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S.271

Introduced by Senators Vyhovsky, Gulick, Hardy, Perchlik, Watson and  
White

Referred to Committee on

Date:

Subject: Energy; electric vehicle supply equipment (EVSE); electric vehicle  
charging; housing; common interest communities; condominiums;  
planned community; apartments; rentals; infrastructure

Statement of purpose of bill as introduced: This bill proposes to establish  
right-to-charge laws to permit property owners and tenants to install electric  
vehicle supply equipment (EVSE).

An act relating to a right to charge electric vehicles at home

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 9 V.S.A. chapter 137, subchapter 2 is amended to read:

Subchapter 2. Residential Rental Agreements

\* \* \*

§ 4469. ELECTRIC VEHICLE SUPPLY EQUIPMENT

(a) As used in this section:

1           (1) “Electric vehicle supply equipment (EVSE)” means a device or  
2           system designed and used specifically to transfer electrical energy to a plug-in  
3           electric vehicle.

4           (2) “EVSE time-of-use (TOU) meter” means an electric meter supplied  
5           and installed by an electric distribution utility that is separate from, and in  
6           addition to, any other electric meter and is devoted exclusively to the charging  
7           of plug-in electric vehicles and that tracks the TOU when charging occurs. An  
8           EVSE TOU meter includes any wiring or conduit necessary to connect the  
9           meter to an EVSE, regardless of whether it is supplied or installed by an  
10           electric utility.

11           (b) For any rental agreement executed, extended, or renewed on and after  
12           January 1, 2025, a lessor of a dwelling unit shall approve a written request of a  
13           tenant to install an EVSE at a parking space allotted for the tenant that meets  
14           the requirements of this section and complies with the lessor’s procedural  
15           approval process for modification to the property.

16           (c) This section does not apply to residential rental properties where:

17           (1) EVSE already exist for lessees in a ratio that is equal to or greater  
18           than 10 percent of the designated parking spaces;

19           (2) parking is not provided as part of the lease agreement; or

20           (3) there are fewer than five parking spaces.

1       (d) A lessor shall not be obligated to provide an additional parking space to  
2       a tenant in order to accommodate EVSE.

3       (e) If the EVSE has the effect of providing the tenant with a reserved  
4       parking space, the lessor may charge a monthly rental amount for that parking  
5       space.

6       (f) The EVSE or EVSE TOU meter, or both, and all modifications and  
7       improvements to the property shall comply with federal, State, and local law,  
8       and all applicable zoning requirements, land use requirements, and covenants,  
9       conditions, and restrictions.

10       (g) A tenant's written request to make a modification to the property in  
11       order to install and use EVSE shall include the tenant's consent to enter into a  
12       written agreement that includes the following:

13               (1) Compliance with the lessor's requirements for the installation, use,  
14               maintenance, and removal of the EVSE or both the EVSE and EVSE TOU  
15               meter and installation, use, and maintenance of the infrastructure for the EVSE  
16               or both the EVSE and EVSE TOU meter.

17               (2) Compliance with the lessor's requirements for the tenant to provide a  
18               complete financial analysis and scope of work regarding the installation of the  
19               EVSE or both the EVSE and EVSE TOU meter and its infrastructure.

20               (3) Obligation of the tenant to pay the lessor all costs associated with the  
21               lessor's installation of the EVSE or both the EVSE and EVSE TOU meter and

1 related infrastructure prior to any modification or improvement being made to  
2 the leased property. The costs associated with modifications and  
3 improvements shall include the cost of permits, supervision, construction, and,  
4 solely if required by the contractor and consistent with its past performance of  
5 work for the lessor, performance bonds.

6 (4) Obligation of the tenant to pay as part of rent for the costs associated  
7 with the electrical usage, whether or not through an EVSE TOU meter, of the  
8 EVSE, and cost for damage, maintenance, repair, removal, and replacement of  
9 the EVSE or both the EVSE and EVSE TOU meter, and modifications or  
10 improvements made to the property associated with the EVSE or both the  
11 EVSE and EVSE TOU meter.

12 (h) The tenant and each successor tenant shall obtain personal liability  
13 coverage in an amount not to exceed 10 times the annual rent charged for the  
14 dwelling unit covering property damage and personal injury proximately  
15 caused by the installation or operation of the EVSE or both the EVSE and  
16 EVSE TOU meter. The policy shall be maintained in full force and effect from  
17 the time of installation of the EVSE or both the EVSE and EVSE TOU meter  
18 until the EVSE or the EVSE and EVSE TOU meter is removed or the tenant  
19 forfeits possession of the dwelling unit to the lessor.

