

Date of Hearing: June 10, 2026

ASSEMBLY COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT

Matt Haney, Chair

SB 1267 (Allen) – As Amended March 26, 2026

**SENATE VOTE:** 36-0

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

**SUMMARY:** Requires the installer of an electric vehicle (EV) charging station within a common interest development (CID) to indemnify or reimburse the homeowners' association (HOA) or the members for loss or damage caused by the installation of an EV charging station. Specifically, **this bill:**

- 1) Requires an owner to enter into a maintenance and indemnity agreement, if requested by the HOA, to transfer liability from the HOA to the owner for injury or damage arising from the EV charging station if the charging station is to be placed in a common area or an exclusive use common area.
- 2) Extends the responsibility for the costs of damage to the charging station, common area, exclusive use common area, or separate interests resulting from the use of an EV charging station to the owner and each successive owner of the charging station.
- 3) Requires the installer of an EV charging station to indemnify or reimburse the HOA for loss or damage caused by the installation of the EV charging station.
- 4) Provides 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 this section of law with civil liability protection for injuries and damages emanating from an EV charging station or its use that the HOA does not own.

**EXISTING LAW:**

- 1) Establishes the Davis-Stirling Common Interest Development Act which governs the creation and operation of CIDs and the respective rights and duties of a CID's HOA and its members. [Civil Code (CIV) 4000 *et seq.*]
- 2) Makes void and unenforceable any covenant, condition, or restriction (CC&R) contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a CID, and any provisions of a governing document, that either effectively prohibits or unreasonably restricts the installation or use of an EV charging station within an owner's unit or in a designated parking space. (CIV 4745(a))
- 3) Provides that an HOA may impose reasonable restrictions on EV charging stations that do not significantly increase the cost of the station or significantly decrease its efficiency or specified performance. (CIV 4745(b))

- 4) Requires an EV charging station to meet all applicable health and safety standards and requirements imposed by state and local authorities, and all other applicable zoning, land use, or other ordinances, or land use permits. (CIV 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 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 must first 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. Provides, within 14 days of approval, a certificate of insurance; and
  - d. Pay for both the costs associated with the installation of and the electricity usage associated with the charging station. (CIV 4745(f)(1))
- 7) Provides that an owner and each successive owner of a charging station shall be responsible for all of the following:
  - a. 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. 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 4745(f)(2))
- 8) Requires an owner of a charging station, whether located within a separate unit or within the common area or exclusive use common area, to maintain a liability coverage policy at all times. Requires an owner and each successor owner to provide the HOA with the certificate of insurance annually. (CIV 4745(f)(3))
- 9) 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 4745(h))
- 10) 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 4745(j))

11) Defines, for purposes of 2) through 10) 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 4745(d))

**FISCAL EFFECT:** This bill is keyed non-fiscal by the Legislative Counsel.

**COMMENTS:**

**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.”

**CIDs:** There are over 50,000 CIDs in the state, ranging in size from three to 27,000 units, with the average CID having 286 residents. CIDs make up roughly 4.7 million housing units, and 36% of Californians (over 14 million Californians) live in a CID. These rates are even higher for homeowners, with approximately 65% of homeowners living in a CID. CIDs include condominiums, community apartment projects, housing cooperatives, and planned unit developments. They are characterized by a separate ownership of dwelling space coupled with an undivided interest in a common property, restricted by covenants and conditions that limit the use of common area, and the separate ownership interests and the management of common property and enforcement of restrictions by an HOA. CIDs are governed by the Davis-Stirling Common Interest Development Act (the Act) as well as the governing documents of the HOA, including bylaws, declaration, and operating rules.

**Davis-Stirling Common Interest Development Act:** The Act went into effect in 1986 and is the primary body of law governing CIDs in California. The Act provides the legal framework for the creation and management of HOAs, including rules related to governance, assessments, dispute resolution, maintenance responsibilities, and member rights. The Act aims to balance the authority of HOAs with the rights of individual property owners, ensuring that communities are managed efficiently and fairly.

Over time, the Act has been amended to address the evolving needs of CIDs and to increase transparency, accountability, and consumer protection. Key provisions include requirements for open meetings, financial disclosures, election procedures, and architectural review processes. The Act also provides mechanisms for resolving disputes, including internal dispute resolution and alternative dispute resolution, before certain legal actions can proceed. As CIDs continue to represent a significant portion of California's housing stock, the Act plays a critical role in shaping the living environment and governance of millions of residents across the state.

