P.L. 2020, CHAPTER 80, ***approved September 14, 2020***
Senate, No. 349 ***(First Reprint)***

AN ACT concerning the installation of electric vehicle charging stations in certain new residential construction and supplementing Title 52 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. As used in this act:

[1]"Advertising" means the same as that term is defined in section 3 of P.L.1977, c.419 (C.45:22A-23).**]**[1]

"Commissioner" means the Commissioner of Community Affairs.

"Designated parking space" means a parking space specifically designated for use by an owner of a particular dwelling unit, including, but not limited to, a garage, a deeded parking space, or a parking space in a limited common element that is restricted for use by one or more dwelling unit owners.

"Developer" means any person who constructs or offers to construct a dwelling unit as part of a residential development.

"Dwelling unit" means a single-family residence constructed as part of a [1]residential[1] development, which includes a designated parking space which is exclusive to that residence and not a common element or common area.

"Electric vehicle charging station" means a station that is designed in compliance with the State Uniform Construction Code, adopted pursuant to P.L.1975, c.217 (C.52:27D-119 et seq.), that delivers electricity from a source outside an electric vehicle into one or more electric vehicles, and that [1]**[**is capable of providing**]** provides[1], at a minimum, Level 2 charging [1]that is capable of two-way communications, data sharing, and load control functionality with an electric public utility[1].

"Owner" means any person who acquires a legal or equitable interest in a dwelling unit.

"Prospective owner" means any person who contemplates acquiring a legal or equitable interest in a dwelling unit.

"Residential development" means development undertaken for the purpose of creating 25 or more dwelling units for owner occupancy.

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.
Matter enclosed in superscript numerals has been adopted as follows:
[1]Senate SEN committee amendments adopted June 4, 2020.

2. a. A developer shall offer to install, or to provide for the installation of, an electric vehicle charging station into a dwelling unit when a prospective owner enters into negotiations with the developer to purchase a dwelling unit.

b. [1]**[**A**]** Prior to entering into a contract of sale for a dwelling unit, a[1] developer shall [1]**[**disclose in any advertising, in a manner and form determined by the commissioner pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.)**]**[1] :

(1) [1]disclose[1] that a prospective owner may have an electric vehicle charging station installed at any dwelling unit [1]**[**;

(2)**]** , and upon request by the prospective owner, disclose[1] the total cost of installing an electric vehicle charging station at a dwelling unit that will be charged to the owner by the developer;

[1]**[**(3)**]** and

(2) unless the installation of an electric vehicle charging station is included in the sale of the dwelling unit at no cost to the prospective owner, inform the prospective owner of the availability on the Internet website of the Department of Community Affairs of[1] general information on the environmental benefits of, and potential energy cost savings associated with, electric vehicle usage [1]**[**; and

(4) information concerning**]** and[1] any applicable credits, rebates, or other incentives that may be available to the prospective owner for the installation of an electric vehicle charging station.

[1]c. Every contract of sale for a dwelling unit shall include a notification by the developer to the prospective owner of the offer to install, or to provide for the installation of, an electric vehicle charging station at the dwelling unit pursuant to this section.

d. The commissioner, in consultation with the Department of Environmental Protection and the Board of Public Utilities, shall compile, and make available on the Internet website of the Department of Community Affairs, information for prospective owners and developers concerning the environmental benefits of, and potential energy cost savings associated with, electric vehicle usage and any applicable credits, rebates, or other incentives that may be available to the prospective owner for the installation of an electric vehicle charging station. The information required pursuant to this subsection shall inform prospective owners and developers of the availability of various types of electric vehicle charging stations.[1]

3. If the prospective owner accepts, pursuant to a written contract, the developer's offer to install, or to provide for the installation of, an electric vehicle charging station at the dwelling unit, then the developer shall install, or provide for the installation

of, an electric vehicle charging station at the dwelling unit prior to the closing of title on the sale of the dwelling unit [1], subject to material availability or acts of force majeure in which case the developer shall complete the installation as soon as reasonably practical[1].

4. If the dwelling unit is located within a residential development for which a homeowner association or other owner or membership association will be responsible for the maintenance, repair, or replacement of the area in which an electric vehicle charging station is installed, and the association incurs any additional cost or expense resulting from the installation of an electric vehicle charging station, such as the additional cost to remove and reinstall the equipment in the course of maintenance, repair, or replacement, [1]or the electricity usage associated with the electric vehicle charging station,[1] then the association shall have the right to:

a. impose and collect the additional cost or expense from the owner of the dwelling unit, which shall be collectible in the same manner as any other common expense or fee of the development;

b. access the dwelling unit as may be reasonably required to perform such maintenance, repair, or replacement; and

c. record a declaration or similar instrument, in the same manner as a deed, with the county clerk for the purpose of advising current and prospective owners of the dwelling unit that they may be responsible for the additional costs and expenses described in this section.

5. The commissioner shall enforce the provisions of this act and may assess violators of this act in accordance with the penalties provided for under section 18 of P.L.1977, c.419 (C.45:22A-38).

6. This act shall take effect immediately and shall apply to any dwelling unit for which a construction permit is issued on or after the 90th day following the date of enactment.

Requires developers to offer electric vehicle charging stations as option in certain new home construction.