

[First Reprint]
SENATE, No. 349

STATE OF NEW JERSEY
219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator BOB SMITH
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Senator LINDA R. GREENSTEIN
District 14 (Mercer and Middlesex)
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Assemblyman DANIEL R. BENSON
District 14 (Mercer and Middlesex)
Assemblyman JAMES J. KENNEDY
District 22 (Middlesex, Somerset and Union)

Co-Sponsored by:

Senator Diegnan, Assemblymen Danielsen, Freiman, McKeon,
Assemblywomen Lopez, Carter, Downey and Swain

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Senate Environment and Energy Committee on June 4, 2020, with amendments.

(Sponsorship Updated As Of: 7/30/2020)

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

4
 5 **BE IT ENACTED** by the Senate and General Assembly of the State
 6 of New Jersey:

7
 8 1. As used in this act:

9 ¹“Advertising” means the same as that term is defined in
 10 section 3 of P.L.1977, c.419 (C.45:22A-23).¹

11 “Commissioner” means the Commissioner of Community
 12 Affairs.

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

18 “Developer” means any person who constructs or offers to
 19 construct a dwelling unit as part of a residential development.

20 “Dwelling unit” means a single-family residence constructed as
 21 part of a ¹residential¹ development, which includes a designated
 22 parking space which is exclusive to that residence and not a
 23 common element or common area.

24 “Electric vehicle charging station” means a station that is
 25 designed in compliance with the State Uniform Construction Code,
 26 adopted pursuant to P.L.1975, c.217 (C.52:27D-119 et seq.), that
 27 delivers electricity from a source outside an electric vehicle into
 28 one or more electric vehicles, and that ¹**[is capable of providing]**
 29 provides¹, at a minimum, Level 2 charging ¹that is capable of two-
 30 way communications, data sharing, and load control functionality
 31 with an electric public utility¹.

32 “Owner” means any person who acquires a legal or equitable
 33 interest in a dwelling unit.

34 “Prospective owner” means any person who contemplates
 35 acquiring a legal or equitable interest in a dwelling unit.

36 “Residential development” means development undertaken for
 37 the purpose of creating 25 or more dwelling units for owner
 38 occupancy.

39
 40 2. a. A developer shall offer to install, or to provide for the
 41 installation of, an electric vehicle charging station into a dwelling
 42 unit when a prospective owner enters into negotiations with the
 43 developer to purchase a dwelling unit.

44 b. ¹**[A]** Prior to entering into a contract of sale for a dwelling

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:

¹Senate SEN committee amendments adopted June 4, 2020.

1 unit, a¹ developer shall ¹【disclose in any advertising, in a manner
2 and form determined by the commissioner pursuant to the
3 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-
4 1 et seq.)】¹ :

5 (1) ¹disclose¹ that a prospective owner may have an electric
6 vehicle charging station installed at any dwelling unit ¹【;

7 (2)】 , and upon request by the prospective owner, disclose¹ the
8 total cost of installing an electric vehicle charging station at a
9 dwelling unit that will be charged to the owner by the developer;

10 ¹【(3)】 and

11 (2) unless the installation of an electric vehicle charging station
12 is included in the sale of the dwelling unit at no cost to the
13 prospective owner, inform the prospective owner of the availability
14 on the Internet website of the Department of Community Affairs of¹
15 general information on the environmental benefits of, and potential
16 energy cost savings associated with, electric vehicle usage ¹【; and

17 (4) information concerning】 and¹ any applicable credits, rebates,
18 or other incentives that may be available to the prospective owner
19 for the installation of an electric vehicle charging station.

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

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

36
37 3. If the prospective owner accepts, pursuant to a written
38 contract, the developer's offer to install, or to provide for the
39 installation of, an electric vehicle charging station at the dwelling
40 unit, then the developer shall install, or provide for the installation
41 of, an electric vehicle charging station at the dwelling unit prior to
42 the closing of title on the sale of the dwelling unit ¹, subject to
43 material availability or acts of force majeure in which case the
44 developer shall complete the installation as soon as reasonably
45 practical¹.

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

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

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

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

22

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

26

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