***Climate mitigation efforts and EV charging need:*** The California Global Warming Solutions Act of 2006 was passed as AB 32 (Núñez), Chapter 488, Statutes 2006, and established California's core climate framework by requiring the state to reduce greenhouse gas emissions to 1990 levels by 2020, and then an 80% reduction below 1990 levels by 2050. Later, SB 32 (Pavley), Chapter 249, Statutes of 2016, strengthened the framework by setting a new target of reducing emissions to 40% below 1990 levels by 2030. More recently, AB 1279 (Muratsuchi), Chapter 337, Statutes of 2022, added a long-term goal requiring the state to achieve carbon neutrality by 2045 and maintain net negative emissions, extending the state's climate policy beyond fixed percentage reductions toward a net-zero emissions framework.

According to the California Air Resources Board, the transportation sector is the largest source of emissions in the state, accounting for roughly 40% of total greenhouse gas emissions in recent years. Within that sector, light-duty passenger vehicles, including cars, SUVs, and pickup trucks, are the largest source of transportation-related emissions.

To address this issue and help the state reach its emissions reductions targets, Governor Brown signed Executive Order B-16-12, which established a goal of putting 1.5 million zero emissions vehicles (ZEV) on California's road by 2025. Governor Brown revised California's ZEV deployment target in January 2018, by signing Executive Order B-48-18. This order called for deploying five million ZEVs in California by 2030. The order also increased ZEV infrastructure targets. Specifically, the order establishes a goal of installing 200 hydrogen fueling stations and 250,000 EV chargers, including 10,000 direct current fast chargers, by 2025. In 2020, Governor Newsom issued Executive Order N-79-20, directing the state to require that all new passenger cars and trucks sold in California be zero-emission by 2035. The state currently has over 1.9 million EVs on the roads and over 200,000 chargers to support them as of September 2025, according to the California Energy Commission. This is more than double the number of chargers statewide in 2022, and nearly five times as many as in 2019.

***EVs in HOAs:*** To promote, encourage, and remove obstacles to the use of EV charging stations in CIDs, the Legislature passed SB 209 (Corbett), Chapter 121, Statutes of 2011, which made void and unenforceable any CC&R contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a CID, and any provision of a governing document, that effectively prohibits or restricts the installation or use of an EV charging station. At the time, existing law allowed an HOA to deny an application for installation of EV charging stations. SB 209 allowed an HOA to impose reasonable restrictions on EV charging stations, so long as the restrictions do not significantly increase the cost of the station or significantly decrease its efficiency or specified performance. Under SB 209, EV charging stations needed to meet all applicable health and safety standards imposed by state and local permitting authorities and needed to be designed in compliance with the California Building Standards Code. SB 209 also established various obligations of a homeowner if an EV charging station was to be placed in a common area or an exclusive use common area, including

that the homeowner agree to comply with the CID's architectural standards for the installation, engage a licensed contractor to install the station, and provide a certificate of insurance that names the CID as an additional insured under the homeowner's insurance policy. Under the SB 209 framework, a homeowner, and each successive homeowner, were required to maintain a liability coverage policy in the amount of \$1 million.

In 2018, the Legislature passed SB 1016 (Allen), Chapter 376, which 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 million. Additionally, SB 1016 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), Chapter 525, Statutes of 2025, removed the other provision that still required the member installing the EV charging station to list the HOA as an additional insured in their policy. Today, existing law still requires an owner and each successive owner to maintain, at all times, a liability coverage policy and to provide the HOA with the corresponding certificate of insurance with 14 days of approval of an application to install an EV charging station and each year thereafter.

***This bill:*** SB 1267 seeks to address potential issues of exposure to liability for damage or injury resulting from an EV charging station installed within a common area or an exclusive use common area. This bill requires, if requested by an HOA, an owner to agree in writing 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. This bill also requires the installer of an 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. Generally, an HOA is responsible for the common area of the CID, including injuries and damages that occur in or to the common area. The author and proponents of this bill note that following the repeal of the requirement to name an HOA as an additional insured, some HOAs are concerned that they would be liable for damage or injury arising from the EV charging station in the common area even though the charging station is owned by the homeowner. This bill makes clear, if requested by the HOA, that the owner of an EV charging station in a common area or an exclusive use common area must enter into a maintenance and indemnity agreement to transfer liability for injury or damage arising from the EV charging station from the HOA to the owner. SB 1267 does not change an owner's or successive owner's responsibilities for costs of damage to the EV charging station, common area, exclusive use common area, or separate interests resulting from the installation, maintenance, or removal of the charging station. Nor does this bill change the owner's or successive owner's existing obligation to maintain, at all times, a liability coverage policy and to provide the HOA with the certificate of insurance annually. Owners and successive owners are still required to disclose to prospective buyers the existence of any charging station of the owner and the related responsibilities of the owner provided under CIV 4745.

***Arguments in support:*** The Community Associations Institute's California Legislative Action Committee write in a support position: "As associations increasingly navigate requests for individually owned EV charging stations in common areas, SB 1267 appropriately clarifies responsibility and liability. The bill affirms the Legislative intent to provide civil liability protections to associations that comply with existing EV charging station requirements, ensuring they are not held responsible for injuries or damages stemming from equipment they do not own."

