20% of spaces would need to be EV-capable.

5 The following shall apply for building permits issued 5
 6 years after the effective date of this Act, unless additional
 7 requirements are set forth in a subsequently adopted building
 8 code, for a new construction large multifamily residence that
 9 qualifies as an affordable housing development:

10 Total number	Minimum number	Minimum number	Minimum
11 of parking	of	or percentage of	percentage of
12 spaces	EVSE-installed	EV-ready spaces	EV-capable
	spaces		spaces
13 1-6	1 space	100%	--
14 7-23	1 space	20%	50%
15 24+	1 space	5 spaces	50%

16 Required EVSE-installed spaces and EV-ready spaces count
 17 toward meeting the required percentage of EV-capable spaces;
 18 for example, for lots with 20% EV-ready spaces, an additional
 19 30% of spaces would need to be EV-capable.

20 The following shall apply for building permits issued 10
 21 years after the effective date of this Act, unless additional
 22 requirements are set forth in a subsequently adopted building
 23 code, for a new construction large multifamily residence that

1 qualifies as an affordable housing development:

2	Total number	Minimum number	Minimum number	Minimum
3	of parking	of	or percentage of	percentage of
4	spaces	EVSE-installed	EV-ready spaces	EV-capable
		spaces		spaces
5	1-6	1 space	100%	--
6	7-23	1 space	20%	70%
7	24+	1 space	5 spaces	70%

8 Required EVSE-installed spaces and EV-ready spaces count
 9 toward meeting the required percentage of EV-capable spaces;
 10 for example, for lots with 20% EV-ready spaces, an additional
 11 50% of spaces would need to be EV-capable.

12 (c) An existing multi-unit residential building subject to
 13 an association that undertakes a capital maintenance, repair,
 14 replacement, or improvement project related to electrical
 15 power infrastructure, when such project constitutes renovated
 16 as defined in this Act, shall be required to upgrade or install
 17 electrical panel capacity for dedicated branch circuits
 18 sufficient to ensure that the residential building has the
 19 power capacity to become electric vehicle capable as it
 20 relates to the space requirements in subsection (a). When such
 21 capital improvements are undertaken, the required number of
 22 electric vehicle capable designated circuits may be reduced to
 23 reflect what is possible within the residential building using
 24 existing power capacities, including use of existing all

1 electrical panels suitable for electric vehicle charging at
2 208-volt or 240-volt AC plugs and any power transformation of
3 existing power from higher voltages to voltages suitable for
4 electric vehicle charging and the addition of associated new
5 electrical panels suitable for electric vehicle charging.
6 Under these circumstances the residential building is not
7 required to increase the existing utility power supply into
8 the building to meet the space requirements in subsection (a).

9 (d) A renovated large multifamily residential building
10 that qualifies as an affordable housing development is subject
11 to requirements in subparagraph (c) if more than 25% of
12 parking spaces are substantially modified.

13 (e) An accessible parking space is not required by this
14 Section if no accessible parking spaces are required by the
15 local zoning code. For the first required accessible EV-ready
16 or EVSE-installed parking space, the electric vehicle supply
17 equipment infrastructure may be located so that the electric
18 vehicle supply equipment will be located on an accessible
19 route and may be shared by an accessible parking space and a
20 parking space not required to be accessible. Otherwise, both
21 an accessible parking space and a parking space not required
22 to be accessible must be EV-ready or EVSE-installed. Residents
23 authorized to use an accessible parking space shall not be
24 required to charge an electric vehicle to use the parking
25 space.

1 Section 30. Electric vehicle charging station policy for
2 unit owners.

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

15 (b) This Section does not apply to provisions that impose
16 a reasonable restriction on an electric vehicle charging
17 station. Any electric vehicle charging station installed by a
18 unit owner pursuant to this Section is the property of that
19 unit owner and in no case will be deemed a part of the common
20 elements or common area.

