

1353.9.

~~(a)~~ 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 development, and any provision of a governing document, as defined in subdivision (j) of Section 1351, that either effectively prohibits or unreasonably restricts the installation or use of an electric vehicle charging station in an owner's designated parking space, including, but not limited to, a deeded parking space, a parking space in an owner's exclusive use common area, or a parking space that is specifically designated for use by a particular owner, or is in conflict with the provisions of this section is void and unenforceable.

~~(b)(1)~~ This section does not apply to provisions that impose reasonable restrictions on electric vehicle charging stations. However, it is the policy of the state to promote, encourage, and remove obstacles to the use of electric vehicle charging stations.

~~(2)~~ For purposes of this section, "reasonable restrictions" are restrictions that do not significantly increase the cost of the station or significantly decrease its efficiency or specified performance.

~~(c)~~ An electric vehicle charging station shall meet applicable health and safety standards and requirements imposed by state and local permitting authorities as well as all other applicable zoning, land use or other ordinances, or land use permits.

~~(d)~~ For purposes of this section, "electric vehicle charging station" means a station that is designed in compliance with the California Building Standards Code and delivers electricity from a source outside an electric vehicle into one or more electric vehicles. An electric vehicle charging station may include several charge points simultaneously connecting several electric vehicles to the station and any related equipment needed to facilitate charging plug-in electric vehicles.

~~(e)~~ If approval is required for the installation or use of an electric vehicle charging station, 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, and shall not be willfully avoided or delayed. The approval or denial of an application shall be in writing. If an application is not denied in writing within 60 days from the date of receipt of the application, the application shall be deemed approved, unless that delay is the result of a reasonable request for additional information.

~~(f)~~ If the electric vehicle charging station is to be placed in a common area or an exclusive use common area, as designated in the common interest development's declaration, the following provisions apply:

~~(1)~~ The homeowner first shall obtain approval from the common interest development association to install the electric vehicle charging station and the common interest development association shall approve the installation if the homeowner agrees in writing to do all of the following:

~~(A)~~ Comply with the common interest development's association's architectural standards for the installation of the charging station.

~~(B)~~ Engage a licensed contractor to install the charging station.

~~(C)~~ Within 14 days of approval, provide a certificate of insurance that names the common interest development association as an additional insured under the homeowner's owner's insurance policy: in the amount set forth in paragraph (3).

~~(D)~~ Pay for the electricity usage associated with the charging station.

~~—(2) The homeownerowner and each successive homeownerowner of the parking stall on which or near where the electric vehicle charging station is placed shall be responsible for all of the following:~~

~~—(A) Costs for damage to the charging station, common areasarea, exclusive use common areasarea, or adjaeent unitsseparate interests resulting from the installation, maintenance, repair, removal, or replacement of the charging station.~~

~~—(B) Costs for the maintenance, removal, repair, and replacement of the electric vehicle charging station until it has been removed from and for the restoration of the common area or exclusive use common areaafter removal.~~

~~—(C) The cost of electricity associated with the charging station.~~

~~—(D) Disclosing to prospective buyers the existence of any electric vehicle charging station of the owner and the related responsibilities of the homeownerowner under this section.~~

~~—(3) The homeownerowner and each successive homeownerowner of the charging station, at all times, shall maintain an umbrella homeowner liability coverage policy in the amount of one million dollars (\$1,000,000) covering the obligations of the owner under paragraph (2), and shall name the common interest developmentassociation as ana named additional insured under the policy with a right to notice of cancellation.~~

~~—(g)(4) A homeowner shall not be required to maintain a homeowner liability coverage policy for an existing National Electrical Manufacturers Association standard alternating current power plug.~~

~~(g) Except as provided in subdivision (h), installation of an electric vehicle charging station for the exclusive use of an owner in a common area, that is not an exclusive use common area, shall be authorized by the association only if installation in the owner's designated parking space is impossible or unreasonably expensive. In such cases, the association shall enter into a license agreement with the owner for the use of the space in a common area, and the owner shall comply with all of the requirements in subdivision (f).~~

~~(h) The association or owners may install an electric vehicle charging station in the common area for the use of all members of the association and, in that case, the association shall develop appropriate terms of use for the charging station.~~

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

~~(j) An association that willfully violates this section shall be liable to the applicant or other party for actual damages, and shall pay a civil penalty to the applicant or other party in an amount not to exceed one thousand dollars (\$1,000).~~

~~—(h)(k) In any action to enforce compliance with this section, the prevailing plaintiff shall be awarded reasonable attorney's fees.~~

1363.07.

(a) After an association acquires fee title to, or any easement right over, a common area, unless the association's governing documents specify a different percentage, the affirmative vote of members owning at least 67 percent of the separate interests in the common interest development shall be required before the board of directors may grant exclusive use of any portion of that common area to any member, except for any of the following:

—(1)—A reconveyance of all or any portion of that common area to the subdivider to enable the continuation of development that is in substantial conformance with a detailed plan of phased development submitted to the Real Estate Commissioner with the application for a public report.

—(2)—Any grant of exclusive use that is in substantial conformance with a detailed plan of phased development submitted to the Real Estate Commissioner with the application for a public report or in accordance with the governing documents approved by the Real Estate Commissioner.

—(3)—Any grant of exclusive use that is for any of the following reasons:

—(A)—To eliminate or correct engineering errors in documents recorded with the county recorder or on file with a public agency or utility company.

—(B)—To eliminate or correct encroachments due to errors in construction of any improvements.

—(C)—To permit changes in the plan of development submitted to the Real Estate Commissioner in circumstances where the changes are the result of topography, obstruction, hardship, aesthetic considerations, or environmental conditions.

—(D)—To fulfill the requirement of a public agency.

—(E)—To transfer the burden of management and maintenance of any common area that is generally inaccessible and not of general use to the membership at large of the association.

—(F)—Any grant in connection with an expressly zoned industrial or commercial development, or any grant within a subdivision of the type defined in Section 1373.

—(G) (i) To install and use an electric vehicle charging station in an owner's garage or a designated parking space that meets the requirements of Section 1353.9, where the installation or use of the charging station requires reasonable access through, or across, the common area for utility lines or meters.

(ii) To install and use an electric vehicle charging station through a license granted by an association under Section 1353.9.

(b)—Any measure placed before the members requesting that the board of directors grant exclusive use of any portion of the common area shall specify whether the association will receive any monetary consideration for the grant and whether the association or the transferee will be responsible for providing any insurance coverage for exclusive use of the common area.