

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

SB 1267 (Allen)
Version: March 26, 2026
Hearing Date: April 28, 2026
Fiscal: No
Urgency: No
ID

SUBJECT

Common interest developments: electric vehicle charging stations owned by members
in common areas

DIGEST

This bill requires an owner in a common interest development (CID) who wishes to install an electric vehicle (EV) charging station in a common area to, if requested by the development's homeowner's association (HOA), enter into a maintenance and indemnity agreement to transfer liability from the HOA to the owner for injury or damage arising from the EV charging station, and requires an installer of an EV charging station to indemnify or reimburse the HOA or members for loss or damage from the installation of the EV charging station.

EXECUTIVE SUMMARY

Gasoline vehicles are a significant source of greenhouse gases and a major contributor to global warming. Thus, transitioning the state's vehicles to zero-emissions alternatives like electric vehicles is a key focus of the state's climate goals for combating climate change. As more Californians have increasingly chosen to drive electric vehicles (EVs), the Legislature has enacted various laws in recent years to facilitate the installation of an EV charging station in CIDs by an owner within the CID. This bill requires an owner, when they wish to install an EV charging station in a common area of the CID, to enter into a maintenance and indemnity agreement to transfer liability from the HOA to the owner for injury or damage arising from the EV charging station, and requires that an installer of an EV charging station indemnify or reimburse the HOA or members for loss or damage from the installation of the EV charging station.

SB 1267 is author-sponsored, and is supported by the Community Associations Institute – California Legislative Action Committee and the Electric Vehicle Charging Association. The Committee has received no timely letters of opposition. SB 1267 previously passed out of the Senate Housing Committee by a vote of 10 to 0.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Establishes rules and regulations governing the operation of a common interest development (CID) and the respective rights and duties of the CID's homeowners association (HOA) and its members. Requires the governing documents of a CID, and any amendments to the governing documents, to be adopted through HOA elections in accordance with specified procedures. (Civ. Code §§ 4000 et seq.)
- 2) Makes void and unenforceable any covenant, restriction, or condition purporting to affect the transfer or sale of separate property within a CID, and any provision of a governing document, if they effectively prohibit or unreasonably restrict the installation or use of an electric vehicle (EV) charging station in an owner's designated parking space. (Civ. Code § 4745(a).)
- 3) Permits HOAs to impose reasonable restrictions on EV charging stations, so long as they do not significantly increase the cost of the station or significantly decrease its efficiency or specified performance. (Civ. Code § 4745(b).)
- 4) Specifies that an electric vehicle charging station installed in a common interest development shall meet applicable state and local health and safety standards and requirements, as well as all other applicable zoning, land use, or other ordinances, or land use permits. (Civ. Code § 4745(c).)
- 5) Requires an HOA to process a request for approval to install an EV charging station in the same manner as an application for approval of an architectural modification to the property and to provide a response in writing. Specifies that, if the request is not denied within 60 days, the application shall be deemed approved, unless the delay is the result of a reasonable request for additional information. (Civ. Code § 4745(e).)
- 6) Provides that, if the EV charging station is to be placed in a common area or an exclusive use common area, the owner first must obtain approval from the HOA to install the EV charging station. Requires the HOA to approve the installation if the owner agrees in writing to:
 - a) comply with the HOA's architectural standards for the installation of the charging station;
 - b) engage a licensed contractor to install the charging station;
 - c) provide, within 14 days, a certificate of insurance; and
 - d) pay for both the electricity usage associated with the charging station and the costs associated with the installation of the EV charging station. (Civ. Code § 4745(f)(1).)

