



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4148

Introduced 1/22/2020, 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 within an owner's unit or in a designated parking space 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.

LRB101 16321 LNS 65694 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 is
5 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 station
14 within a unit owner's unit or in a designated parking space,
15 including, but not limited to, a deeded parking space, a
16 parking space in a unit owner's exclusive use common area, or a
17 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 the
23 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 all
7 times, maintain a liability coverage policy. The unit owner
8 that submitted the application to install the electric
9 vehicle charging station shall provide the association
10 with the corresponding certificate of insurance within 14
11 days of approval of the application. The unit owner, and
12 each successive unit owner, shall provide the association
13 with the certificate of insurance annually thereafter.

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

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

1 (e).

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

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

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

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

18 (k) For purposes of this Section:

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

26 "Reasonable restrictions" means restrictions that do not

1 significantly increase the cost of the station or significantly
2 decrease its efficiency or specified performance.

3 (765 ILCS 160/1-72 new)

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

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

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

19 (c) An electric vehicle dedicated TOU meter shall meet
20 applicable health and safety standards and requirements
21 imposed by State and local authorities, and all other
22 applicable zoning, land use, or other ordinances or land use
23 permits.

24 (d) If approval is required for the installation or use of
25 an electric vehicle dedicated TOU meter, the application for

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

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

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

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

21 (ii) engage the relevant electric utility to
22 install the electric vehicle dedicated TOU meter and,
23 if necessary, a licensed contractor to install the
24 wiring or conduit necessary to connect the electric
25 meter to an electric vehicle charging station, as
26 defined in Section 1-71.

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

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

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

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

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

24 (g) An association that willfully violates this Section is
25 liable to the unit owner for actual damages and shall pay a
26 civil penalty to the unit owner in an amount not to exceed

1 \$1,000.

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

6 (i) For purposes of this Section:

7 "Electric vehicle dedicated TOU meter" means an electric
8 meter supplied and installed by an electric utility that is
9 separate from, and in addition to, any other electric meter and
10 is devoted exclusively to the charging of electric vehicles,
11 and that tracks the time of use (TOU) when charging occurs.

12 "Electric vehicle dedicated TOU meter" includes any wiring or
13 conduit necessary to connect the electric meter to an electric
14 vehicle charging station, as defined in Section 1-71,
15 regardless of whether it is supplied or installed by an
16 electric utility.

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