

AMENDED IN SENATE AUGUST 19, 2014  
AMENDED IN SENATE JUNE 16, 2014  
AMENDED IN ASSEMBLY MAY 27, 2014  
AMENDED IN ASSEMBLY APRIL 21, 2014  
AMENDED IN ASSEMBLY MARCH 28, 2014  
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2565**

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**Introduced by Assembly Member Muratsuchi**

February 21, 2014

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An act to add Sections 1947.6 and 1952.7 to the Civil Code, relating to tenancy.

LEGISLATIVE COUNSEL'S DIGEST

AB 2565, as amended, Muratsuchi. Rental property: electric vehicle charging stations.

Existing law generally regulates the hiring of real property.

This bill would, for any lease executed, renewed, or extended on and after July 1, 2015, require a lessor of a dwelling to approve a written request of a lessee to install an electric vehicle charging station at ~~the lessee's designated parking space~~ *a parking space allotted for the lessee* in accordance with specified requirements and that complies with the lessor's approval process for modification to the property. The bill would except from its provisions specified residential property, including a residential rental property for fewer than 5 parking spaces and one subject to rent control. The bill would require the electric vehicle charging station and all modifications and improvements made to the

property comply with federal, state, and local law, and all applicable zoning requirements, land use requirements, and covenants, conditions, and restrictions.

The bill would also require a lessee’s written request to make a modification to the ~~leased premises~~ *property* in order to install and use an electric vehicle charging station include his or her consent to enter into a written agreement including specified provisions, including compliance with the lessor’s requirements for the installation, use, maintenance, and removal of the charging station and installation of the infrastructure for the charging station. The bill would also require the lessee to maintain in full force and effect a \$1,000,000 lessee’s general liability insurance policy, as specified.

Existing law regulates the terms and conditions of residential and commercial tenancies. Existing law defines and regulates common interest developments and voids any condition affecting the transfer or sale of an interest in a common interest development that prohibits or unreasonably restricts the installation or use of an electric vehicle charging station in a designated parking space in the development, as specified.

This bill would void any term in a lease renewed or extended on or after January 1, 2015, that conveys any possessory interest in commercial property that either prohibits or unreasonably restricts, as defined, the installation or use of an electric vehicle charging station in a parking space associated with the commercial property. The bill would prescribe requirements for lessor approval of a lessee request to install or use an electronic vehicle charging station and would require that a lessor approve a request to install a charging station if the lessee agrees in writing to do specified acts, including paying for various costs associated with the charging station and maintaining insurance naming the lessor as an insured.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 1947.6 is added to the Civil Code, to
- 2 read:
- 3 1947.6. (a) For any lease executed, extended, or renewed on
- 4 and after July 1, 2015, a lessor of a dwelling shall approve a written
- 5 request of a lessee to install an electric vehicle charging station at

1 ~~the lessee's designated~~ a parking space *allotted for the lessee* that  
2 meets the requirements of this section and complies with the  
3 lessor's procedural approval process for modification to the  
4 property.

5 (b) This section does not apply to residential rental properties  
6 where:

7 (1) Electric vehicle charging stations already exist for lessees  
8 in a ratio that is equal to or greater than 10 percent of the designated  
9 parking spaces.

10 (2) Parking is not provided as part of the lease agreement.

11 (3) A property where there are less than five parking spaces.

12 (4) A dwelling that is subject to the residential rent control  
13 ordinance of a public entity.

14 (c) For purposes of this section, "electric vehicle charging  
15 station" or "charging station" means ~~an~~ *any level of* electric vehicle  
16 supply equipment station that is designed and built in compliance  
17 with Article 625 of the ~~National~~ *California* Electrical Code, as it  
18 reads on the effective date of this section, and delivers electricity  
19 from a source outside an electric vehicle into a plug-in electric  
20 vehicle.

21 (d) A lessor shall not be obligated to provide an additional  
22 parking space to a lessee in order to accommodate an electric  
23 vehicle charging station.

24 (e) If the electric vehicle charging station has the effect of  
25 providing the lessee with a reserved parking space, the lessor may  
26 charge a monthly rental amount for that parking space.

27 (f) An electric vehicle charging station and all modifications  
28 and improvements to the property shall comply with federal, state,  
29 and local law, and all applicable zoning requirements, land use  
30 requirements, and covenants, conditions, and restrictions.

31 (g) A lessee's written request to make a modification to the  
32 ~~leased premises~~ *property* in order to install and use an electric  
33 vehicle charging station shall include, but is not limited to, his or  
34 her consent to enter into a written agreement that includes, but is  
35 not limited to, the following:

36 (1) Compliance with the lessor's requirements for the  
37 installation, use, maintenance, and removal of the charging station  
38 and installation, use, and maintenance of the infrastructure for the  
39 charging station.

1 (2) Compliance with the lessor’s requirements for the lessee to  
2 provide a complete financial analysis and scope of work regarding  
3 the installation of the charging station and its infrastructure.

4 (3) A written description of how, when, and where the  
5 modifications and improvements to the property are proposed to  
6 be made consistent with those items specified in the “Permitting  
7 Checklist” of the “Zero-Emission Vehicles in California:  
8 Community Readiness Guidebook” published by the Office of  
9 Planning and Research.

10 (4) Obligation of the lessee to pay the lessor all costs associated  
11 with the lessor’s installation of the charging station and its  
12 infrastructure prior to any modification or improvement being  
13 made to the leased property. The costs associated with  
14 modifications and improvements shall include, but are not limited  
15 to, the cost of permits, supervision, construction, ~~and~~ and, solely  
16 if required by the contractor, consistent with its past performance  
17 of work for the lessor, performance bonds.

