

Date of Hearing: April 27, 2015

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

AB 1236 (Chiu) – As Amended April 20, 2015

SUBJECT: Local ordinances: electric vehicle charging stations

SUMMARY: Requires local jurisdictions, including charter cities, to create an expedited permitting and inspection process for electric vehicle (EV) charging stations. Specifically, **this bill:**

- 1) Requires local jurisdictions to adopt an ordinance on or before September 30, 2016, that streamlines the permitting process for EV charging stations.
- 2) Requires local jurisdictions to develop and publish a checklist and required permitting documentation on a publicly accessible website, allow for electronic submittal of a permit application and associated documents, and authorize electronic signatures on all forms, applications and associated documents.
- 3) Requires an EV charging station to meet health and safety standards and requirements imposed by state and local permitting authorizes as well as safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, accredited testing laboratories, and, where applicable, rules of the California Public Utilities Commission regarding safety and reliability.
- 4) Defines a variety of terms.
- 5) Makes findings and declarations regarding the need for state policies to encourage the installation and use of EV charging stations and consistent statewide standards to achieve their timely and cost-effective installation, and that local jurisdictions should not create unreasonable barriers for their installation

EXISTING LAW:

- 1) Provides for the adoption and administration of zoning laws, ordinances, rules, and regulations by counties and cities.
- 2) Requires every city or county to adopt an ordinance that creates an expedited permitting process for small, residential rooftop solar energy systems, the provisions of which are nearly identical to this bill.
- 3) Prohibits, pursuant to the EV Charging Stations Open Access Act, the charging of a subscription fee on persons desiring to use an EV charging station, as defined, that requires payment of a fee, and prohibits a requirement for persons to obtain membership in any club, association, or organization as a condition of using the station, except as specified.
- 4) Requires the California Building Standards Commission (CBSC) to adopt, approve, codify, and publish mandatory building standards for the installation of future EV charging infrastructure for parking spaces in multifamily dwellings and non-residential development.

- 5) Contains a number of provisions governing the installation and use of EV charging stations in common interest developments (CIDs), which generally prohibit undue restrictions by CIDs and homeowners' associations on the installation of EV infrastructure.

FISCAL EFFECT: Unknown

COMMENTS: According to the author, California's EV permitting structure is a patchwork of various regulations and requirements that vary from city to city and county to county. The author contends that this wide variation in requirements creates uncertainty and makes it difficult for prospective EV buyers to understand the administrative burden and the cost of installing EV charging stations before purchasing an EV. To illustrate his point, the author notes that requirements in one jurisdiction and the amount of time it takes to receive a permit to install an EV charging system can differ drastically from a neighboring jurisdiction even though the same EV charging station is being installed in the same type of commercial building, multi-unit development, or single family home. To address this problem, the author has introduced this bill to create uniform standards across local jurisdictions with respect to permitting EV charging system installation to help lower the costs, expedite permitting, and further expand EV infrastructure to help achieve the state's clean air goals.

In 2013, the Legislature passed AB 1092 (Levine), Chapter 410, Statutes of 2013, that required the CBSC to adopt mandatory standards for the installation of EV charging infrastructure for parking spaces in newly constructed multifamily dwellings and non-residential development in the next triennial edition of the California Building Standards Code adopted after January 1, 2014. Those standards are expected to be published in 2016.

In 2012, the Collaborative issued a report entitled "Streamlining the Permitting and Inspection Process for Plug-in Electric Vehicle Home Charger Installations." In the report, the Collaborative noted that the permitting and inspection process for charging equipment installations is becoming more onerous in some jurisdictions over time. For example, the report noted that some local jurisdictions are increasingly requiring formal plan checks, which increases the time and cost of obtaining a permit. Also, the report aptly noted that oftentimes, the complexity of the installation was not necessarily correlated to the complexity of the permitting process. Specifically, the report noted that the process for permitting residential EV supply equipment installation varied by jurisdiction but, depending on the voltage of the charging equipment (120V or 240V), some home charging installations can be very straightforward to install. The report made recommendations for EV charger installation permit streamlining that address a number of processing issues that are consistent with AB 1236.

Writing in support of AB 1236, the California Apartment Association, notes that one of the greatest impediments towards increasing installation of EV charging systems has been the onerous permitting and approval requirements. They note that creating an expedited process for permitting that reduces the unnecessary time and money that property owners must expend to be able to get an EV charging station installed will help incentivize widespread adoption of ZEVs. Also writing in support, ChargePoint, Inc. notes that AB 1236 will help lower the cost of EV charger installation and allow for the expansion of this important infrastructure to help California meet its EV goals. They point to several jurisdictions in California that have already developed streamlined permitting requirements as an example of how permitting requirements can be simplified while maintaining important safety protections.

Committee concerns: It is laudable that the author wishes to streamline and expedite the permitting process for EV charging system installation to help make it easier to install much needed supporting infrastructure for these clean air vehicles. Certainly as EVs take a greater share of the vehicle marketplace, the need for installation (and permitting) of EV charging systems will grow, placing an additional permitting burden on local jurisdictions. Consequently, it stands to reason that streamlined processes should be put into place sooner rather than later. Furthermore, there is undoubtedly room in the permit processing procedures of many, if not most, local jurisdictions to improve efficiencies and certainly this bill will further those efforts. It is possible, however that AB 1236 could have the unintended consequence of expediting permit processing at the expense of allowing the local jurisdiction to conduct a careful, thorough review. Additionally, AB 1236 places requirement on all local jurisdictions and does not necessarily take into account that some local jurisdictions (particularly those in remote areas) may not have an imminent need for expedited permit processing procedures if EVs use in those regions is limited.

Previous legislation: AB 2188 (Muratsuchi), Chapter 521, Statutes of 2014, required every city or county to adopt an ordinance that creates an expedited permitting process for small, residential rooftop solar energy systems.

AB 2565 (Muratsuchi), Chapter 529, Statutes of 2014, required an owner of a commercial or residential property to approve the installation of an EV charging station if it meets specified requirements and complies with the owner's process for approving a modification to the property, and made a term in a lease of a commercial property executed, renewed, or extended on or after January 1, 2015, void and unenforceable if it prohibits or unreasonably restricts the installation of an EV charging station in a parking space.

AB 1092 (Levine), Chapter 410, Statutes of 2013, required the CBSC to include mandatory building standards for the installation of EV charging infrastructure in multifamily dwellings and non-residential development.

SB 880 (Corbett), Chapter 6, Statutes of 2012, specified that the governing documents of a CID may not prohibit the installation of an electric vehicle charging station in an owner's designated parking space.

SB 209 (Corbett), Chapter 121, Statutes of 2011, provided that a prohibition or restriction on the installation or use of an EV charging station in any of the governing documents of a CID is void and unenforceable.

Double referral: This bill passed out of the Assembly Local Government Committee on April 15, 2015, with an 8-0 vote.

REGISTERED SUPPORT / OPPOSITION:

Support

California Apartment Association
ChargePoint
Stem, Inc.

Opposition

None on file

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