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ILLINOIS RENTERS & CONDO OWNERS HAVE A RIGHT TO CHARGE

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ALL YOUR QUESTIONS ON HOW TO TALK TO YOUR LANDLORD OR ASSOCIATION

On January 1, 2024, Illinois' Electric Vehicle Charging Act went into effect. Along with requiring new residential construction to have basic electrical infrastructure to support future EV charging, it also gives renters and condominium unit owners a right to charge their vehicles in their homes. Equitable and accessible charging infrastructure is integral to the success of EV adoption, which will bring immediate clean air benefits and affordable, convenient personal transport options for those most affected by pollution and disinvestment.

Home charging, the most inexpensive way to charge a vehicle, is not accessible to all. The convenience of plugging in overnight and waking up to a full charge every morning without waiting at a public charger is unrivalled.

This privilege of convenience has thus far most often been afforded to single-family homeowners. Until now, there were no guidelines to follow for renters, condo owners and their respective landlords and associations.

A right to charge framework guides everyone's rights and responsibilities and lays out best practices on multi-unit dwelling EV charging.

WHAT DOES RIGHT TO CHARGE MEAN?

A right to charge prohibits a landlord or association from unreasonably restricting the installation or use of EV charging in a tenant or unit owner's parking space.

WHAT'S AN UNREASONABLE RESTRICTION?

Applicable health and safety, zoning, land use and other state and local ordinances still apply, but unit owners can otherwise install charging in their designated or deeded parking space with no further requirements unless the association has a policy in place. The application for installation approval, if required, should be treated like an application for alteration or modification to a common element. The association must approve or deny

in writing and failure to do so within 60 days is deemed approval unless there is a reasonable request for more information.

If charging in your own space is not feasible and you want to do so in a common area, you must follow these guidelines:

- Get written approval from your association that you will, in writing, agree to these guidelines.
- Comply with architectural standards and use a licensed and insured electrical contractor for installation, who should provide a certificate of insurance to the association.
- Provide a certificate of insurance on your own liability insurance coverage within 14 days of approval, naming the association and agents as additional insured. You do not need to maintain liability coverage for an existing outlet you can plug your charging cable into.
- Pay for installation costs, electricity usage, damage to common areas from installation, use, maintenance, and removal of charging stations (renters are responsible for these costs, too).
- Renters should also utilize a licensed electrical contractor and renter's insurance policy, register their charger with their landlord within 30 days of installation, and are responsible for the above costs. Your landlord may have to follow the process with the association, if applicable.

WHAT OTHER COSTS CAN MY LANDLORD CHARGE?

- Access to parking. If your lease does not include a parking spot, your landlord may charge for access to parking, including for reserving a specific spot, such as one by an outlet.
- Electricity usage.
- Security deposit or reimbursement. To cover any attributable costs from installation to restore the property to the original condition, reasonable reimbursement of electrical wiring upgrades directly resulting from your request for EV charging installation, or reimbursement of any marginal increase in insurance premium attributable to the charger (unless your lease says otherwise).

HOW CAN I KNOW HOW MUCH TO PAY FOR ELECTRICITY?

Unless your parking spot is in an area adjacent to your dwelling space, chances are the electricity used to charge your

EV will be metered to the common area and therefore the building itself. To determine how much you must pay for your electricity usage, you can use devices that have embedded submetering like the charger itself, your vehicle, or an estimated calculation. Most importantly, your landlord or association should not be seeking more reimbursement of electricity consumption than is reasonable.

- The charger. Newer charging station systems often have features like power consumption tracking that show how many kilowatt-hours have been used or bill users directly for usage. These smart chargers make multi-unit dwelling charging convenient, especially in common areas where multiple people are using the same charger.
- Your EV itself. Some EV models can show energy usage on the vehicle's dashboard or the mobile app.
- You can guesstimate your energy usage using the vehicle's efficiency (EPA-rated or also displayed on the dashboard), mileage driven and cost of electricity for the common area. For example, your EV may tell you your efficiency is 300 Watt-hours per mile. Then, perhaps you estimate that you drive about 300 miles a month, and your association says their electricity rate is 12 cents per kilowatt-hour.

$$(300 \text{ Wh/mi}) * (300 \text{ mi}) = 90 \text{ kWh} * (\$0.12/\text{kWh}) = \$10.80$$

To account for some energy loss that happens while charging anything with AC power, let's lose 20% efficiency:

$$90 \text{ kWh} * 1.2 = 108 \text{ kWh} * (\$0.12/\text{kWh}) = \$12.96$$

It would be reasonable to pay about \$13 a month for electricity usage. Your consumption may go up in the winter or down in the summer, or adjust with your mileage, so you can find an average you are happy with.

WHAT IF THEY DON'T LISTEN?

These guidelines are meant to provide a framework for fair and accessible EV charging in multi-unit dwellings and are meant to discourage litigation where cooperation is possible. Parties may always agree on their own charging policies and access as well in association documents or lease agreements. Where there is no possible resolution and an association or landlord has intentionally violated your right to charge, they can be liable for actual damages and pay a civil penalty. If your landlord is found liable, they will have to pay your attorney's fees. In the association's case, whoever wins the case has their fees paid by the other party.

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