

RCW 64.38.062 Electric vehicle charging stations. (Effective until January 1, 2028.)

(1) (a) A homeowners' association may not adopt or enforce a restriction, covenant, condition, bylaw, rule, regulation, provision of a governing document, or master deed provision that:

(i) Effectively prohibits or unreasonably restricts the installation or use of an electric vehicle charging station in compliance with the requirements of this section and for the personal noncommercial use of a lot owner, within the boundaries of a lot or in a designated parking space; or

(ii) Is in conflict with the provisions of this section.

(b) Nothing in this section prohibits an association from imposing reasonable restrictions on electric vehicle charging stations. However, it is the policy of the state to promote, encourage, and remove obstacles to the use of electric vehicle charging stations.

(2) A homeowners' association may require a lot owner to submit an application for approval for the installation of an electric vehicle charging station before installing the charging station.

(3) (a) If approval is required for the installation or use of an electric vehicle charging station, the application for approval must be processed and approved in the same manner as an application for approval of an architectural modification.

(b) The approval or denial of an application must be in writing and must not be willfully avoided or delayed.

(c) If an application is not denied in writing within 60 days from the date of receipt of the application, the application is deemed approved, unless that delay is the result of a reasonable request for additional information.

(d) A homeowners' association may not assess or charge a lot owner a fee for the placement of an electric vehicle charging station. An association may charge a reasonable fee for processing the application to approve the installation of an electric vehicle charging station, but only if such a fee exists for all applications for approval of architectural modifications.

(4) If approval is required for the installation or use of an electric vehicle charging station, a homeowners' association must approve the installation within the boundaries of a lot or in a designated parking space if the installation is reasonably possible and the lot owner agrees in writing to:

(a) Comply with the association's reasonable architectural standards applicable to the installation of the electric vehicle charging station;

(b) Engage an electrical contractor familiar with the standards for the installation of electric vehicle infrastructure to assess the existing infrastructure necessary to support the proposed electric vehicle charging station, identify additional infrastructure needs, and install the electric vehicle charging station;

(c) Register the electric vehicle charging station with the association within 30 days after installation;

(d) Pay for the electricity usage associated with the electric vehicle charging station and the required means to facilitate payment for the electricity; and

(e) Comply with the requirements of this section.

(5) (a) A lot owner must obtain any permit or approval for an electric vehicle charging station as required by the local government

in which the common interest community is located and comply with all relevant building codes and safety standards.

(b) An electric vehicle charging station must meet all applicable health and safety standards and requirements imposed by national, state, or local authorities, and all other applicable zoning, land use or other ordinances, building codes, or land use permits.

(6) (a) Unless otherwise agreed to by written contract with the homeowners' association, a lot owner is responsible for the costs of installing an electric vehicle charging station.

(b) Electric vehicle charging station equipment that is installed at the lot owner's cost and is removable without damage to the property owned by others may be removed at the lot owner's cost. Nothing in this subsection requires the association to purchase the electric vehicle charging station.

(7) A lot owner must disclose to any prospective buyers of the lot:

(a) The existence of an electric vehicle charging station and the related responsibilities of the owner under this section; and

(b) Whether the electric vehicle charging station is removable and whether the owner intends to remove the charging station.

(8) The owner and each successive owner of an electric vehicle charging station is responsible for:

(a) Costs for the maintenance, repair, and replacement of the electric vehicle charging station up until the station is removed;

(b) Costs for damage to the electric vehicle charging station, any lot, common area, or limited common area resulting from the installation, use, maintenance, repair, removal, or replacement of the electric vehicle charging station;

(c) The cost of electricity associated with the electric vehicle charging station;

(d) If the owner decides to remove the electric vehicle charging station, costs for the removal and the restoration of the common area or limited common area after the removal; and

(e) Removing the electric vehicle charging station if reasonably necessary for the repair, maintenance, or replacement of the common area or limited common area.

(9) A homeowners' association may install an electric vehicle charging station in the common area for the use of all lot owners and, in that case, the association must develop appropriate terms of use for the charging station.

(10) (a) A homeowners' association that willfully violates this section is liable to the lot owner for actual damages, and shall pay a civil penalty to the lot owner in an amount not to exceed \$1,000.

(b) In any action by a lot owner requesting to have an electric vehicle charging station installed and seeking to enforce compliance with this section, the court shall award reasonable attorneys' fees and costs to any prevailing lot owner.

(11) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Designated parking space" means a parking space that is specifically designated for use by a particular lot owner, including a garage, a deeded parking space, and a parking space in a limited common area that is restricted for use by one or more lot owners.

(b) "Electric vehicle charging station" means a station that delivers electricity from a source outside an electric vehicle into one or more electric vehicles. An electric vehicle charging station may include several charge points simultaneously connecting several

electric vehicles to the station and any related equipment needed to facilitate charging plug-in electric vehicles.

(c) "Reasonable restriction" means a restriction that does not significantly increase the cost of an electric vehicle charging station or significantly decrease its efficiency or specified performance. [2022 c 27 s 3.]