1        (i) Notwithstanding subsection (h) of this section, no insurance shall be  
2        required of a tenant installing an EVSE or both an EVSE and EVSE TOU  
3        meter if the following are satisfied:

4                (1) the EVSE has been certified by a Nationally Recognized Testing  
5        Laboratory that is approved by the Occupational Safety and Health  
6        Administration of the U.S. Department of Labor; and

7                (2) the EVSE and any associated alterations to the dwelling's electrical  
8        system are performed by a licensed electrician and the EVSE TOU meter, if  
9        applicable, is installed by the electric distribution utility providing service.

10        (j) A lessor that intentionally violates this section shall be liable to the  
11        tenant or other party for actual damages and shall pay a civil penalty to the  
12        tenant or other party in an amount not to exceed \$1,000.00.

13        (k) In any action by a tenant requesting to have an EVSE installed and  
14        seeking to enforce compliance with this section, the prevailing plaintiff shall  
15        be awarded reasonable attorney's fees.

16        Sec. 2. 27A V.S.A. § 1-204 is amended to read:

17        § 1-204. PREEXISTING COMMON INTEREST COMMUNITIES

18                (a)(1) Unless excepted under section 1-203 of this title, the following  
19        sections and subdivisions of this title apply to a common interest community  
20        created in this State before January 1, 1999: sections 1-103, 1-105, 1-106, 1-  
21        107, 2-103, 2-104, and 2-121, subdivisions 3-102(a)(1) through (6) and (11)

1 through (16), and sections 3-111, 3-116, 3-118, 3-125, 4-109, and 4-117 to the  
2 extent necessary to construe the applicable sections. The sections and  
3 subdivisions described in this subdivision apply only to events and  
4 circumstances occurring after December 31, 1998 and do not invalidate  
5 existing provisions of the declarations, bylaws, plats, or plans of those  
6 common interest communities.

7 \* \* \*

8 Sec. 3. 27A V.S.A. § 3-125 is added to read:

9 § 3-125. ELECTRIC VEHICLE SUPPLY EQUIPMENT

10 (a) Definitions. As used in this section:

11 (1) “Electric vehicle supply equipment (EVSE)” means a device or  
12 system designed and used specifically to transfer electrical energy to a plug-in  
13 electric vehicle.

14 (2) “EVSE owner” means the unit owner who applies to install an EVSE  
15 and each successive unit owner associated with the initial application to install  
16 the EVSE unless there is a specific change in ownership of the EVSE, in which  
17 case the EVSE owner shall be the owner specified in a conveying document  
18 memorializing the change in ownership of the EVSE.

19 (3) “EVSE time-of-use (TOU) meter” means an electric meter supplied  
20 and installed by an electric distribution utility that is separate from, and in  
21 addition to, any other electric meter and is devoted exclusively to the charging

1 of plug-in electric vehicles and that tracks the TOU when charging occurs. An  
2 EVSE TOU meter includes any wiring or conduit necessary to connect the  
3 meter to an EVSE, regardless of whether it is supplied or installed by an  
4 electric utility.

5 (4) “Plug-in electric vehicles” has the same meaning as in 23 V.S.A.  
6 § 4(85).

7 (5) “Reasonable restrictions” are restrictions that do not significantly  
8 increase the cost of the EVSE or EVSE TOU meter, or both, or significantly  
9 decrease the efficiency or specified performance of the EVSE or EVSE TOU  
10 meter, or both.

11 (b) Protected uses.

12 (1) Any covenant, restriction, or condition contained in any deed,  
13 contract, security instrument, or other instrument affecting the transfer or sale  
14 of any interest in a common interest community, and any provision of a  
15 governing document associated with a common interest community, such as a  
16 declaration or bylaws, that either effectively prohibits or unreasonably restricts  
17 the installation or use of an EVSE or EVSE TOU meter, or both, within a unit  
18 owner’s unit or in a designated parking space, including a deeded parking  
19 space, a parking space in a unit owner’s exclusive use common element, or a  
20 parking space that is specifically designated for use by a particular unit owner,  
21 or is in conflict with this section is void and unenforceable.

1           (2) This subsection (b) shall not apply to provisions that impose  
2           reasonable restrictions on EVSE or EVSE TOU meters, or both. However, it is  
3           the policy of the State to promote, encourage, and remove obstacles to the use  
4           of plug-in electric vehicles, including access to EVSE at home.

5           (3) The EVSE or EVSE TOU meter, or both, and all modifications and  
6           improvements to the common interest community shall comply with federal,  
7           State, and local law, and all applicable zoning requirements, land use  
8           requirements, and covenants, conditions, and restrictions.

