
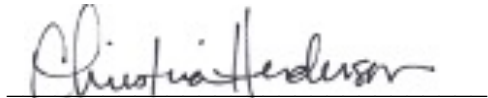


1   
2 Chairman Phil Mendelson


  
Councilmember Charles Allen

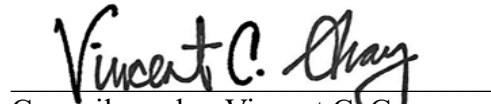
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5 Councilmember Mary M. Cheh

  
Councilmember Brianne K. Nadeau

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9 Councilmember Christina Henderson

  
Councilmember Janeese Lewis George

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13 Councilmember Robert C. White, Jr.

  
Councilmember Vincent C. Gray

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17 Councilmember Brooke Pinto

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23 A BILL

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29 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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32 To amend the Department of Transportation Establishment Act of 2002 to expand the Electric  
33 Vehicle Charging Station Pilot Program, to require the District Department of  
34 Transportation to install electric charging stations during updates to streetscaping, to  
35 maximize utilization to achieve at least 7,500 public charging stations with at least two or  
36 more ports across the District by 2027, and to establish the Electric Vehicle Charging  
37 Station Grant Program, and to amend the Green Building Act of 2006 to require newly-  
38 constructed or substantially improved commercial buildings or single-family homes to  
39 include infrastructure to accommodate electric vehicle charging onsite, and to allow for  
40 the installation and use of electric vehicle charging stations by condominium owners and  
41 homeowners in a condominium association or community association and renters.

42  
43 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
44 act may be cited as the “Comprehensive Electric Vehicle Infrastructure Access, Readiness, and  
45 Sustainability Amendment Act of 2022”.

46           Sec. 2. The Department of Transportation Establishment Act of 2002, effective May 21,  
47 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.01 *et seq.*) is amended as follows:

48           (a) Section 2o (D.C. Official Code § 50-921.23) is amended as follows:

49                   (1) A new subsection (b-1) is added to read as follows:

50                   “(b-1) By January 1, 2024, DDOT shall install at least 50 electric vehicle charging  
51 stations, including at least four electric vehicle charging stations in each ward. Each electric  
52 vehicle charging station shall be capable of delivering at least Level 2 charging and be able to  
53 charge more than one electric vehicle simultaneously.”.

54                   (2) Subsection (c) is amended by striking the phrase “charging stations installed  
55 pursuant to subsection (b) of this section” and inserting the phrase “charging stations installed  
56 pursuant to subsections (b) and (b-1) of this section” in its place.

57                   (3) A new subsection (c-1) is added to read as follows:

58                   “(c-1) On January 1, 2024, and every three years thereafter, DDOT shall submit to the  
59 Council and make publicly available an Electric Vehicle Infrastructure Deployment and  
60 Management Plan that includes:

61                           “(1) A description of whether the District’s electric grid has the capacity to meet  
62 and sustain the demand for electric vehicles and charging infrastructure and a description of  
63 additional data DDOT needs to fully assess the electric grid’s readiness and resiliency;

64                           “(2) Identification of the proposed location of electric vehicle charging  
65 infrastructure and charging stations based on needs assessment and existing and future conditions  
66 analysis, as well as analysis for optimal charger siting to maximize utilization to achieve at least  
67 7,500 public charging stations with at least two or more ports across the District by 2027;

68                   “(3) Equity considerations that ensure electric vehicle charging access is made  
69 available to all District residents, particularly free publicly available charging stations;

70                   “(4) Minimum standards and requirements for projects and initiatives for the  
71 deployment of publicly accessible electric vehicle charging infrastructure and charging stations,  
72 including considerations for operational and technological advancements; and

73                   “(5) Analysis of electric vehicle charging infrastructure deployment and adoption  
74 across the District and contributions towards combating climate change in furtherance of the  
75 District clean energy plan for carbon neutrality.”.

76                   (4) A new subsection (f) is added to read as follows:

77                   “(f) There is established an Electric Vehicle Charging Station Grant Program  
78 (“Program”), which shall be administered by DDOT to incentivize the purchase and installation  
79 or upgrade of electric vehicle charging stations.

