

CONSENT

Bill No: SB 1267
Author: Allen (D)
Amended: 3/26/26
Vote: 21

SENATE HOUSING COMMITTEE: 10-0, 4/7/26

AYES: Arreguín, Seyarto, Cabaldon, Caballero, Cortese, Durazo, Gonzalez, Grayson, Ochoa Bogh, Padilla

SENATE JUDICIARY COMMITTEE: 13-0, 4/28/26

AYES: Umberg, Niello, Allen, Alvarado-Gil, Ashby, Caballero, Durazo, Laird, Reyes, Stern, Wahab, Weber Pierson, Wiener

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

SOURCE: Author

DIGEST: This bill requires an entity installing an electric vehicle (EV) charging station in the designated common area of a common interest development (CID) to indemnify the homeowners association (HOA) for loss or damages caused by the installation, authorizes HOAs to require the owner of an EV charging station to enter into a maintenance and indemnity agreement with the HOA, and makes legislative findings regarding civil liability associated with EV charging stations located in CIDs.

ANALYSIS:

Existing law:

- 1) Establishes, within the Davis-Stirling Common Interest Development Act, rules and regulations governing the operation of CIDs and the respective rights and duties of a HOA and its members.

- 2) Deems void and unenforceable any covenant, condition, or restriction (CC&R) contained in any deed, contract, security instrument, or other instrument affecting the transfer of, or any interest in, real property, and any provision of the CID governing documents, that effectively prohibits or restricts:
 - a) Installation of a solar energy system.
 - b) Installation or use of a video or television antenna.
 - c) Installation of low-water using plants, artificial turf, and other synthetic surface that resembles grass.
 - d) Installation or use of an EV charging station within the owner's unit or designated parking space.
 - e) Display or affixation of one or more religious items on any entry door frame to a dwelling.
 - f) Construction or use of an accessory dwelling unit (ADU) or junior accessory dwelling unit (JADU) on a lot zoned for single-family residential use that meets the requirements of existing law regarding ADUs and JADUs.

This bill:

- 1) Requires the installer of an EV charging station to indemnify or reimburse the HOA, or the members of the HOA, for losses or damages caused by the installation of the EV charging station.
- 2) Authorizes HOAs to require a homeowner 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.
- 3) States that, except in the case of gross negligence by an HOA, it is the intent of the Legislature to provide an HOA that has complied with statutory requirements related to the installation of an EV charging station with civil liability protection for injuries and damages emanating from an EV charging station that the HOA does not own.

Background

CIDs and Restrictions on CID Governing documents. A CID is a form of real estate in which each homeowner has an exclusive interest in a unit or lot and a shared or undivided interest in common-area property. Condominiums, planned unit developments, stock cooperatives, community apartments, and many resident-

owned mobilehome parks all fall under the umbrella of CIDs. There are more than 50,000 CIDs in California comprising over 4.8 million housing units, or approximately one-quarter of the state's housing stock. CIDs are governed by HOAs. The Davis-Stirling Common Interest Development Act provides the legal framework under which CIDs are established and operate. In addition to the requirements of the Act, each CID is governed according to the recorded declarations, bylaws, and operating rules of the association, collectively referred to as the governing documents.

With respect to allowable activities within a CID, state law generally defers to CID governing documents; however, there are several cases where the law imposes limits on CID authority. For example, existing law deems void and unenforceable any CID governing provision that effectively prohibits the installation of an EV charging station.

Comments

- 1) *Author's Statement.* "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) *Insuring EV Charging Infrastructure.* Existing law deems void and unenforceable any CID governing provision that effectively prohibits an owner of a separate interest in a CID from installing an EV charging station within their unit (e.g., garage), and in a designated parking space, including a parking

space in the common area of the CID. The law is only applicable to EV charging stations that meet specific standards and allows HOAs to impose reasonable restrictions on the installation of EV charging stations.

An owner proposing to install an EV charging station in the common area of the CID (*e.g.*, a shared parking lot or parking garage with designated parking spaces) must obtain HOA approval. The law specifies that HOAs must approve the installation if the owner seeking to install the EV charging station agrees to meet certain conditions such as obtaining liability insurance for a charging station, as specified.

- 3) *Managing Liability.* Recent legislative amendments to CID law regarding EV charging stations removed a requirement that the homeowner installing an EV charging station in the common area of a CID obtain liability insurance that specifically names the HOA as an insured party. This bill is designed to ensure that the recent change in the duty to insure does not leave a liability gap for HOAs. Specifically, this bill authorizes HOAs to require owners of EV charging stations to enter into a maintenance and indemnity agreement that transfers liability from the HOA to the owner for injury or damage arising from the EV charging station. Additionally, for EV charging stations that are installed in the common area, this bill requires the company or individual installing the station to indemnify or reimburse the HOA, or members of the HOA, for loss or damage associated with the installation.

FISCAL EFFECT: Appropriation: No Fiscal Com.:No Local:No

SUPPORT: (Verified 4/29/2026)

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

OPPOSITION: (Verified 4/29/2026)

None received

Prepared by: Hank Brady / HOUSING / (916) 651-4124
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