18 (5) Obligation of the lessee to pay as part of rent for the costs  
19 associated with the electrical usage of the charging station, and  
20 cost for damage, maintenance, repair, removal, and replacement  
21 of the charging station, and modifications or improvements made  
22 to the property associated with the charging station.

23 (h) The lessee shall maintain in full force and effect a lessee’s  
24 general liability insurance policy in the amount of one million  
25 dollars (\$1,000,000) and shall name the lessor as a named  
26 additional insured under the policy commencing with the date of  
27 approval of construction until the lessee forfeits possession of the  
28 dwelling to the lessor.

29 SEC. 2. Section 1952.7 is added to the Civil Code, to read:

30 1952.7. (a) (1) Any term in a lease that is executed, renewed,  
31 or extended on or after January 1, 2015, that conveys any  
32 possessory interest in commercial property that either prohibits or  
33 unreasonably restricts the installation or use of an electric vehicle  
34 charging station in a parking space associated with the commercial  
35 property, or that is otherwise in conflict with the provisions of this  
36 section, is void and unenforceable.

37 (2) This subdivision does not apply to provisions that impose  
38 reasonable restrictions on the installation of electric vehicle  
39 charging stations. However, it is the policy of the state to promote,

1 encourage, and remove obstacles to the use of electric vehicle  
2 charging stations.

3 (3) This subdivision shall not grant the holder of a possessory  
4 interest under the lease described in paragraph (1) the right to  
5 install electric vehicle charging stations in more parking spaces  
6 than are allotted to the leaseholder in his or her lease, or, if no  
7 parking spaces are allotted, a number of parking spaces determined  
8 by multiplying the total number of parking spaces located at the  
9 commercial property by a fraction, the denominator of which is  
10 the total rentable square feet at the property, and the numerator of  
11 which is the number of total square feet rented by the leaseholder.

12 (4) If the installation of an electric vehicle charging station has  
13 the effect of granting the leaseholder a reserved parking space and  
14 a reserved parking space is not allotted to the leaseholder in the  
15 lease, the owner of the commercial property may charge a  
16 reasonable monthly rental amount for the parking space.

17 (b) This section shall not apply to any of the following:

18 (1) A commercial property where charging stations already exist  
19 for use by tenants in a ratio that is equal to or greater than two  
20 available parking spaces for every 100 parking spaces at the  
21 commercial property.

22 (2) A commercial property where there are less than 50 parking  
23 spaces.

24 (c) For purposes of this section:

25 (1) “Electric vehicle charging station” or “charging station”  
26 means a station that is designed in compliance with Article 625 of  
27 the National Electrical Code, as it reads on the effective date of  
28 this section, and delivers electricity from a source outside an  
29 electric vehicle into one or more electric vehicles.

30 (2) “Reasonable costs” includes, but is not limited to, costs  
31 associated with those items specified in the “Permitting Checklist”  
32 of the “Zero-Emission Vehicles in California: Community  
33 Readiness Guidebook” published by the Office of Planning and  
34 Research.

35 (3) “Reasonable restrictions” or “reasonable standards” are  
36 restrictions or standards that do not significantly increase the cost  
37 of the electric vehicle charging station or its installation or  
38 significantly decrease the charging station’s efficiency or specified  
39 performance.

1 (d) An electric vehicle charging station shall meet applicable  
2 health and safety standards and requirements imposed by state and  
3 local authorities as well as all other applicable zoning, land use,  
4 or other ordinances, or land use permit requirements.

5 (e) If lessor approval is required for the installation or use of an  
6 electric vehicle charging station, the application for approval shall  
7 not be willfully avoided or delayed. The approval or denial of an  
8 application shall be in writing.

9 (f) An electric vehicle charging station installed by a lessee shall  
10 satisfy the following provisions:

11 (1) If lessor approval is required, the lessee first shall obtain  
12 approval from the lessor to install the electric vehicle charging  
13 station and the lessor shall approve the installation if the lessee  
14 complies with the applicable provisions of the lease consistent  
15 with the provisions of this section and agrees in writing to do all  
16 of the following:

17 (A) Comply with the lessor's reasonable standards for the  
18 installation of the charging station.

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

20 (C) Within 14 days of approval, provide a certificate of  
21 insurance that names the lessor as an additional insured under the  
22 lessee's insurance policy in the amount set forth in paragraph (3).

23 (2) The lessee shall be responsible for all of the following:

24 (A) Costs for damage to property and the charging station  
25 resulting from the installation, maintenance, repair, removal, or  
26 replacement of the charging station.

27 (B) Costs for the maintenance, repair, and replacement of the  
28 charging station.

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

30 (3) The lessee at all times, shall maintain a lessee liability  
31 coverage policy in the amount of one million dollars (\$1,000,000),  
32 and shall name the lessor as a named additional insured under the  
33 policy with a right to notice of cancellation and property insurance  
34 covering any damage or destruction caused by the charging station,  
35 naming the lessor as its interests may appear.

36 (g) A lessor may, in its sole discretion, create a new parking  
37 space where one did not previously exist to facilitate the installation  
38 of an electric vehicle charging station, in compliance with all  
39 applicable laws.

- 1 (h) Any installation by a lessor or a lessee of an electric vehicle
- 2 charging station in a common interest development is also subject
- 3 to all of the requirements of subdivision (f) of Section 4745 of the
- 4 Civil Code.

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