

Legislative Update

This session was particularly busy and stressful for our advocacy team, as we were required to testify on multiple bills and beat back several bad bills before they made it out of committee. The two bills we were tracking most closely had the following outcomes:

SB 4 AN ACT CONCERNING THE CONNECTICUT CLEAN AIR ACT. The good news about this bill is that due to Sen. Will Haskell's willingness to work with us to tweak the original bill regarding EV charging stations, we were able to include greater protections for boards and associations in how they allow for the installations of charging stations. (See below for further explanation of the Public Act.) SB 4 (Public Act 22-25) also includes language regarding the allowance of solar panels in **PLANNED UNIT DEVELOPMENTS ONLY. This new law concerns only those communities which define themselves as a Planned Community and NOT condominiums or cooperatives.**

The law specifically applies to only those communities which are defined in their declarations (typically found Article 2) as being planned communities. The law also states that it does NOT apply to those Planned Communities where the roof is shared with any other units. The association may adopt reasonable rules about the installation of solar panels. It is best to seek the advice of your association's attorney in order to ensure proper procedures are in place prior to the Public Act 22-25's effective date of October 1, 2022.

SB 413 AN ACT CONCERNING COMMON INTEREST OWNERSHIP COMMUNITIES This bill authorizes the Commissioner of Housing to create a study group to examine reserve studies and reserve funding. This bill did not make it to the House for a vote and died. However, CAI-CT plans to create our own study group to develop legislative recommendations for the 2023 session. If you have any interest in serving, please contact Kim McClain at kim@caict.org. ■

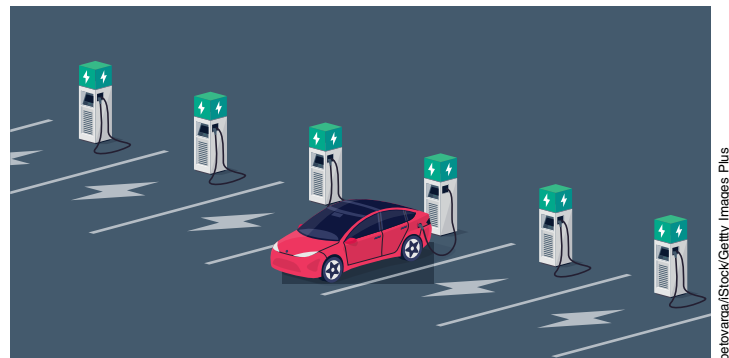
Public Act No. 22-25 AN ACT CONCERNING THE CONNECTICUT CLEAN AIR ACT

§§ 2 & 3 – RIGHT TO CHARGE IN CONDOMINIUMS AND COMMON INTEREST COMMUNITIES

Summary: Establishes “right to charge” in condominiums and common interest communities by voiding governing document provisions that unreasonably restrict EV charging installation in a unit or limited common element parking space; establishes requirements for processing applications and provisions applicable to charging station installation.

The Act establishes “right to charge” provisions for unit owners in condominiums (§ 2) and common interest communities (§ 3). Beginning October 1, 2022, the Act makes void and unenforceable any provision in declarations, bylaws, rules, or condominium instruments, as applicable (“governing documents”), that prohibit or unreasonably restrict EV charging station installation in a unit or limited common element parking space.

An EV charging station is an electric component assembly or cluster of component assemblies designed specifically to charge batteries in EVs by permitting the transfer of electric energy to a battery or other storage device. Limited common elements are portions of the condominium or common interest community designated as reserved for the use of one or more units, but not all units.



Under the Act, EV charging stations in condominiums and common interest communities must meet all applicable health and safety standards and requirements under federal, state, or municipal law.

Exceptions

The Act's right to charge provisions do not apply to condominiums and common interest communities that (1) impose “reasonable restrictions” on EV charging stations or (2) have EV charging stations in a number that is at least equal to 15% of the units. Reasonable restrictions are those that do not significantly increase an EV charging station's cost or decrease its efficiency or specified performance.

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PUBLIC ACT 22-25...from page 7.

Application Processing

Under the Act, unit owners may apply to install an EV charging station to the applicable governing body (Board of Directors or Executive Board). If the parking space is located in a limited common element, the unit owner must have written approval from each owner of each unit that has reserved use of the limited common element parking space. The governing body must (1) acknowledge, in writing, the application within 30 days after receiving it and (2) approve or deny an application, in writing, within 60 days after receiving it. The governing body must process the application in the same way as the governing documents require for other additions, alterations, or improvements.

Under the Act, unless the governing body reasonably requests additional information within the 60-day period for acting on an application, an application that is not denied in that timeframe is deemed approved.

Conditions for Approval

Under the Act, the governing body must approve an EV charging installation if the owner agrees in writing to:

1. comply with provisions in the governing documents regarding an addition, alteration, or improvement;
2. have a licensed and insured contractor install the charging station;
3. provide a certificate of insurance within 14 days after approval that shows insurance coverage in amounts the Board deems sufficient;
4. pay for the charging station’s installation-associated costs (e.g., increased master policy premiums, association attorney’s fees, engineering or professional fees, permits, and applicable zoning compliance); and
5. pay for the charging station’s electricity usage.

Unit Owner Responsibilities

The Act makes the unit owner, and each successive owner, of the EV charging station responsible for the following:

1. costs for damage to the EV charging station, common elements, or units due to the EV charging station’s installation, use, maintenance, repair, removal, or replacement;

2. costs to maintain, repair, and replace the EV charging station until its removal;
3. costs to restore the physical space where the charging station was installed after its removal;
4. associated electricity costs;
5. common expenses from uninsured losses under any master insurance policy the association holds on behalf of unit owners; and
6. disclosing to prospective buyers (a) the charging station’s existence, (b) the associated responsibilities, and (c) that the purchaser accepts the charging station unless it is removed before the unit’s transfer.

The Act also specifies that a unit owner is not required to maintain liability coverage for an existing National Electrical Manufacturers Association standard alternating current power plug.

Permitted Association Actions

The Act specifically authorizes associations to do the following:

1. install an EV charging station in the common elements to be used by all unit owners and develop appropriate rules for the station’s use;
2. create a new parking space where one did not previously exist to facilitate installing an EV charging station;
3. require the unit owner to remove the EV charging station before the unit’s sale unless the purchaser agrees to take ownership of the station; and
4. assess the unit owner for any uninsured portion of a loss associated with an EV charging station, from a deductible or otherwise, regardless of whether the association submits an insurance claim.

Attorney’s Fees

The Act specifies that the prevailing party must be awarded reasonable attorney’s fees in any action by an association seeking to enforce compliance with the Act.

EFFECTIVE DATE: October 1, 2022 ■

SUMMER SIZZLER Education & Networking PARTY



GOOD FOR 2 CEUs

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Wednesday, August 3rd
Education 3:00 pm - 5:00 pm • Networking Party 5:00 pm - 7:00 pm
Amarante’s Sea Cliff, East Haven

Sponsorships Available. Please visit www.caict.org for more information.

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More microbursts, extreme flooding, rising sea levels, increased drought — how will all of this affect our communities? Will higher amounts of flood insurance be required? Do current deductibles levels provide adequate coverage? What about fire insurance and replacement costs? Can risk management mitigation offer some protection? Our experts will help us navigate steps to prepare for future weather-related disasters. We will be returning to our favorite shoreline location – Amarante’s – for another great Summer Sizzler party on the deck. *Don’t miss it!*

Managers & Board Members:
\$30 - CAI Members, \$55 - Non-Members

Service Providers:
\$100 - CAI Members, \$125 - Non-Members