

Community Trends®



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LEGISLATIVE UPDATE

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The advent of *Green Energy Technology* and its inexorable march forward is, in my view, a good thing. Never let it be said that I stood in the way of such progress, or that I disagree with reasonable efforts to preserve our planet's dwindling natural resources. However, as with all well-intended efforts, sometimes unintended consequences result. Here is an example in the legislative climate in which we live and work:

The New Jersey Assembly is considering A1030, a bill that requires common interest communities ("CICs") to approve installation of electric vehicle ("EV") charging stations under most circumstances. Community Associations Institute (CAI) and our members generally support green energy technology, but this current bill *mandates* that community associations permit homeowners (or renters) to install electric vehicle charging stations in the community regardless of whether an individual owns a parking space, has an assigned parking space (no ownership), or doesn't have a parking space at all. This is an unreasonable legislative approach to expanding the use of electric vehicles that will likely result in litigation within a community and increase legal costs for all homeowners.

The bill makes it *mandatory* for an HOA, condominium, or housing cooperative to "license" common area parking spaces to owners seeking to install EV charging stations if they do not have an assigned spot, and even if installing one in an assigned spot is too expensive or physically impossible. On top of that, if a community board were to "get it wrong" and deny an owner permission to install an EV charging station, even for one or more valid reasons,

the bill imposes fines on CICs and requires CICs to pay the legal fees of an aggrieved unit owner.

CAI encourages community associations to work with homeowners to find solutions for installation and maintenance of electric vehicle charging stations. However, the proposed legislation does not grant CICs any real flexibility in the process, especially as it relates to common elements.

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If A1030 is signed into law, it may cause CICs to lose valuable common area parking that may otherwise be used for visitors, handicap parking spaces, or spaces that are assigned to owners on a waiting list.

If you agree that CICs are entitled to exercise reasonable discretion and control over the installation of EV charging stations in their communities, you are encouraged to contact your NJ Assembly representative and/or Governor Murphy's Office to voice your thoughts on this bill.

See you here in the next issue of *Trends*...enjoy the summer! ■