80                   “(1) DDOT shall establish an application procedure and application requirements,  
81 including:

82                   “(A) A period of time during which the applicant shall be required to  
83 own the electric vehicle charging station;

84                   “(B) The electric vehicle charging station shall be installed in the  
85 District and shall:

86                   “(i) Establish at least a new, alternating Level 2 station with two or  
87 more ports that provide electricity to two or more electric vehicles, or a Level 3 direct current  
88 fast charging station where none previously existed; or

89                                   “(ii) Upgrades an existing electric vehicle charging station to an  
90 alternating current Level 2 station with two or more ports that provide electricity to two or  
91 more electric vehicles or a Level 3 direct current fast charging station; and

92                                   “(D) The applicant shall be, as determined by DDOT:

93                                   “(i) A District resident;

94                                   “(ii) A non-profit organization registered in the District;

95                                   “(iii) Eligible to be certified as a local business enterprise, pursuant  
96 to the Small, Local, and Disadvantaged Business Enterprise Development and  
97 Assistance Act of 2005 (D.C. Law 16-33; D.C. Official Code § § 2–218.3); or

98                                   “(iv) A homeowners’ association or condominium association  
99 located in the District.

100                                   “(2) DDOT shall distribute grants, subject to the availability of funding, as  
101 follows:

102                                   “(A) Each eligible installation of a new electric vehicle charging station  
103 shall receive up to:

104                                   “(i) \$4,500 for the installation of an alternating current Level 2  
105 station with two or more ports; or

106                                   “(ii) \$35,000 for the installation of a direct current fast charging  
107 station.

108                                   “(B) Each eligible upgrade of an existing electric vehicle charging a  
109 station shall receive up to:

110                                   “(i) \$3,000 for upgrading to an alternating current Level 2 station  
111 with two or more ports; or

112                                   “(ii) \$28,000 for upgrading to a direct current fast charging station.

113                                   “(3) DDOT may establish criteria to ensure that an applicant is only  
114 eligible for a grant once in any 5-year period.

115                                   “(4) When making grants pursuant to the Program, DDOT shall prioritize:

116                                   “(A) Electric vehicle charging stations that are publicly available,  
117 serve multiple electric vehicles, serve electric vehicle fleets, or serve low-income or moderate-  
118 income communities as identified in DDOT’s Electric Vehicle Infrastructure Deployment and  
119 Management Plan; and

120                                   “(B) Electric vehicle charging stations that are networked and co-  
121 optimized with other electric vehicle charging stations, or that DDOT determines advances grid  
122 resiliency goals described in the District Electric Vehicle Infrastructure Deployment and  
123 Management Plan.

124                                   “(5) DDOT shall direct grant recipients to local electric utilities where  
125 additional electric vehicle charging equipment grants may be available.

126                                   “(6) For the purposes of this subsection, the term: “Level 2 charging”  
127 means an electric vehicle charging station capable of delivering an electrical current from an  
128 outlet or hardwired unit to the vehicle via the connector using a 208/240V branch circuit and a  
129 dedicated up to 60 amps. A Level 2 charging output is approximately 3 kW to 19 kW power or  
130 approximately 12-80 miles of range per hour; and “Level 3 charging, or direct current fast charging  
131 charging, means an electric vehicle charging station capable of delivering an electrical current  
132 from an outlet or hardwired unit to the vehicle via the connector using over a 480V branch circuit  
133 and a dedicated up to 400 amps. A Level 3 charging output is approximately between 50 kW to  
134 350 kW power or approximately 3-15 miles of range per minute or 75-1,200 miles per hour.”.

135 (b) Section 5(a) (D.C. Official Code § 50-921.04(a)) is amended as follows:

136 (1) Paragraph (2A) is amended by adding a new subparagraph (C-1) to read as  
137 follows:

138 “(C-1) Increases equitable access to electric vehicle charging stations by  
139 implementing a project or recommendation listed in the DDOT’s Electric Vehicle Infrastructure  
140 Deployment and Management Plan, as required by section 2o of this act.”.

141 (2) Paragraph (3A)(A) is amended as follows:

142 (A) Sub-sub paragraph (iv) is amended by striking the phrase “; and” and  
143 inserting a semicolon in its place.

