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**SUBSTITUTE HOUSE BILL 1793**

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**State of Washington 67th Legislature 2022 Regular Session**

**By** House Civil Rights & Judiciary (originally sponsored by Representatives Hackney, Fitzgibbon, Berry, Bateman, Macri, Ramel, Senn, Wylie, Bergquist, Valdez, Pollet, and Kloba)

AN ACT Relating to electric vehicle charging stations in common interest communities; adding a new section to chapter 64.32 RCW; adding a new section to chapter 64.34 RCW; adding a new section to chapter 64.38 RCW; adding a new section to chapter 64.90 RCW; and prescribing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  A new section is added to chapter 64.32 RCW to read as follows:

(1)(a) An association of apartment owners may not adopt or enforce a restriction, covenant, condition, bylaw, rule, regulation, provision of a governing document, or master deed provision that:

(i) Effectively prohibits or unreasonably restricts the installation or use of an electric vehicle charging station in compliance with the requirements of this section and for the personal noncommercial use of an apartment owner in a designated parking space; or

(ii) Is in conflict with the provisions of this section.

(b) Nothing in this section prohibits an association from imposing 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) An association of apartment owners may require an apartment owner to submit an application for approval for the installation of an electric vehicle charging station before installing the charging station.

(3)(a) If approval is required for the installation or use of an electric vehicle charging station, the application for approval must be processed and approved in the same manner as an application for approval of an architectural modification.

(b) The approval or denial of an application must be in writing and must not be willfully avoided or delayed.

(c) If an application is not denied in writing within 60 days from the date of receipt of the application, the application is deemed approved, unless that delay is the result of a reasonable request for additional information.

(d) An association of apartment owners may not assess or charge an apartment owner a fee for the placement of an electric vehicle charging station. An association may charge a reasonable fee for processing the application to approve the installation of an electric vehicle charging station, but only if such a fee exists for all applications for approval of architectural modifications.

(4) If approval is required for the installation or use of an electric vehicle charging station, an association of apartment owners must approve the installation in a designated parking space if the installation is reasonably possible and the apartment owner agrees in writing to:

(a) Comply with the association's reasonable architectural standards applicable to the installation of the electric vehicle charging station;

(b) Engage an electrical contractor familiar with the standards for the installation of electric vehicle infrastructure to assess the existing infrastructure necessary to support the proposed electric vehicle charging station, identify additional infrastructure needs, and install the electric vehicle charging station;

(c)(i) Provide, within the time specified in (c)(ii) of this subsection, a certificate of insurance naming the association as an additional insured on the apartment owner's insurance policy for any claim related to the installation, maintenance, or use of the electric vehicle charging station, or, reimbursement to the association for the actual cost of any increased insurance premium amount attributable to the charging station;

(ii) A certificate of insurance required under (c)(i) of this subsection must be provided within 14 days after the association approves the installation of the electric vehicle charging station. Reimbursement for an increased insurance premium amount under (c)(i) of this subsection must be provided within 14 days after the apartment owner receives the association's invoice for the amount attributable to the charging station;

(d) Register the electric vehicle charging station with the association within 30 days after installation;

(e) Pay for the electricity usage associated with the electric vehicle charging station and the required means to facilitate payment for the electricity; and

(f) Comply with the requirements of this section.

(5)(a) An apartment owner must obtain any permit or approval for an electric vehicle charging station as required by the local government in which the common interest community is located and comply with all relevant building codes and safety standards.

(b) An electric vehicle charging station must meet all applicable health and safety standards and requirements imposed by national, state, or local authorities, and all other applicable zoning, land use or other ordinances, building codes, or land use permits.

(6)(a) Unless otherwise agreed to by written contract with the association, an apartment owner is responsible for the costs of installing an electric vehicle charging station.

