

S.270

Introduced by Senator Perchlik

Referred to Committee on

Date:

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

Statement of purpose of bill as introduced: This bill proposes to establish a
right-to-charge requirement to permit property owners within a common
interest community to install and use 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. 27A V.S.A. § 1-204 is amended to read:

§ 1-204. PREEXISTING COMMON INTEREST COMMUNITIES

(a)(1) Unless excepted under section 1-203 of this title, the following
sections and subdivisions of this title apply to a common interest community
created in this State before January 1, 1999: sections 1-103, 1-105, 1-106, 1-
107, 2-103, 2-104, and 2-121, subdivisions 3-102(a)(1) through (6) and (11)
through (16), and sections 3-111, 3-116, 3-118, 4-109, and 4-117 to the extent

1 necessary to construe the applicable sections. The sections and subdivisions
2 described in this subdivision apply only to events and circumstances occurring
3 after December 31, 1998, and do not invalidate existing provisions of the
4 declarations, bylaws, plats, or plans of those common interest communities.

5 * * *

6 (3) Unless excepted under section 1-203 of this title, section 3-125 of
7 this title shall apply to a common interest community created in this State
8 before January 1, 1999. Section 3-125 applies only to events and
9 circumstances occurring after June 30, 2026, and does not invalidate existing
10 provisions of the declarations, bylaws, plats, or plans of those common interest
11 communities.

12 * * *

13 Sec. 2. 27A V.S.A. § 3-125 is added to read:

14 § 3-125. ELECTRIC VEHICLE SUPPLY EQUIPMENT

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

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

19 (2) “EVSE owner” means the unit owner who applies to install an EVSE
20 and each successive unit owner associated with the initial application to install
21 the EVSE unless there is a specific change in ownership of the EVSE, in which

1 case the EVSE owner shall be the owner specified in a conveying document
2 memorializing the change in ownership of the EVSE.

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

5 (4) “Reasonable restrictions” are restrictions that do not significantly
6 increase the cost of the EVSE or significantly decrease the efficiency or
7 specified performance of the EVSE.

8 (b) Protected uses.

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

19 (2) This subsection shall not apply to provisions that impose reasonable
20 restrictions on EVSE. However, it is the policy of the State to promote,

1 encourage, and remove obstacles to the use of plug-in electric vehicles,
2 including access to EVSE at home.

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

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

15 (5) If the EVSE is to be placed in a common element or a limited
16 common element, as designated in the common interest community's
17 declaration, the following provisions apply:

18 (A) The unit owner first shall obtain approval from the association to
19 install the EVSE, and the association shall approve the installation if the unit
20 owner agrees in writing to do all of the following:

1 (i) comply with the association's architectural standards for the
2 installation of the EVSE;

3 (ii) engage a licensed contractor to install the EVSE; and

4 (iii) pay for both the costs associated with the installation of the
5 EVSE and the electricity usage associated with the EVSE.

6 (B) The unit owner and each successive owner of the EVSE shall be
7 responsible for all of the following:

8 (i) costs for damage to the EVSE, common element, or limited
9 common element resulting from the installation, maintenance, repair, removal,
10 or replacement of the EVSE;

11 (ii) costs for the maintenance, repair, and replacement of the
12 EVSE until the EVSE has been removed and for the restoration of the common
13 element or limited common element after removal;

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

15 (iv) disclosing to prospective buyers of the unit the existence of
16 any EVSE and the related responsibilities of the unit owner under this section.

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

1 (7) 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. 3. EFFECTIVE DATE

5 This act shall take effect on July 1, 2026.