- 7) Provides that the owner and each successive owner of the charging station shall be responsible for:
 - a) the costs for damage to the charging station, common area, exclusive use common area, or separate interests resulting from the installation, maintenance, repair, removal, or replacement of the charging station;
 - b) the costs for the maintenance, repair, and replacement of the charging station until it has been removed and for the restoration of the common area after removal;
 - c) the cost of electricity associated with the charging station; and
 - d) disclosing to prospective buyers the existence of any charging station of the owner and the related responsibilities of the owner under this section. (Civ. Code § 4745(f)(2).)
- 8) Provides that the owner of the EV charging station, whether located within a separate unit or within the common area or exclusive use common area, must at all times maintain a liability coverage policy, and that the owner and each successor must provide the HOA with the certificate of insurance annually after providing a certificate of insurance within 14 days of the approval of the installation of the EV charging station. Specifies that a homeowner shall not be required to maintain a homeowner liability coverage policy for an existing national electrical manufacturers association standard alternating current power plug. (Civ. Code § 4745(f)(3)-(4).)
- 9) Specifies that the installation of an EV charging station for the exclusive use of an owner in a common area, that is not an exclusive use common area, must be authorized by the HOA only if installation in the owner's designated parking space is impossible or unreasonably expensive. Specifies that, in such cases, the HOA must enter into a license agreement with the owner for the use of the space in a common area. (Civ. Code § 4745(g).)
- 10) Specifies that an HOA or owners may install an EV charging station in the common area for the use of all members of the HOA and, if they do, that the HOA must develop appropriate terms of use for the charging station. (Civ. Code § 4745(h).)
- 11) Permits an HOA to create a new parking space where one did not previously exist in order to facilitate the installation of an EV charging station. (Civ. Code § 4745(i).)
- 12) Specifies that an HOA that willfully violates these provisions is liable to the applicant for an EV charging station or other party for actual damages, and a civil penalty to the applicant or other party in an amount not to exceed \$1,000. (Civ. Code § 4745(j).)

- 13) Specifies that, in any action by a homeowner requesting to have an EV charging station installed and seeking to enforce compliance with this section, the prevailing plaintiff must be awarded reasonable attorney's fees. (Civ. Code § 4745(k).)
- 14) Defines, for the purposes of (2) through (13), above, an "electric vehicle charging station" to mean a station that is designed in compliance with the California Building Standards Code and delivers electricity from a source outside an electric vehicle into one or more electric vehicles, and specifies that an EV charging station may include several charge points simultaneously connecting several EVs to the station, and any related equipment needed to facilitate charging plug-in EVs. (Civ. Code § 4745(d).)

This bill:

- 1) Requires, for an owner wishing to install an EV charging station in a common area or an exclusive use common area, that the owner agree to, if requested by the HOA, enter into a maintenance and indemnity agreement to transfer liability from the HOA to the owner for injury or damage arising from the EV charging station.
- 2) Requires the installer of the EV charging station to indemnify or reimburse the HOA or the members for loss or damage caused by the installation of the EV charging station when the owner wishes to install an EV charging station in a common area or an exclusive use common area.
- 3) Specifies that, except in the case of gross negligence by the HOA, it is the intent of the Legislature to provide an HOA that has complied with the requirements in Civil Code section 4745 with civil liability protection for injuries and damages emanating from an EV charging station that the HOA does not own, or the use thereof.

COMMENTS

1. Author's statement

According to the author:

Residents belonging to homeowner associations and condominium complexes find it particularly difficult to make the switch to an electric vehicle because unlike single family homeowners, these residents need to use common area spaces to install the needed infrastructure to charge their vehicles. With the biggest barrier to large-scale market proliferation of EVs being accessibility to charging stations, more must be done to ensure that prospective EV drivers in HOAs are accommodated.

However, there are concerns and uncertainty about liability for damage or injury caused by a charger. In many cases, the EV charger must be installed in the common area of a shared parking lot. Privately owned chargers can create liability for an association for injury or damage that occurs in common area spaces. While increased adoption of EVs over time has not shown any significant risk of damage or injury, the lack of certainty can be worrying for HOAs. Uncertain risks make it more difficult for HOAs to obtain adequate insurance policies in an increasingly unaffordable market.

SB 1267 would allow homeowner associations to require a resident installing an EV charger to enter into a maintenance and indemnity agreement to limit the HOA's liability for damage or injury.

2. EVs and the Climate Crisis

It is incontrovertible that man-made climate change is occurring. Models project that the state will continue to warm over the twenty-first century, with an estimate of an increase in annual average maximum daily temperature of at least 2.5 degrees Fahrenheit by 2039 and between 4.4 and 5.8 degrees Fahrenheit by 2069.¹ As California's climate continues to warm, the state and its residents are and will be severely affected through a myriad of ways.² The primary contributor to global warming is the increase in greenhouse gases in the atmosphere, a group of gases that act to trap heat that would otherwise radiate into space. The California Energy Commission reports that emissions from cars, trucks, and other vehicles accounted for approximately 39% of the state's total greenhouse gas emissions in 2015.³ Accordingly, transitioning the state's transportation industry to zero-emissions vehicles like EVs is a key focus of the state's climate goals for reducing greenhouse gas emissions and combating climate change. Under Executive Order N-79-20, the state aims for 100% of new passenger vehicle sales to be zero-emission vehicles by 2035.⁴ In this context, Californians are increasingly choosing EVs, and are in need of a greater number of EV charging stations and electrical charging infrastructure.