SB 1267 also strengthens accountability by requiring owners to enter into maintenance and indemnity agreements upon request by the associations, and by expanding owner responsibility to include damages resulting from the use, not just the installation, maintenance or removal of EV charging stations. Additionally, the bill ensures that installers indemnify or reimburse associations and their members for any loss or damage caused by the installation or use of these systems.”

The Electric Vehicle Charging Association writes in a support position: “SB 1267 makes targeted and practical improvements to prior work in this area. The bill’s additions, requiring a maintenance and indemnity agreement at the association’s request, clarifying owner responsibility for costs arising from use of the charging station, and establishing a civil liability protection for associations that comply with the statute, provide important certainty for all parties. These changes will reduce disputes, facilitate smoother installation approvals, and help unlock EV charging access for California’s condominium and HOA residents. This is critical as California works to resolve the housing crisis and builds denser and faster.”

***Arguments in opposition:*** The California Association of Realtors (C.A.R.) writes in an opposed unless amended position: “Existing law allows homeowners in common interest developments to install EV charging stations and requires the installing owner to cover all installation, maintenance, repair, replacement, and operational costs. SB 1267 seeks to extend these obligations to future homeowners who had no role in installing or financing the equipment. Although disclosures may occur during a sale, the bill removes a buyer’s ability to negotiate removal, replacement, or responsibility for outdated or incompatible charging stations as part of the purchase agreement.

Buyers are increasingly encountering charging equipment that is obsolete, abandoned, or unsuitable for their needs. SB 1267 would allow HOAs to require subsequent owners to assume ongoing liability, indemnification, insurance, maintenance, and payment obligations solely because they purchased the property. This shift may create uncertainty in real estate transactions and raise concerns for buyers, lenders, and insurers. At a time of significant housing affordability challenges, imposing additional obligations on future homeowners’ risks creating new barriers to homeownership and further complicating property transfers within common interest developments.

C.A.R. will remove its opposition if the following amendment on Page 4, line 2 after “station” is added:

*‘The maintenance and indemnity agreement to transfer liability from the association to the owner shall not transfer to a successive owner.’”*

***Related legislation:***

*SB 770 (Allen), Chapter 525, Statutes of 2025*, repealed the requirement that a certificate of insurance for an EV charging station installed within a CID name the HOA as an additional insured under the owner’s insurance policy.

*SB 1482 (Allen, 2022)*, required HCD to research, develop, and propose mandatory building standards for EV charging infrastructure in parking spaces in multifamily dwellings. *SB 1482 was vetoed by the Governor. The Governor’s veto message reads:*

*To the Members of the California State Senate:*

*I am returning Senate Bill 1482 without my signature.*

*This bill requires the Department of Housing and Community Development to research, develop, and consider proposing for adoption mandatory building standards for the installation of electric charging infrastructure for parking spaces in new, multifamily dwellings.*

*I agree with the author's intent to increase access to EV charging technology for Californians living in multifamily housing, which is necessary to increase the number of zero emission vehicles on the road. However, I believe this issue is best addressed administratively in order to balance our charging objectives with our efforts to expand affordable housing.*

*The Department of Housing and Community Development is already working with numerous stakeholders and state agencies in a deliberative public process to aggressively expand mandatory EV charging requirements in new housing developments. This approach allows for other important considerations, such as the cost of affordable housing and feasibility of implementation.*

*For these reasons, I cannot sign this bill.*

*Sincerely,*

*Gavin Newsom*

*AB 1738 (Boerner Horvath), Chapter 687, Statutes of 2022, required HCD to research and develop building standards for EV charging stations when retrofits are completed in existing residential structures and gives HCD the option of proposing those standards for adoption.*

*SB 1016 (Allen), Chapter 376, Statutes of 2018, deleted the requirement that an owner with an EV charging station have an insurance policy of \$1 million naming an HOA as additionally insured under the policy and giving the HOA the right to a notice of cancellation, and required an owner with an EV charging station to provide an HOA with a copy of an insurance policy that covers the charging station within 14 days of receiving approval to install the charging station and each year thereafter, among other provisions.*

*SB 209 (Corbett), Chapter 121, Statutes of 2011, made void and unenforceable any covenant, restriction, or conditions contained in any deed, contract, security instrument, or other instrument in a CID that prohibits or restricts the installation of an EV charging station, as specified.*

***Double-Referred:*** This bill was also referred to the Assembly Judiciary Committee, where it will be heard should it pass out of this committee.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

Alliance for Automotive Innovation  
Community Associations Institute's California Legislative Action Committee  
Electric Vehicle Charging Association

**Opposition**

California Association of Realtors (unless amended)

**Analysis Prepared by:** Juan Reyes / H. & C.D. / (916) 319-2085