



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3975

Introduced 3/4/2021, by Rep. Kambium Buckner

SYNOPSIS AS INTRODUCED:

765 ILCS 160/1-71 new

765 ILCS 160/1-72 new

Amends the Common Interest Community Association Act. Provides that any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a common interest community, and any provision of a community instrument that either effectively prohibits or unreasonably restricts the installation or use of an electric vehicle charging station or an electric vehicle dedicated time-of-use (TOU) meter, is void and unenforceable. Provides that if approval is required for the installation or use of an electric vehicle charging station or electric vehicle dedicated TOU meter, the application for approval shall be processed and approved by the association in the same manner as an application for approval of an architectural modification to the property. Provides requirements for an electric vehicle charging station or electric vehicle dedicated TOU meter placed in a common area or an exclusive use common area. Provides that the association may install an electric vehicle charging station or electric vehicle dedicated TOU meter in the common area for the use of all members of the association and all unit owners. Provides that an association that willfully violates the provisions is liable to the unit owner for actual damages and shall pay a civil penalty to the unit owner in an amount not to exceed \$1,000.

LRB102 02583 LNS 12586 b

1 AN ACT concerning civil law.

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

4 Section 5. The Common Interest Community Association Act
5 is amended by adding Sections 1-71 and 1-72 as follows:

6 (765 ILCS 160/1-71 new)

7 Sec. 1-71. Electric vehicle charging stations.

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

20 (b) This Section does not apply to provisions that impose
21 reasonable restrictions on an electric vehicle charging
22 station. However, it is the policy of this State to promote,
23 encourage, and remove obstacles to the use of an electric

1 vehicle charging station.

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

7 (d) If approval is required for the installation or use of
8 an electric vehicle charging station, the application for
9 approval shall be processed and approved by the association in
10 the same manner as an application for approval of an
11 architectural modification to the property, and shall not be
12 willfully avoided or delayed. The approval or denial of an
13 application shall be in writing. If an application is not
14 denied in writing within 60 days from the date of receipt of
15 the application, the application shall be deemed approved
16 unless the delay is the result of a reasonable request for
17 additional information.

18 (e) If the electric vehicle charging station is to be
19 placed in a common area or an exclusive use common area, as
20 designated in the common interest community's bylaws, the
21 following applies:

22 (1) The unit owner shall first obtain approval from
23 the association to install the electric vehicle charging
24 station and the association shall approve the installation
25 if the unit owner agrees in writing to:

26 (i) comply with the association's architectural

1 standards for the installation of the electric vehicle
2 charging station;

3 (ii) engage a licensed contractor to install the
4 electric vehicle charging station;

5 (iii) within 14 days of approval, provide a
6 certificate of insurance that names the association as
7 an additional insured party under the unit owner's
8 insurance policy; and

9 (iv) pay for both the costs associated with the
10 installation of and the electricity usage associated
11 with the electric vehicle charging station.

12 (2) The unit owner, and each successive unit owner, of
13 the electric vehicle charging station shall be responsible
14 for:

15 (i) costs for damage to the electric vehicle
16 charging station, common area, exclusive use common
17 area, or separate interests resulting from the
18 installation, maintenance, repair, removal, or
19 replacement of the electric vehicle charging station;

20 (ii) costs for the maintenance, repair, and
21 replacement of the electric vehicle charging station
22 until it has been removed and for the restoration of
23 the common area after removal;

24 (iii) the cost of electricity associated with the
25 electric vehicle charging station; and

26 (iv) disclosing to prospective unit owners the

1 existence of any electric vehicle charging station of
2 the unit owner and the related responsibilities of the
3 unit owner under this Section.

4 (3) The unit owner of the electric vehicle charging
5 station, whether located within a separate unit or within
6 the common area or exclusive use common area, shall, at
7 all times, maintain a liability coverage policy. The unit
8 owner that submitted the application to install the
9 electric vehicle charging station shall provide the
10 association with the corresponding certificate of
11 insurance within 14 days of approval of the application.
12 The unit owner, and each successive unit owner, shall
13 provide the association with the certificate of insurance
14 annually thereafter.

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

19 (f) Except as provided in subsection (g), the installation
20 of an electric vehicle charging station for the exclusive use
21 of a unit owner in a common area that is not an exclusive use
22 common area shall be authorized by the association only if the
23 installation in the unit owner's designated parking space is
24 impossible or unreasonably expensive. In such cases, the
25 association shall enter into a license agreement with the unit
26 owner for the use of the space in a common area, and the unit

1 owner shall comply with all of the requirements in subsection
2 (e).

3 (g) The association may install an electric vehicle
4 charging station in the common area for the use of all members
5 of the association and all unit owners. The association shall
6 develop appropriate terms of use for the electric vehicle
7 charging station.

8 (h) An association may create a new parking space where
9 one did not previously exist to facilitate the installation of
10 an electric vehicle charging station.

11 (i) An association that willfully violates this Section is
12 liable to the unit owner for actual damages and shall pay a
13 civil penalty to the unit owner in an amount not to exceed
14 \$1,000.

