

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 reasonable restrictions on the
8 specific location where an electric vehicle charging system may
9 be installed. Within 45 days after a homeowners' association,
10 common interest community association, or condominium unit
11 owners' association receives a request for a policy or an
12 application from an association member, the association shall
13 adopt an electric vehicle charging system policy or amend an
14 existing energy policy regarding: (i) reasonable restrictions
15 on the location, design, and architectural requirements of an
16 electric vehicle charging system; and (ii) whether an
17 association member may use an electric outlet in a common area
18 and the means for payment of the electricity in a common area,
19 and, if so, reasonable restrictions on the location, design,
20 and architectural requirements of a system in a common area. An
21 association shall disclose, upon request, its electric vehicle
22 charging system policy and shall include the policy in its
23 homeowners' association, common interest community
24 association, or condominium unit owners' association
25 declaration, bylaws, or policies. For purposes of this Section,
26 "reasonable restrictions" are limitations that do not

1 significantly increase the cost of the electric vehicle
2 charging system or significantly decrease its efficiency or
3 specified performance.

4 Section 25. Standards and requirements. An electric
5 vehicle charging system shall meet applicable standards and
6 requirements imposed by State and local permitting
7 authorities.

8 Section 30. Application for approval. Whenever approval is
9 required for the installation or use of an electric vehicle
10 charging system, the application for approval shall be
11 processed by the appropriate approving entity of the
12 association within 30 days after the submission of the
13 application. However, if an application is submitted before an
14 electric vehicle charging system policy is adopted by an
15 association, the association has until the longer of the
16 following 2 periods to process the application: (1) 15 days
17 after a policy is adopted in accordance with Section 20 of this
18 Act or (2) 30 days after the application is submitted. If an
19 application is not denied in writing before the end of the
20 applicable time period provided by this Section, the
21 application shall be deemed approved, unless that delay is the
22 result of a reasonable request for additional information.

23 Section 32. Notice to local electric utility. Within 30

1 days after receiving a request for an electric vehicle charging
2 system policy, an application for the installation or use of an
3 electric vehicle charging system, or notification from an
4 association member that the member intends to install an
5 electric vehicle charging system, a homeowners' association,
6 common interest community association, or condominium unit
7 owners' association shall notify the electric utility from
8 which the association receives electricity or delivery
9 services of the planned installation.

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