



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5332

Introduced 2/8/2012, by Rep. Naomi D. Jakobsson

SYNOPSIS AS INTRODUCED:

New Act

Creates the Homeowners' Electric Vehicle Act. Provides that: the Act applies only to electric vehicle charging systems at homes or in common areas; a homeowners' association, property owners' association, or condominium unit owners' association must adopt an electric vehicle charging policy regarding the location, design, and architectural requirements of electric vehicle charging systems within 120 days after the association receives a request for a policy or an application from an association member; and an application for approval, if required, must be acted upon within 90 days after the time of application or, if a policy is not then in place, then 90 days after the policy is adopted. Provides that an entity, other than a public entity, that willfully violates the Act is liable for damages, but an entity that complies with the Act is not liable to to any other resident or third party. Provides that the prevailing party in an action under the Act is entitled to attorney's fees and costs.

LRB097 17543 AJ0 62748 b

1 AN ACT concerning associations.

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 Homeowners' Electric Vehicle Act.

6 Section 5. Legislative intent. The legislative intent in
7 enacting this Act is to protect the public health, safety, and
8 welfare by encouraging the development and use of electric
9 vehicles and electric vehicle charging systems in order to
10 conserve and protect the value of land, buildings, and
11 resources by preventing the adoption of measures which will
12 have the ultimate effect, however unintended, of preventing the
13 use of electric vehicles by any person residing at a home that
14 is subject to a homeowners' association, common interest
15 community association, or condominium unit owners'
16 association.

17 Section 10. Definitions. In this Act:

18 "Electric vehicle" has the meaning ascribed to that term in
19 the Electric Vehicle Act.

20 "Electric vehicle charging system" means:

21 (1) a complete assembly, structure, or design of an
22 electric vehicle charging mechanism, which provides

1 electricity for use in charging an electric vehicle; and
2 (2) the design, materials, or elements of an electric
3 vehicle charging system and its maintenance, operation,
4 and labor components, and the necessary components, if any,
5 of supplemental conventional energy systems designed or
6 constructed to interface with an electric vehicle charging
7 system.

8 Section 15. Associations; prohibitions. Notwithstanding
9 any provision of this Act or other provision of law, the
10 adoption of a bylaw or exercise of any power by the governing
11 entity of a homeowners' association, common interest community
12 association, or condominium unit owners' association which
13 prohibits or has the effect of prohibiting the ownership of an
14 electric vehicle, prohibiting the continuous charging of an
15 electric vehicle, or prohibiting the installation of a electric
16 vehicle charging system is expressly prohibited.

17 Section 20. Deed restrictions; covenants. No deed
18 restrictions, covenants, or similar binding agreements running
19 with the land shall prohibit or have the effect of prohibiting
20 the use or ownership of an electric vehicle or the installation
21 or operation of an electric vehicle charging system from being
22 installed on a building erected on a lot or parcel covered by
23 the deed restrictions, covenants, or binding agreements if the
24 building is subject to a homeowners' association, common

1 interest community association, or condominium unit owners'
2 association. A property owner may not be denied permission to
3 install an electric vehicle charging system by any entity
4 granted the power or right in any deed restriction, covenant,
5 or similar binding agreement to approve, forbid, control, or
6 direct alteration of property. However, for purposes of this
7 Act, the entity may determine the specific location where an
8 electric vehicle charging system may be installed. Within 120
9 days after a homeowners' association, common interest
10 community association, or condominium unit owners' association
11 receives a request for a policy or an application from an
12 association member, the association shall adopt an electric
13 vehicle charging system policy or amend an existing energy
14 policy regarding: (i) the location, design, and architectural
15 requirements of an electric vehicle charging system; and (ii)
16 whether an association member may use an electric outlet in a
17 common area and the means for payment of the electricity in a
18 common area, and, if so, the location, design, and
19 architectural requirements of a system in a common area. An
20 association shall disclose, upon request, its electric vehicle
21 charging system policy and shall include the policy in its
22 homeowners' association, common interest community
23 association, or condominium unit owners' association
24 declaration, bylaws, or policies.

25 Section 25. Standards and requirements. An electric

1 vehicle charging system shall meet applicable standards and
2 requirements imposed by State and local permitting
3 authorities.

4 Section 30. Application for approval. Whenever approval is
5 required for the installation or use of an electric vehicle
6 charging system, the application for approval shall be
7 processed by the appropriate approving entity of the
8 association within 90 days after the submission of the
9 application. However, if an application is submitted before an
10 electric vehicle charging system policy is adopted by an
11 association, the 90-day period shall not begin to run until the
12 date that the policy is adopted.

13 Section 35. Violations. Any entity, other than a public
14 entity, that willfully violates this Act shall be liable to the
15 applicant for actual damages occasioned thereby and for any
16 other consequential damages. Any entity that complies with the
17 requirements of this Act shall not be liable to any other
18 resident or third party for such compliance.

19 Section 40. Costs; attorney's fees. In any litigation
20 arising under this Act, the prevailing party shall be entitled
21 to costs and reasonable attorney's fees.