15 (j) In an action by a unit owner requesting to have an
16 electric vehicle charging station installed and seeking to
17 enforce compliance with this Section, the court shall award
18 reasonable attorney's fees to the prevailing plaintiff.

19 (k) For purposes of this Section:

20 "Electric vehicle charging station" means a station that
21 delivers electricity from a source outside an electric vehicle
22 into one or more electric vehicles. "Electric vehicle charging
23 station" may include several charge points simultaneously
24 connecting several electric vehicles to the station and any
25 related equipment needed to facilitate charging plug-in
26 electric vehicles.

1 "Reasonable restrictions" means restrictions that do not
2 significantly increase the cost of the station or
3 significantly decrease its efficiency or specified
4 performance.

5 (765 ILCS 160/1-72 new)

6 Sec. 1-72. Electric vehicle dedicated TOU meters.

7 (a) Any covenant, restriction, or condition contained in
8 any deed, contract, security instrument, or other instrument
9 affecting the transfer or sale of any interest in a common
10 interest community and any provision of a community instrument
11 that either effectively prohibits or unreasonably restricts
12 the installation or use of an electric vehicle dedicated TOU
13 meter or is in conflict with this Section is void and
14 unenforceable.

15 (b) This Section does not apply to provisions that impose
16 reasonable restrictions on the installation of an electric
17 vehicle dedicated TOU meter. However, it is the policy of this
18 State to promote, encourage, and remove obstacles to the
19 effective installation of an electric vehicle dedicated TOU
20 meter.

21 (c) An electric vehicle dedicated TOU meter 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.

1 (d) If approval is required for the installation or use of
2 an electric vehicle dedicated TOU meter, the application for
3 approval shall be processed and approved by the association in
4 the same manner as an application for approval of an
5 architectural modification to the property, and shall not be
6 willfully avoided or delayed. The approval or denial of an
7 application shall be in writing. If an application is not
8 denied in writing within 60 days from the date of receipt of
9 the application, the application shall be deemed approved
10 unless the delay is the result of a reasonable request for
11 additional information.

12 (e) If the electric vehicle dedicated TOU meter is to be
13 placed in a common area or an exclusive use common area, as
14 designated in the common interest community's bylaws, the
15 following applies:

16 (1) The unit owner shall first obtain approval from
17 the association to install the electric vehicle dedicated
18 TOU meter and the association shall approve the
19 installation if the unit owner agrees in writing to:

20 (i) comply with the association's architectural
21 standards for the installation of the electric vehicle
22 dedicated TOU meter; and

23 (ii) engage the relevant electric utility to
24 install the electric vehicle dedicated TOU meter and,
25 if necessary, a licensed contractor to install the
26 wiring or conduit necessary to connect the electric

1 meter to an electric vehicle charging station, as
2 defined in Section 1-71.

3 (2) The unit owner, and each successive unit owner, of
4 an electric vehicle dedicated TOU meter shall be
5 responsible for:

6 (i) costs for damage to the electric vehicle
7 dedicated TOU meter, common area, exclusive use
8 common area, or separate interests resulting from
9 the installation, maintenance, repair, removal, or
10 replacement of the electric vehicle dedicated TOU
11 meter;

12 (ii) costs for the maintenance, repair, and
13 replacement of the electric vehicle dedicated TOU
14 meter until it has been removed and for the
15 restoration of the common area after removal; and

16 (iii) disclosing to prospective unit owners
17 the existence of any electric vehicle dedicated
18 TOU meter of the unit owner and the related
19 responsibilities of the unit owner under this
20 Section.

21 (f) The association may install an electric vehicle
22 dedicated TOU meter in the common area for the use of all
23 members of the association and all unit owners. The
24 association shall develop appropriate terms of use for the
25 electric vehicle dedicated TOU meter.

26 (g) An association that willfully violates this Section is

1 liable to the unit owner for actual damages and shall pay a
2 civil penalty to the unit owner in an amount not to exceed
3 \$1,000.

4 (h) In an action by a unit owner requesting to have an
5 electric vehicle dedicated TOU meter installed and seeking to
6 enforce compliance with this Section, the court shall award
7 reasonable attorney's fees to the prevailing plaintiff.

8 (i) For purposes of this Section:

9 "Electric vehicle dedicated TOU meter" means an electric
10 meter supplied and installed by an electric utility that is
11 separate from, and in addition to, any other electric meter
12 and is devoted exclusively to the charging of electric
13 vehicles, and that tracks the time of use (TOU) when charging
14 occurs. "Electric vehicle dedicated TOU meter" includes any
15 wiring or conduit necessary to connect the electric meter to
16 an electric vehicle charging station, as defined in Section
17 1-71, regardless of whether it is supplied or installed by an
18 electric utility.

19 "Reasonable restrictions" means restrictions based upon
20 space, aesthetics, structural integrity, and equal access to
21 electric vehicle dedicated TOU meter services for all unit
22 owners. "Reasonable restrictions" does not include an
23 association's refusal to find a reasonable way to accommodate
24 the installation request unless the association would need to
25 incur an expense.