(b) Electric vehicle charging station equipment that is installed at the apartment owner's cost and is removable without damage to the property owned by others may be removed at the apartment owner's cost. Removable equipment for the electric vehicle charging station is not considered real property in any form, including fixture law. Upon sale of the apartment, the apartment owner may either remove the charging station or sell it to the buyer of the apartment or to the association for an agreed price. Nothing in this subsection requires the buyer or the association to purchase the electric vehicle charging station.

(7) An apartment owner must disclose to any prospective buyers of the unit:

(a) The existence of an electric vehicle charging station and the related responsibilities of the owner under this section; and

(b) Whether the electric vehicle charging station is removable and whether the owner intends to remove the charging station.

(8) The owner and each successive owner of an electric vehicle charging station is responsible for:

(a) Costs for the maintenance, repair, and replacement of the electric vehicle charging station up until the station is removed;

(b) Costs for damage to the electric vehicle charging station, any apartment, common area, or limited common area resulting from the installation, use, maintenance, repair, removal, or replacement of the electric vehicle charging station;

(c) The cost of electricity associated with the electric vehicle charging station;

(d) Obtaining and maintaining an insurance policy that meets the requirements in subsection (4)(c) of this section;

(e) If the owner decides to remove the electric vehicle charging station, costs for the removal and the restoration of the common area or limited common area after the removal; and

(f) Removing the electric vehicle charging station if reasonably necessary for the repair, maintenance, or replacement of the common area or limited common area.

(9) If an association of apartment owners reasonably determines that the cumulative use of electricity in the common interest community attributable to the installation and use of electric vehicle charging stations requires the installation of additional infrastructure improvements to provide the community with a sufficient supply of electricity, the association may assess the cost of the infrastructure improvements against each apartment owner that has, or will, install an electric vehicle charging station.

(10) An association of apartment owners may install an electric vehicle charging station in the common areas for the use of all apartment owners and, in that case, the association must develop appropriate terms of use for the charging station.

(11)(a) An association of apartment owners that willfully violates this section is liable to the apartment owner for actual damages, and shall pay a civil penalty to the apartment owner in an amount not to exceed $1,000.

(b) In any action by an apartment owner requesting to have an electric vehicle charging station installed and seeking to enforce compliance with this section, the court shall award reasonable attorneys' fees and costs to any prevailing apartment owner.

(12) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Designated parking space" means a parking space that is specifically designated for use by a particular apartment owner, including a garage, a deeded parking space, and a parking space in a limited common area that is restricted for use by one or more apartment owners.

(b) "Electric vehicle charging station" means a station that 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.

(c) "Reasonable restriction" means a restriction that does not significantly increase the cost of an electric vehicle charging station or significantly decrease its efficiency or specified performance.

NEW SECTION. **Sec.**  A new section is added to chapter 64.34 RCW to read as follows:

(1)(a) A unit owners' association may not adopt or enforce a restriction, covenant, condition, bylaw, rule, regulation, provision of a governing document, or master deed provision that:

(i) Effectively prohibits or unreasonably restricts the installation or use of an electric vehicle charging station in compliance with the requirements of this section and for the personal noncommercial use of a unit owner, within the boundaries of a unit or in a designated parking space; or

(ii) Is in conflict with the provisions of this section.

(b) Nothing in this section prohibits an association from imposing 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) A unit owners' association may require a unit owner to submit an application for approval for the installation of an electric vehicle charging station before installing the charging station.

(3)(a) If approval is required for the installation or use of an electric vehicle charging station, the application for approval must be processed and approved in the same manner as an application for approval of an architectural modification.

(b) The approval or denial of an application must be in writing and must not be willfully avoided or delayed.

(c) If an application is not denied in writing within 60 days from the date of receipt of the application, the application is deemed approved, unless that delay is the result of a reasonable request for additional information.

(d) A unit owners' association may not assess or charge a unit owner a fee for the placement of an electric vehicle charging station. An association may charge a reasonable fee for processing the application to approve the installation of an electric vehicle charging station, but only if such a fee exists for all applications for approval of architectural modifications.

