

STATE OF NEW YORK

8518--A

IN SENATE

March 8, 2022

Introduced by Sen. HINCHEY -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the real property law, in relation to enacting the electric vehicle rights act

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The real property law is amended by adding a new article
2 9-D to read as follows:

ARTICLE 9-D

ELECTRIC VEHICLE RIGHTS ACT

5 Section 343. Certain covenants, conditions, and restrictions of homeowners'
6 associations prohibited.

7 § 343. Certain covenants, conditions, and restrictions of homeowners'
8 associations prohibited. 1. Definitions. For the purposes of this
9 section:

10 (a) "restriction on use" shall mean any covenant, restriction, or
11 condition contained in:

12 (i) a deed;

13 (ii) a contract;

14 (iii) the by-laws of a homeowners' association;

15 (iv) any rules or regulations adopted by a homeowners' association;

16 (v) a security agreement; or

17 (vi) any other instrument affecting the transfer or sale of, or any
18 interest in, real property.

19 (b) "electric vehicle charging station" shall have the same meaning as
20 such term is defined in section three hundred thirty-nine-11 of this
21 chapter.

22 2. A homeowners' association may not adopt or enforce any rules or
23 regulations that would effectively prohibit, or impose unreasonable
24 limitations on, the installation or use of an electric vehicle charging
25 station. A restriction on use which effectively prohibits the installa-
26 tion or use of an electric vehicle charging station is unenforceable and

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD10014-03-2

1 shall be void as contrary to public policy. For the purposes of this
2 subdivision, an unreasonable limitation includes, but is not limited to,
3 any restriction on use that:

4 (a) inhibits the electric vehicle charging station from functioning at
5 its intended maximum efficiency; or

6 (b) increases the electric vehicle charging station's installation or
7 maintenance costs by an amount which is estimated to be greater than ten
8 percent of the total cost of the initial installation of the electric
9 vehicle charging station, including the costs of labor and equipment.

10 3. Notwithstanding subdivision two of this section, a homeowners'
11 association may adopt or enforce a restriction on use to prohibit the
12 installation of an electric vehicle charging station that is located on
13 property owned by the homeowners' association or that is located on
14 property owned in common by the members of the homeowners' association.

15 4. If approval for the installation or use of an electric vehicle
16 charging station is required by a homeowners' association, the applica-
17 tion for approval shall be processed and approved by the association in
18 a manner prescribed by the association and shall not be willfully
19 avoided or delayed. The approval or denial of an application shall be in
20 writing. Any denial of a homeowner's application shall include a
21 detailed description of the exact basis for the denial and shall include
22 specific examples of the homeowners' association's concerns, if applica-
23 ble. If an application is not denied in writing within sixty days from
24 the date of receipt of the application, the application shall be deemed
25 approved, unless that delay is the result of a reasonable request for
26 additional information.

27 5. An electric vehicle charging station shall meet the requirements
28 established by any local, state or federal law, rule or regulation on
29 health and safety standards and those requirements imposed by state and
30 local permitting authorities.

31 6. In any action by a homeowner requesting to have an electric vehicle
32 charging station installed and seeking to enforce compliance with this
33 section, the homeowner shall be awarded reasonable attorney's fees if he
34 or she prevails.

35 § 2. This act shall take effect on the sixtieth day after it shall
36 have become a law.