144 (B) A new sub-subparagraph (iv-1) is added to read as follows:

145 “(iv-1)(I) If the project is on a segment of road that has been  
146 identified in the Electric Vehicle Infrastructure Deployment and Management Plan as a location  
147 for an electric vehicle charging station, pursuant to section 2o(c-1) of this act, and the electric  
148 vehicle charging station has not been installed, a plan to, as approved by the Department, install  
149 either an electric vehicle charging station capable of delivering at least Level 2 charging or a  
150 dedicated electric line of sufficient voltage to support the later addition of an electric vehicle  
151 charging station capable of delivering Level 2 charging or greater as defined in DDOT’s Electric  
152 Vehicle Infrastructure Deployment and Management Plan;

153 “(II) For the purposes of this sub-subparagraph,  
154 the term “Level 2 charging” means an electric vehicle charging station capable of delivering an  
155 electrical current from an outlet or hardwired unit to the vehicle via the connector using a  
156 208/240V branch circuit and a dedicated up to 60 amps. A Level 2 charging output is

157 approximately 3 kW to 19 kW of AC power or approximately 12-80 miles of range per hour;  
158 and”.

159 Sec. 3. The Green Building Act of 2006, effective March 8, 2007 (D.C. Law 16-234; D.C.  
160 Official Code § 6-1451.01 *et seq.*) is amended as follows:

161 (a) Section 2 is amended by adding new paragraphs (11A-1) and (11A-2) to read as  
162 follows:

163 “(11A-1) “Electric vehicle charging installed” means a dedicated parking space  
164 that is fully equipped with the requisite electrical panel capacity and space to support an installed  
165 electric vehicle charging station of at least Level 2, 40-amp, 208/240V branch circuit or greater  
166 with at least two ports, and the installation of raceways, both underground and surface mounted,  
167 to support the charging station.

168 “(11A-2) “Electric vehicle charging ready” means a designated parking space that  
169 is provided with the electrical panel capacity and space to support the future installation of a  
170 Level-2, 40-amp, 208/240V branch circuit charging station or greater, and the installation of  
171 raceways, both underground and surface mounted.”.

172 (b) Section 4a (D.C. Official Code § 6–1451.03a) is amended by adding a new subsection  
173 (a-1) to read as follows:

174 “(a-1) For building permits issued after January 1, 2024, all new construction or  
175 substantial improvement of commercial buildings and multi-unit buildings that have 3 or more  
176 automobile off-road parking spaces shall include infrastructure to accommodate electric vehicle  
177 charging onsite based on the following requirements:

178 “(1) Commercial buildings shall include at least 15% of dedicated parking  
179 spaces that are electric vehicle charging installed, and 25% of parking spaces that are electric  
180 vehicle charging ready; and

181 “(2) Multi-unit buildings shall include at least 20% of dedicated parking  
182 spaces that are electric vehicle charging installed, and 20% of parking spaces that are electric  
183 vehicle charging ready.”.

184 (c) A new section 4b is added to read as follows:

185 “Sec. 4b. Electric vehicle make-ready parking spaces in new single-family homes.

186 “(a) For building permits issued after January 1, 2024, all new construction or substantial  
187 improvement of single-family homes that include dedicated off-road parking included in the  
188 permit shall be electric vehicle charging ready.

189 “(b) The builder or builder’s agent shall give to each buyer, prospective buyer, or  
190 homeowner the following:

191 “(1) Notice of the requirement in subsection (a); and

192 “(2) Specific information about any available grant and/or incentive programs  
193 related to the purchase or installation of an electric vehicle charging station.

194 “(c) The buyer, prospective buyer, or homeowner shall provide a physical or electronic  
195 signature indicating that the buyer, prospective buyer, or homeowner has received the options  
196 and information listed in subsection (b).

197 “(d) By September 30, 2023, the Mayor, pursuant to Title I of the District of Columbia  
198 Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code §  
199 2-501 *et seq.*), shall issue rules to implement the provisions of this section, including rules that:

200 “(1) Detail the technical specifications required for the electric vehicle make-



201 ready infrastructure required by subsection (a) of this section; and

202           “(2) Establish standards for a waiver of the requirements of subsection (a) of this  
203 section when a property owner demonstrates severe financial hardship.