(4) If approval is required for the installation or use of an electric vehicle charging station, a unit owners' association must approve the installation within the boundaries of a unit or in a designated parking space if the installation is reasonably possible and the unit owner agrees in writing to:

(a) Comply with the association's reasonable architectural standards applicable to the installation of the electric vehicle charging station;

(b) Engage an electrical contractor familiar with the standards for the installation of electric vehicle infrastructure to assess the existing infrastructure necessary to support the proposed electric vehicle charging station, identify additional infrastructure needs, and install the electric vehicle charging station;

(c)(i) Provide, within the time specified in (c)(ii) of this subsection, a certificate of insurance naming the association as an additional insured on the unit owner's insurance policy for any claim related to the installation, maintenance, or use of the electric vehicle charging station, or, reimbursement to the association for the actual cost of any increased insurance premium amount attributable to the charging station;

(ii) A certificate of insurance required under (c)(i) of this subsection must be provided within 14 days after the association approves the installation of the electric vehicle charging station. Reimbursement for an increased insurance premium amount under (c)(i) of this subsection must be provided within 14 days after the unit owner receives the association's invoice for the amount attributable to the charging station;

(d) Register the electric vehicle charging station with the association within 30 days after installation;

(e) Pay for the electricity usage associated with the electric vehicle charging station and the required means to facilitate payment for the electricity; and

(f) Comply with the requirements of this section.

(5)(a) A unit owner must obtain any permit or approval for an electric vehicle charging station as required by the local government in which the common interest community is located and comply with all relevant building codes and safety standards.

(b) An electric vehicle charging station must meet all applicable health and safety standards and requirements imposed by national, state, or local authorities, and all other applicable zoning, land use or other ordinances, building codes, or land use permits.

(6)(a) Unless otherwise agreed to by written contract with the unit owners' association, a unit owner is responsible for the costs of installing an electric vehicle charging station.

(b) Electric vehicle charging station equipment that is installed at the unit owner's cost and is removable without damage to the property owned by others may be removed at the unit owner's cost. Removable equipment for the electric vehicle charging station is not considered real property in any form, including fixture law. Upon sale of the unit, the unit owner may either remove the charging station or sell it to the buyer of the unit or to the association for an agreed price. Nothing in this subsection requires the buyer or the association to purchase the electric vehicle charging station.

(7) A unit owner must disclose to any prospective buyers of the unit:

(a) The existence of an electric vehicle charging station and the related responsibilities of the owner under this section; and

(b) Whether the electric vehicle charging station is removable and whether the owner intends to remove the charging station.

(8) The owner and each successive owner of an electric vehicle charging station is responsible for:

(a) Costs for the maintenance, repair, and replacement of the electric vehicle charging station up until the station is removed;

(b) Costs for damage to the electric vehicle charging station, any unit, common element, or limited common element resulting from the installation, use, maintenance, repair, removal, or replacement of the electric vehicle charging station;

(c) The cost of electricity associated with the electric vehicle charging station;

(d) Obtaining and maintaining an insurance policy that meets the requirements in subsection (4)(c) of this section;

(e) If the owner decides to remove the electric vehicle charging station, costs for the removal and the restoration of the common element or limited common element after the removal; and

(f) Removing the electric vehicle charging station if reasonably necessary for the repair, maintenance, or replacement of the common element or limited common element.

(9) If a unit owners' association reasonably determines that the cumulative use of electricity in the common interest community attributable to the installation and use of electric vehicle charging stations requires the installation of additional infrastructure improvements to provide the community with a sufficient supply of electricity, the association may assess the cost of the infrastructure improvements against each unit owner that has, or will, install an electric vehicle charging station.

(10) A unit owners' association may install an electric vehicle charging station in the common elements for the use of all unit owners and, in that case, the association must develop appropriate terms of use for the charging station.

