

# THE PROPERTY LINE

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## New Electric Vehicle Charging Station Law Has Been Amended

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Civil Code Section 1353.9 became effective on January 1, 2012. This statute provides that an association may not prohibit the installation of electric vehicle charging stations within the association's common area. As originally written, the statute seemed to permit installation of such equipment anywhere within the association's common area, which was not the intent of the legislation according to the bill's author. A new bill, SB 880, was rushed through the legislature and signed by the governor on February 29, 2012 and became effective on that date.

The new law limits installation of a vehicle charging station by an owner to the owner's exclusive use common area parking space. Such equipment may be installed by an owner in other portions of the common area only upon a showing that installation within the owner's designated parking space is impossible or unreasonably expensive. (The association may install a charging station anywhere within the common area for the use of all owners, subject to reasonable conditions imposed by the association.) The new law also amends Civil Code Section 1363.07, which provides for the grant of exclusive use of general common area to an owner only upon the approval of 67% of all the owners, to permit the board to grant access and use of common area for the installation and operation of permitted charging stations without a vote of the members.

Under the new statute, an association can still adopt reasonable rules relating to installation, maintenance and safety of such equipment. Please contact our office if your association would like our assistance in drafting such rules.

Thank you,

A handwritten signature in black ink that reads "Julie Mouser".

Julie Mouser, Esq.  
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