204           “(e) By September 30, 2023, the Department of Energy and Environment shall establish  
205 incentives for builders and homeowners of single-family dwellings to install electric vehicle  
206 make-ready infrastructure. The Department may establish additional initiatives at any time.”.

207           (d) A new section 4c is added to read as follows:

208           “Sec. 4c. Electric vehicle charging station policy for condominium owners and  
209 homeowners in a condominium association or community association.

210           “(a)(1) A condominium association or community association shall allow the installation,  
211 at the owner’s expense for the owner's own use, an electric vehicle charging station on or within  
212 the property, provided that the owner complies with the following requirements which the  
213 association may set:

214                           “(A) Bona fide safety requirements consistent with an applicable building  
215 code or recognized safety standard for the protection of persons and property;

216                           “(B) A requirement that the electric vehicle charging station be registered  
217 with the condominium association or common interest association within 30 days after  
218 installation; or

219                           “(C) Reasonable aesthetic provisions that govern the dimensions,  
220 placement, or external appearance of an electric vehicle charging station.

221           “(2) Any covenant, restriction, or condition contained in any deed, contract,  
222 security interest, or other instrument affecting the transfer or sale of any interest in a  
223 condominium or common interest community, and any provision of a governing document that

224 effectively prohibits or unreasonably restricts the installation or use of an electric vehicle  
225 charging station within a unit owner's unit or a designated parking space, including, but not  
226 limited to, a deeded parking space, a parking space in a unit owner's exclusive use common area,  
227 or a parking space that is specifically designated for use by a particular unit owner, or is in  
228 conflict with this section, is void and unenforceable.

229       “(b) Nothing in this section prohibits an association from imposing reasonable  
230 restrictions on electric vehicle charging stations.

231       “(c) If approval is required for the installation or use of an electric vehicle charging  
232 station, the association shall process and approve the application in the same manner as an  
233 application for approval of an architectural modification to the property, and the association shall  
234 not willfully avoid or delay the adjudication of the application. The approval or denial of an  
235 application shall be in writing. If an application is not denied in writing within 30 days from the  
236 date of the receipt of the application, the application shall be deemed approved unless the delay  
237 is the result of a reasonable request for additional information.

238       “(d) If an electric vehicle charging station is to be placed in a common area or exclusive  
239 use common area, as designated by the condominium or common interest community  
240 association, the condominium or common interest community association may require that the  
241 unit owner shall first obtain approval from the association to install the electric vehicle charging  
242 station, may require the reasonable reimbursement of electricity usage, which shall not be set to  
243 deliberately exceed the reasonable reimbursement, and the association may require the unit  
244 owner to agree in writing to:

245               “(1) Comply with the association's architectural standards for the installation of  
246 the electric vehicle charging station;

247                   “(2) Engage a licensed electrical contractor to install the electric vehicle charging  
248 station;

249                   “(3) Provide a certificate of insurance that names the association as an additional  
250 insured party under the unit owner's insurance policy; and

251                   “(4) pay for both the costs associated with the installation of and the electricity  
252 usage associated with the electric vehicle charging station; and

253                   “(5) Except as provided in subsection (f), acceptance of authorization by the  
254 association for an electric vehicle charging station for the exclusive use of a unit owner in a  
255 common area that is not an exclusive use common area if installation in the unit owner's  
256 designated parking space is impossible or unreasonably expensive.

257                   “(e) After the installation of the electric vehicle charging station, the association may  
258 require the unit owner, and each successive unit owner of the electric vehicle charging station, be  
259 responsible for costs for the maintenance, repair, and replacement of the electric vehicle charging  
260 station until it has been removed and for the restoration of the common area after removal;

261                   “(f) If an association installs an electric vehicle charging station in the common area for  
262 the use of all unit owners and members of the association, the association shall develop  
263 appropriate terms of use for the electric vehicle charging station.

264                   “(g) An association that willfully violates this section shall pay a civil penalty to DDOT  
265 not to exceed \$1,000.”.

266                   (e) A new section 4d is added to read as follows:

267                   “Sec. 4d. Electric vehicle charging station policy for renters.