(11)(a) A unit owners' association that willfully violates this section 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.

(b) In any action by a unit owner requesting to have an electric vehicle charging station installed and seeking to enforce compliance with this section, the court shall award reasonable attorneys' fees and costs to any prevailing unit owner.

(12) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Designated parking space" means a parking space that is specifically designated for use by a particular unit owner, including a garage, a deeded parking space, and a parking space in a limited common element that is restricted for use by one or more unit owners.

(b) "Electric vehicle charging station" means a station that 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.

(c) "Reasonable restriction" means a restriction that does not significantly increase the cost of an electric vehicle charging station or significantly decrease its efficiency or specified performance.

NEW SECTION. **Sec.**  A new section is added to chapter 64.38 RCW to read as follows:

(1)(a) A homeowners' association may not adopt or enforce a restriction, covenant, condition, bylaw, rule, regulation, provision of a governing document, or master deed provision that:

(i) Effectively prohibits or unreasonably restricts the installation or use of an electric vehicle charging station in compliance with the requirements of this section and for the personal noncommercial use of a lot owner, within the boundaries of a lot or in a designated parking space; or

(ii) Is in conflict with the provisions of this section.

(b) Nothing in this section prohibits an association from imposing 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) A homeowners' association may require a lot owner to submit an application for approval for the installation of an electric vehicle charging station before installing the charging station.

(3)(a) If approval is required for the installation or use of an electric vehicle charging station, the application for approval must be processed and approved in the same manner as an application for approval of an architectural modification.

(b) The approval or denial of an application must be in writing and must not be willfully avoided or delayed.

(c) If an application is not denied in writing within 60 days from the date of receipt of the application, the application is deemed approved, unless that delay is the result of a reasonable request for additional information.

(d) A homeowners' association may not assess or charge a lot owner a fee for the placement of an electric vehicle charging station. An association may charge a reasonable fee for processing the application to approve the installation of an electric vehicle charging station, but only if such a fee exists for all applications for approval of architectural modifications.

(4) If approval is required for the installation or use of an electric vehicle charging station, a homeowners' association must approve the installation within the boundaries of a lot or in a designated parking space if the installation is reasonably possible and the lot owner agrees in writing to:

(a) Comply with the association's reasonable architectural standards applicable to the installation of the electric vehicle charging station;

(b) Engage an electrical contractor familiar with the standards for the installation of electric vehicle infrastructure to assess the existing infrastructure necessary to support the proposed electric vehicle charging station, identify additional infrastructure needs, and install the electric vehicle charging station;

(c) Register the electric vehicle charging station with the association within 30 days after installation;

(d) Pay for the electricity usage associated with the electric vehicle charging station and the required means to facilitate payment for the electricity; and

(e) Comply with the requirements of this section.

(5)(a) A lot owner must obtain any permit or approval for an electric vehicle charging station as required by the local government in which the common interest community is located and comply with all relevant building codes and safety standards.

(b) An electric vehicle charging station must meet all applicable health and safety standards and requirements imposed by national, state, or local authorities, and all other applicable zoning, land use or other ordinances, building codes, or land use permits.

(6)(a) Unless otherwise agreed to by written contract with the homeowners' association, a lot owner is responsible for the costs of installing an electric vehicle charging station.

(b) Electric vehicle charging station equipment that is installed at the lot owner's cost and is removable without damage to the property owned by others may be removed at the lot owner's cost. Removable equipment for the electric vehicle charging station is not considered real property in any form, including fixture law. Upon sale of the lot, the lot owner may either remove the charging station or sell it to the buyer of the lot or to the association for an agreed price. Nothing in this subsection requires the buyer or the association to purchase the electric vehicle charging station.

(7) A lot owner must disclose to any prospective buyers of the lot:

(a) The existence of an electric vehicle charging station and the related responsibilities of the owner under this section; and

(b) Whether the electric vehicle charging station is removable and whether the owner intends to remove the charging station.

