

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

2 § 1-204. PREEXISTING COMMON INTEREST COMMUNITIES

3 (a)(1) Unless excepted under section 1-203 of this title, the following  
4 sections and subdivisions of this title apply to a common interest community  
5 created in this State before January 1, 1999: sections 1-103, 1-105, 1-106, 1-  
6 107, 2-103, 2-104, and 2-121, subdivisions ~~3-102(a)(1) through (6)~~ 3-  
7 102(a)(1)–(6) and ~~(11) through (16)~~ (11)–(16), and sections 3-111, 3-116, 3-  
8 118, 4-109, and 4-117 to the extent necessary to construe the applicable  
9 sections. The sections and subdivisions described in this subdivision apply  
10 only to events and circumstances occurring after December 31, 1998, and do  
11 not invalidate existing provisions of the declarations, bylaws, plats, or plans of  
12 those common interest communities.

13 \* \* \*

14 (3) Unless excepted under section 1-203 of this title, section 3-125 of  
15 this title shall apply to all common interest communities that contain 12 or  
16 more units that may be used for residential purposes created in this State on or  
17 before January 1, 2011. Section 3-125 applies only to events and  
18 circumstances occurring after June 30, 2026, and does not invalidate existing  
19 provisions of the declarations, bylaws, plats, or plans of those common interest  
20 communities.

21 \* \* \*

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

2 § 3-125. ELECTRIC VEHICLE SUPPLY EQUIPMENT

3 (a) As used in this section:

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

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

12 (3) “Plug-in electric vehicle” has the same meaning as in 23 V.S.A.  
13 § 4(85).

14 (4) “Reasonable restriction” are restrictions that do not significantly  
15 increase the cost of the EVSE or significantly decrease the efficiency or  
16 specified performance of the EVSE.

17 (b)(1) Any covenant, restriction, or condition contained in any deed,  
18 contract, security instrument, or other instrument affecting the transfer or sale  
19 of any interest in a common interest community, and any provision of a  
20 governing document associated with a common interest community, such as a  
21 declaration, bylaw, or rule, that either effectively prohibits or unreasonably

1 restricts the installation or use of an EVSE within the boundaries of a unit  
2 owner's unit or limited common element or the unit owner's exclusively  
3 designated parking space, or is in conflict with this section is void and  
4 unenforceable.

5 (2) This subsection shall not apply to provisions that impose reasonable  
6 restrictions on EVSE. However, it is the policy of the State to promote,  
7 encourage, and remove obstacles to the use of plug-in electric vehicles,  
8 including access to EVSE at home.

9 (c) The association may require the unit owner to:

10 (1) comply with federal, State, and local health and safety laws,  
11 including any applicable building codes or safety standards;

12 (2) comply with reasonable architectural standards adopted by the  
13 association that govern the dimensions, placement, or external appearance of  
14 the EVSE, provided that such standards shall not prohibit the installation of  
15 such EVSE or substantially increase the costs thereof;

16 (3) engage the services of a licensed electrician to install the EVSE; and

17 (4) if the EVSE is installed in a common element or limited common  
18 element, reimburse the association for the actual costs of any increased  
19 insurance premium amount attributable to the EVSE with 14 days after  
20 receiving the association's insurance premium invoice.

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

9        (e) The unit owner and each successive owner of the EVSE shall be  
10       responsible for all of the following:

11        (1) costs for damage to the EVSE, common element, or limited common  
12        element resulting from the installation, maintenance, repair, removal, or  
13        replacement of the EVSE;

14        (2) costs for the installation, maintenance, repair, and replacement of the  
15        EVSE until the EVSE has been removed and for the restoration of the common  
16        element or limited common element after removal;

17        (3) cost of electricity associated with the EVSE; and

18        (4) disclosing to prospective buyers of the unit the existence of any  
19        EVSE and the related responsibilities of the unit owner under this section.