9           (4) If approval is required for the installation or use of EVSE or EVSE  
10          TOU meters, or both, the application for approval shall be processed and  
11          approved by the association in the same manner as an application for approval  
12          of an architectural modification to the common interest community and shall  
13          not be intentionally avoided or delayed. The approval or denial of an  
14          application shall be in writing. If an application is not denied in writing within  
15          60 days from the date of receipt of the application, the application shall be  
16          deemed approved, unless that delay is the result of a reasonable request for  
17          additional information.

18          (5) If the EVSE or EVSE TOU meter, or both, is to be placed in a  
19          common element or a limited common element, as designated in the common  
20          interest community's declaration, the following provisions apply:



1           (A) The unit owner first shall obtain approval from the association to  
2           install the EVSE or EVSE TOU meter, or both, and the association shall  
3           approve the installation if the unit owner agrees in writing to do all of the  
4           following:

5                   (i) comply with the association’s architectural standards for the  
6           installation of the EVSE or EVSE TOU meter, or both;

7                   (ii) engage a licensed contractor to install the EVSE and, if  
8           necessary, to install wiring or conduit necessary to connect the EVSE to an  
9           EVSE TOU meter;

10                  (iii) engage the electric distribution utility providing service to  
11           install the EVSE TOU meter, if applicable;

12                  (iv) provide a certificate of insurance that names the association as  
13           an additional insured under the unit owner’s insurance policy within 14 days  
14           after approval; and

15                  (v) pay for both the costs associated with the installation of the  
16           EVSE or both the EVSE and EVSE TOU meter and the electricity usage  
17           associated with the EVSE.

18           (B) The unit owner and each successive owner of the EVSE or both  
19           the EVSE and EVSE TOU meter shall be responsible for all of the following:

20                   (i) costs for damage to the EVSE or EVSE TOU meter, or both;  
21           common element; or limited common element resulting from the installation,

1 maintenance, repair, removal, or replacement of the EVSE or EVSE TOU  
2 meter, or both;

3 (ii) costs for the maintenance, repair, and replacement of the  
4 EVSE or EVSE TOU meter, or both, until the EVSE has been removed and for  
5 the restoration of the common element or limited common element after  
6 removal;

7 (iii) cost of electricity associated with the EVSE; and

8 (iv) disclosing to prospective buyers of the unit the existence of  
9 any EVSE or EVSE TOU meters, or both, and the related responsibilities of  
10 the unit owner under this section.

11 (C) The owner of EVSE, whether the EVSE is located within a unit  
12 or within a common element or a limited common element, shall, at all times,  
13 maintain a liability coverage policy that names the association as an additional  
14 insured. The unit owner that submitted the application to install the EVSE or  
15 EVSE TOU meter, or both, shall provide the association with the  
16 corresponding certificate of insurance within 14 days following approval of the  
17 application. That unit owner and each successor EVSE owner shall annually  
18 provide the association with the certificate of insurance.

19 (D) An EVSE owner shall not be required to maintain a homeowner  
20 liability coverage policy for an existing National Electrical Manufacturers  
21 Association standard alternating current power plug.

1           (6) Installation of an EVSE or both EVSE and EVSE TOU meter for the  
2           exclusive use of a unit owner in a common element or limited common  
3           element shall be authorized by the association only if installation in the unit  
4           owner's unit or designated parking space is impossible or unreasonably  
5           expensive. In such cases, the association shall enter into a license agreement  
6           with the unit owner for the use of the space in a common element or limited  
7           common element and the unit owner shall comply with all of the requirements  
8           in subdivision (5) of this subsection.

9           (7) The association may install an EVSE or both an EVSE and EVSE  
10           TOU meter in the common element or limited common element for the use of  
11           all unit owners in the association and, in that case, the association shall develop  
12           appropriate terms of use for the EVSE.

13           (8) Subject to subdivision (3) of this subsection, an association may  
14           create a new parking space where one did not previously exist to facilitate the  
15           installation of an EVSE.

16           (9) An association that intentionally violates this subsection shall be  
17           liable to the applicant unit owner or other party for actual damages and shall  
18           pay a civil penalty to the applicant unit owner or other party in an amount not  
19           to exceed \$1,000.00.

1           (10) In any action by a unit owner requesting to have an EVSE installed  
2           and seeking to enforce compliance with this section, the prevailing plaintiff  
3           shall be awarded reasonable attorney's fees.

4           Sec. 4. EFFECTIVE DATE

5           This act shall take effect on July 1, 2024.