(8) The owner and each successive owner of an electric vehicle charging station is responsible for:

(a) Costs for the maintenance, repair, and replacement of the electric vehicle charging station up until the station is removed;

(b) Costs for damage to the electric vehicle charging station, any lot, common area, or limited common area resulting from the installation, use, maintenance, repair, removal, or replacement of the electric vehicle charging station;

(c) The cost of electricity associated with the electric vehicle charging station;

(d) If the owner decides to remove the electric vehicle charging station, costs for the removal and the restoration of the common area or limited common area after the removal; and

(e) Removing the electric vehicle charging station if reasonably necessary for the repair, maintenance, or replacement of the common area or limited common area.

(9) If a homeowners' association reasonably determines that the cumulative use of electricity in the common interest community attributable to the installation and use of electric vehicle charging stations requires the installation of additional infrastructure improvements to provide the community with a sufficient supply of electricity, the association may assess the cost of the infrastructure improvements against each lot owner that has, or will, install an electric vehicle charging station.

(10) A homeowners' association may install an electric vehicle charging station in the common area for the use of all lot owners and, in that case, the association must develop appropriate terms of use for the charging station.

(11)(a) A homeowners' association that willfully violates this section is liable to the lot owner for actual damages, and shall pay a civil penalty to the lot owner in an amount not to exceed $1,000.

(b) In any action by a lot owner requesting to have an electric vehicle charging station installed and seeking to enforce compliance with this section, the court shall award reasonable attorneys' fees and costs to any prevailing lot owner.

(12) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Designated parking space" means a parking space that is specifically designated for use by a particular lot owner, including a garage, a deeded parking space, and a parking space in a limited common area that is restricted for use by one or more lot owners.

(b) "Electric vehicle charging station" means a station that 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.

(c) "Reasonable restriction" means a restriction that does not significantly increase the cost of an electric vehicle charging station or significantly decrease its efficiency or specified performance.

NEW SECTION. **Sec.**  A new section is added to chapter 64.90 RCW to read as follows:

(1)(a) A unit owners association may not adopt or enforce a restriction, covenant, condition, bylaw, rule, regulation, provision of a governing document, or master deed provision that:

(i) Effectively prohibits or unreasonably restricts the installation or use of an electric vehicle charging station in compliance with the requirements of this section and for the personal noncommercial use of a unit owner, within the boundaries of a unit or in a designated parking space; or

(ii) Is in conflict with the provisions of this section.

(b) Nothing in this section prohibits an association from imposing 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) A unit owners association may require a unit owner to submit an application for approval for the installation of an electric vehicle charging station before installing the charging station.

(3)(a) If approval is required for the installation or use of an electric vehicle charging station, the application for approval must be processed and approved in the same manner as an application for approval of an architectural modification.

(b) The approval or denial of an application must be in writing and must not be willfully avoided or delayed.

(c) If an application is not denied in writing within 60 days from the date of receipt of the application, the application is deemed approved, unless that delay is the result of a reasonable request for additional information.

(d) An association may not assess or charge a unit owner a fee for the placement of an electric vehicle charging station. An association may charge a reasonable fee for processing the application to approve the installation of an electric vehicle charging station, but only if such a fee exists for all applications for approval of architectural modifications.

(4) If approval is required for the installation or use of an electric vehicle charging station, a unit owners association must approve the installation within the boundaries of a unit or in a designated parking space if the installation is reasonably possible and the unit owner agrees in writing to:

(a) Comply with the association's reasonable architectural standards applicable to the installation of the electric vehicle charging station;

(b) Engage an electrical contractor familiar with the standards for the installation of electric vehicle infrastructure to assess the existing infrastructure necessary to support the proposed electric vehicle charging station, identify additional infrastructure needs, and install the electric vehicle charging station;