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

26 (d) If approval is required for the installation or use of

1 an electric vehicle charging station, the association shall
2 process and approve the application in the same manner as an
3 application for approval of an alteration, modification, or
4 improvement to common elements or common areas or an
5 architectural modification to the property, and the
6 association shall not unreasonably delay the approval or
7 denial of the application. The approval or denial of an
8 application shall be in writing. If an application is not
9 denied in writing within 60 days from the date of the receipt
10 of the application, the application shall be deemed approved
11 unless the delay is the result of a reasonable request for
12 additional information.

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

17 (1) The unit owner shall first obtain prior written
18 approval from the association to install the electric
19 vehicle charging station and the association shall approve
20 the installation if the unit owner agrees, in writing, to:

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

25 (B) engage a licensed and insured electrical
26 contractor to install the electric vehicle charging

1 station. The electrical contractor shall name the
2 association, its officers, directors, and agents as
3 additional insured and shall provide a certificate of
4 insurance to the association evidencing such
5 additional insured status;

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

11 (D) pay for both the costs associated with the
12 installation of and the electricity usage associated
13 with the electric vehicle charging station; and

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

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

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

25 (B) costs for the maintenance, repair, and
26 replacement of the electric vehicle charging station

1 until it has been removed, and for the restoration of
2 the common area after removal;

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

5 (i) a submetering device; or

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

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

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

19 (4) The unit owner of the electric vehicle charging
20 station, whether the electric vehicle charging station is
21 located within the common area or exclusive use common
22 area, shall, at all times, maintain a liability coverage
23 policy. The unit owner that submitted the application to
24 install the electric vehicle charging station shall
25 provide the association with the corresponding certificate
26 of insurance within 14 days after approval of the

1 application. The unit owner, and each successive unit
2 owner, shall provide the association with the certificate
3 of insurance annually thereafter.

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

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

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

23 (h) An association that willfully violates this Section
24 shall be liable to the unit owner for actual damages and shall
25 pay a civil penalty to the unit owner not to exceed \$1,000.

26 (i) In any action by a unit owner requesting to have an

1 electric vehicle charging station installed and seeking to
2 enforce compliance with this Section, the court shall award
3 reasonable attorney's fees to a prevailing plaintiff.

4 Section 35. Electric vehicle charging system policy for
5 renters.

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

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

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

14 (A) the landlord may:

15 (i) require reimbursement for the actual cost
16 of electricity provided by the landlord that was
17 used by the electric vehicle charging system; or

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

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

9 (C) if the tenant desires to place an electric
10 vehicle charging system in an area accessible to other
11 tenants, the landlord may assess or charge the tenant
12 a reasonable fee to reserve a specific parking space
13 in which to install the electric vehicle charging
14 system.

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

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

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

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

25 (c) A tenant may place an electric vehicle charging system
26 in an area accessible to other tenants if:

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

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

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

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

12 (C) provide, within 14 days after receiving the
13 landlord's consent for the installation, a certificate
14 of insurance naming the landlord as an additional
15 insured party on the tenant's renter's insurance
16 policy for any claim related to the installation,
17 maintenance, or use of the electric vehicle charging
18 system or, at the landlord's option, reimbursement to
19 the landlord for the actual cost of any increased
20 insurance premium amount attributable to the electric
21 vehicle charging system, notwithstanding any provision
22 to the contrary in the lease. The tenant shall provide
23 reimbursement for an increased insurance premium
24 amount within 14 days after the tenant receives the
25 landlord's invoice for the amount attributable to the
26 electric vehicle charging system.

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

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

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

14 (i) an inexpensive submetering device; or

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

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

24 (2) Each successive tenant with exclusive rights to
25 the area where the electric vehicle charging system is
26 installed shall assume responsibility for the repair,

1 maintenance, removal, and replacement of the electric
2 vehicle charging system until the electric vehicle
3 charging system is removed.

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

10 (4) The tenant, and each successive tenant with
11 exclusive rights to the area where the electric vehicle
12 charging system is installed, is responsible for removing
13 the system if reasonably necessary or convenient for the
14 repair, maintenance, or replacement of any property of the
15 landlord, whether or not leased to another tenant.

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

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

26 (g) In any action by a tenant requesting to have an

1 electric vehicle charging system installed and seeking to
2 enforce compliance with this Section, the court shall award
3 reasonable attorney's fees to a prevailing plaintiff.

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