3. EV Charging stations in HOAs

To facilitate the state's transition to zero emissions and EVs, the Legislature passed SB 209 (Corbett, Ch. 121, Stats. 2011). SB 209 addressed the installation of electrical vehicle chargers in common interest developments (CIDs). CIDs are housing

¹ Louise Bedsworth et al., California's Fourth Climate Change Assessment: Statewide Summary Report (California Natural Resources Agency 2018) p. 23.

² Office of the Attorney General, Climate Change Impacts in California <<https://oag.ca.gov/environment/impact#:~:text=Sea%20level%20rise%2C%20coastal%20flooding,the%20end%20of%20the%20century>> (as of March 18, 2024).

³ Bedsworth, *supra* note 1, p. 47.

⁴ Governor of California, Executive Order N-79-20 (Sept. 23, 2020).

developments comprised of individually-owned housing units and common space for all homeowners and residents of the CID to enjoy. CIDs can be condominiums, townhouses, detached single-family homes, and apartment-like high rises. Many CIDs provide affordable options for home ownership, as well as communal resources that residents may not otherwise have in an affordable single-family home, like a pool or gym.

CIDs are governed by the Declaration of Covenants, Conditions, and Restrictions (CC&Rs) that are filed with the county recorder when the CID is established. These CC&Rs identify the CID's common area, the homeowner's association's (HOA) responsibilities, the obligation of the HOA to collect assessments from homeowners to cover the HOA's expenses, and a variety of other issues. All homeowners in the CID are members of the HOA, which provides for the self-governance of the CID, manages and maintains the common space of the CID, sets rules for the CID, and resolves disputes. The HOA also elects a board of directors to operate the HOA, and usually has bylaws outlining the governance rules of the HOA and its board of directors. HOA members must generally pay monthly dues to cover the expenses of the HOA and upkeep of the common areas. When a homeowner in the CID does not pay their dues, the HOA has the authority to impose a lien and foreclose on an individual's property. (Civ. Code §§ 5660, 5700.)

An HOA's board of directors can establish rules governing a broad variety of topics relating to the CID. Such rules can prescribe a great variety of limitations on homeowners; for example, they may limit what can be placed on a homeowner's balcony, prohibit a homeowner from having pets, and specify what kinds of improvements a homeowner is allowed to make on the exterior of their unit. These rules, or Architectural Guidelines, can require submission to an "Architectural Committee" or other body within the HOA of any proposed alterations or additions to a homeowner's property, with approval required before a homeowner can begin the alteration. The rules of the CID on individual homeowners can be enforced by individual homeowners through a lawsuit, or by discipline from the HOA.

SB 209 placed limits on when an HOA can prohibit a homeowner from installing an EV charging station in the homeowner's separate interest or the common area of the CID. It made any CC&R, or any governing document of the HOA that effectively prohibited or restricted the installation or use of an EV charging station void and unenforceable. SB 209 provided an exception for reasonable restrictions that do not significantly increase the cost of the station or significantly decrease its efficiency or specified performance. SB 209 required that, if an HOA requires approval for the installation of an EV charging station, it must be processed and approved like an architectural modification to the property, and must be decided upon within 60 days.

However, SB 209 also placed a number of requirements on a homeowner wishing to install an EV charging station. It required that the charging station meet all applicable

health and safety standards and requirements imposed by state and local permitting authorities. When the EV charging station is placed in the common area or exclusive use common area of the CID, SB 209 required the homeowner to agree to: comply with the CID's architectural standards for the installation of the charging station; engage a licensed contractor to install the charging station; pay for the electricity usage associated with the charging station; and provide a certificate of insurance that names the CID as an additional insured under the homeowner's insurance policy within 14 days of the approval. SB 209 also required the homeowner, and each successive homeowner, to maintain an umbrella liability coverage policy of \$1,000,000.

Lastly, SB 209 specified that the homeowner or their successor is responsible for: the costs and damage to the charging station, common areas, exclusive use common areas, or adjacent units that result from the installation, maintenance, repair, removal, or replacement of the charging station; the costs for the maintenance, removal, repair, or replacement of the charging station; the cost of electricity associated with the charging station; and for disclosing to prospective buyers the charging station and the attendant responsibilities.