(c)(i) Provide, within the time specified in (c)(ii) of this subsection, a certificate of insurance naming the association as an additional insured on the unit owner's insurance policy for any claim related to the installation, maintenance, or use of the electric vehicle charging station in a common interest community other than an association of single-family homes, site condominiums, or a planned use development where the units are not immediately adjacent;

(ii) A certificate of insurance required under (c)(i) of this subsection must be provided within 14 days after the association approves the installation of the electric vehicle charging station. Reimbursement for an increased insurance premium amount under (c)(i) of this subsection must be provided within 14 days after the unit owner receives the association's invoice for the amount attributable to the charging station;

(d) Register the electric vehicle charging station with the association within 30 days after installation;

(e) Pay for the electricity usage associated with the electric vehicle charging station and the required means to facilitate payment for the electricity; and

(f) Comply with the requirements of this section.

(5)(a) A unit owner must obtain any permit or approval for an electric vehicle charging station as required by the local government in which the common interest community is located and comply with all relevant building codes and safety standards.

(b) An electric vehicle charging station must meet all applicable health and safety standards and requirements imposed by national, state, or local authorities, and all other applicable zoning, land use or other ordinances, building codes, or land use permits.

(6)(a) Unless otherwise agreed to by written contract with the unit owners association, a unit owner is responsible for the costs of installing an electric vehicle charging station.

(b) Electric vehicle charging station equipment that is installed at the unit owner's cost and is removable without damage to the property owned by others may be removed at the unit owner's cost. Removable equipment for the electric vehicle charging station is not considered real property in any form, including fixture law. Upon sale of the unit, the unit owner may either remove the charging station or sell it to the buyer of the unit or to the association for an agreed price. Nothing in this subsection requires the buyer or the association to purchase the electric vehicle charging station.

(7) A unit owner must disclose to any prospective buyers of the unit:

(a) The existence of an electric vehicle charging station and the related responsibilities of the owner under this section; and

(b) Whether the electric vehicle charging station is removable and whether the owner intends to remove the charging station.

(8) The owner and each successive owner of an electric vehicle charging station is responsible for:

(a) Costs for the maintenance, repair, and replacement of the electric vehicle charging station up until the station is removed;

(b) Costs for damage to the electric vehicle charging station, any unit, common element, or limited common element resulting from the installation, use, maintenance, repair, removal, or replacement of the electric vehicle charging station;

(c) The cost of electricity associated with the electric vehicle charging station;

(d) Obtaining and maintaining an insurance policy that meets the requirements in subsection (4)(c) of this section;

(e) If the owner decides to remove the electric vehicle charging station, costs for the removal and the restoration of the common element or limited common element after the removal; and

(f) Removing the electric vehicle charging station if reasonably necessary for the repair, maintenance, or replacement of the common element or limited common element.

(9) If a unit owners association reasonably determines that the cumulative use of electricity in the common interest community attributable to the installation and use of electric vehicle charging stations requires the installation of additional infrastructure improvements to provide the community with a sufficient supply of electricity, the association may assess the cost of the infrastructure improvements against each unit owner that has, or will, install an electric vehicle charging station.

(10) A unit owners association may install an electric vehicle charging station in the common elements for the use of all unit owners and, in that case, the association must develop appropriate terms of use for the charging station.

(11)(a) A unit owners association that willfully violates this section 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.

(b) In any action by a unit owner requesting to have an electric vehicle charging station installed and seeking to enforce compliance with this section, the court shall award reasonable attorneys' fees and costs to any prevailing unit owner.

(12) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Designated parking space" means a parking space that is specifically designated for use by a particular unit owner, including a garage, a deeded parking space, and a parking space in a limited common element that is restricted for use by one or more unit owners.

(b) "Electric vehicle charging station" means a station that 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.

(c) "Reasonable restriction" means a restriction that does not significantly increase the cost of an electric vehicle charging station or significantly decrease its efficiency or specified performance.

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