268                   “(a) Notwithstanding any provision in the lease to the contrary, a tenant may install, at the  
269 tenant's expense for the tenant's own use, an electric vehicle charging station on or in the leased

270 premises, provided that the tenant complies with the following requirements which a landlord  
271 may set:

272 “(1) Bona fide safety requirements consistent with an applicable building code or  
273 recognized safety standard for the protection of persons and property;

274 “(2) A requirement that the electric vehicle charging station be registered with the  
275 landlord within 30 days after installation; or

276 “(3) Reasonable aesthetic provisions that govern the dimensions, placement, or  
277 external appearance of an electric vehicle charging station.

278 “(b) An electric vehicle charging station installed at the tenant's cost is the property of the  
279 tenant. Upon termination of the lease, if the electric vehicle charging station is removable, the  
280 tenant may either remove it or sell it for an agreed price or transfer ownership without sale to the  
281 landlord or another tenant.

282 “(c) A landlord shall not assess or charge a tenant any fee for the placement or use of an  
283 electric vehicle charging station, except that the landlord may:

284 “(1) Require reimbursement for the actual cost of electricity provided by the  
285 landlord that was used by the electric vehicle charging station; or

286 “(2) If the tenant places an electric vehicle charging station in an area accessible  
287 to other tenants, charge the tenant a reasonable fee to reserve a specific parking space in which to  
288 install the electric vehicle charging station.

289 “(d) If a tenant places an electric vehicle charging station in an area accessible to other  
290 tenants, a landlord may require the tenant to comply with the following:

291 “(1) That the electric vehicle charging station is in compliance with all applicable  
292 requirements adopted by a landlord under subsection (b); and

293                   “(2) Agreement, in writing by the tenant, to:

294                   “(A) Comply with the landlord's design specifications for the installation  
295 of an electric vehicle charging station;

296                   “(B) Engage the services of a duly licensed and registered electrical  
297 contractor familiar with the installation and code requirements of an electric vehicle charging  
298 station; and

299                   “(C) Provide, within 14 days after receiving the landlord's consent for the  
300 installation, a certificate of insurance naming the landlord as an additional insured party on the  
301 tenant's renter's insurance policy for any claim related to the installation, maintenance, or use of  
302 the electric vehicle charging station or, at the landlord's option, reimbursement to the landlord for  
303 the actual cost of any increased insurance premium amount attributable to the electric vehicle  
304 charging station, notwithstanding any provision to the contrary in the lease. The tenant shall  
305 provide reimbursement for an increased insurance premium amount within 14 days after the  
306 tenant receives the landlord's invoice for the amount attributable to the electric vehicle charging  
307 station.

308                   “(e) If the landlord consents to a tenant's installation of an electric vehicle charging  
309 station on property accessible to other tenants unless otherwise specified in a written agreement  
310 with the landlord, the landlord may require that:

311                   “(1) The tenant, and each successive tenant with exclusive rights to the area where  
312 the electric vehicle charging station is installed, is responsible for costs for damages to the  
313 electric vehicle charging station and to any other property of the landlord or another tenant  
314 resulting from the installation, maintenance, repair, removal, or replacement of the electric  
315 vehicle charging station;

316                   “(2) Each successive tenant with exclusive rights to the area where the electric  
317 vehicle charging station is installed shall assume responsibility for the repair, maintenance,  
318 removal, and replacement of the electric vehicle charging station until the electric vehicle  
319 charging station is removed;

320                   “(3) The tenant, and each successive tenant with exclusive rights to the area where  
321 the electric vehicle charging station is installed, shall, at all times, have and maintain an  
322 insurance policy covering the obligations of the tenant under this subsection and shall name the  
323 landlord as an additional insured party under the policy; or

324                   “(4) The tenant, and each successive tenant with exclusive rights to the area where  
325 the electric vehicle charging station is installed, is responsible for removing the station if  
326 reasonably necessary or convenient for the repair, maintenance, or replacement of any property  
327 of the landlord, whether or not leased to another tenant.”.

328                   Sec. 4. Fiscal impact statement.

329                   The Council adopts the fiscal impact statement in the committee report as the fiscal  
330 impact statement required by section 4a of the General Legislative Procedures Act of 1975,  
331 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

332                   Sec. 5. Effective date.

333                   This act shall take effect following approval by the Mayor (or in the event of veto by the  
334 mayor, action by the Council to override the veto), a 30-day period of Congressional review as  
335 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
336 24, 1973, (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
337 Columbia Register.