SB 209's provisions were subsequently amended by SB 1016 (Allen, Ch. 376, Stats. 2018). Firstly, SB 1016 removed the requirement that the homeowner's liability coverage for an EV charging station within the common area or an exclusive use common area be for an amount of \$1,000,000. In addition, it removed the requirement that the HOA be named an additional insured under the policy. However, the statute contained language requiring the HOA to be listed as an additional insured in two separate provisions, and SB 1016 only removed the requirement from one of the provisions. SB 770 (Allen, Ch. 525, Stats. 2025) removed the other provision that still required the member installing the EV charger to list the HOA as an additional insured in their policy.

4. SB 1267 permits an HOA to require a member installing an EV charger to execute an agreement to indemnify the HOA for any damage resulting from the EV charger

SB 1267 builds upon the changes made by SB 770. It specifies that, if requested by the HOA, a member who seeks to place an EV charging station in the common area must also enter into a maintenance and indemnity agreement to transfer liability from the HOA to the owner for injury or damage arising from the EV charging station. In addition, SB 1267 specifies that the installer of the EV charging station must indemnify or reimburse the HOA or members for loss or damage caused by the installation of the EV charging station. It provides intent language stating that it is the intent of the Legislature, except in the case of gross negligence by the HOA, to provide an HOA that has complied with these provisions with civil liability protection for injuries and damages emanating from the use of an EV charging station that the HOA does not own.

Through these provisions, SB 1267 provides an HOA with greater protections when a member wishes to install an EV charger on common area within the HOA. Because the

HOA is generally responsible for the common area of the CID, it is responsible for injuries and damage that occurs in or to the common area. HOAs are also generally required to have general insurance coverage for the common areas. (Civ. Code § 5805.) However, when a member installs an EV charging station in the common area for their own use and which they own, as is often necessary if a member wants an EV charger, because the member's parking space or parking lot is common area, and their use and maintenance of that EV charger may cause damage to the common area. SB 1267 attempts to address concerns with an HOA's exposure to liability for a member's private EV charger in the common area by permitting an HOA to require that the member assume liability for the use and maintenance of the EV charging station.

It is also worth noting that the section amended by this bill currently requires the owner to obtain liability insurance for the EV charging station, which already helps ensure that the owner can cover any damage or costs resulting from the EV charging station. SB 770 was enacted over concerns that its requirement that the HOA be listed as an additionally insured made obtaining insurance for EV charging stations too difficult. While this bill clarifies that the owner is responsible for costs and damages resulting from the EV charging station, it is unclear how this may affect an owner's ability to obtain the required insurance.

SUPPORT

Community Associations Institute – California Legislative Action Committee
Electric Vehicle Charging Association

OPPOSITION

None received

RELATED LEGISLATION

Pending Legislation: None known.

Prior Legislation:

SB 770 (Allen, Ch. 525, Stats. 2025) eliminated the requirement that a homeowner in a common interest development include the homeowner's association as a named additional insured in the homeowner's insurance policy when the homeowner seeks to install an electric vehicle charging station in a common area or exclusive use common area of the CID.

SB 1016 (Allen, Ch. 376, Stats. 2018) required a homeowner in a CID who intends to install an EV charging station in the common area or exclusive use common area to agree to pay the costs associated with the installation of the charging station, and

required the owner of the charging station, wherever located within the common interest development, to maintain a liability coverage policy, and provide the association with a corresponding certificate of insurance, as specified. SB 1016 required the award of attorney's fees to a prevailing plaintiff in an action by a homeowner requesting to have an EV charging station installed.

AB 634 (Eggman, Ch. 818, Stats. 2017) provided that homeowners' associations cannot impose conditions that effectively prohibit the installation or use of rooftop solar panel installation, but permitted homeowners' associations to impose other specified conditions, and required homeowners' associations to condition approval on maintenance of a homeowners insurance policy, among other things.

AB 1239 (Holden, 2017) would have required the state to develop building standards for EV parking spaces for existing nonresidential buildings and multifamily dwellings. The Governor vetoed AB 1239, stating that he is "directing the Government Operations Agency to work with all the key parties to identify barriers to the construction of charging stations in existing buildings."

SB 209 (Corbett, Ch.121, Stats. 2011) provided that HOAs cannot impose conditions that effectively prohibit the installation or use of an EV charging station, but permitted HOAs to impose other specified conditions, and required HOAs to condition approval on maintenance of an umbrella liability coverage policy of \$1,000,000 that names the common interest development as an additional insured, among other things.

PRIOR VOTES:

Senate Housing Committee (Ayes 10, Noes 0)
