



Susan Wengraf  
Councilmember District 6

CONSENT CALENDAR  
March 13, 2018

To: Honorable Mayor and Members of the City Council  
From: Councilmembers Wengraf, Bartlett, Harrison, & Hahn  
Subject: Support for AB 1796 (Muratsuchi) to Remove Impediments to the Installation of Electric Vehicle Charging Stations

RECOMMENDATION

Send a letter of support of AB 1796 (Muratsuchi) to Assemblymember Thurmond, State Senator Skinner and Governor Brown.

BACKGROUND

In 2014, Assembly Member Al Muratsuchi (D-Torrance) introduced AB 2565, a bill to allow tenants the right to request to install an electric vehicle charging station in a designated parking space at their own personal cost. The law, effective July 1, 2015, requires the landlord to approve the request if the tenant is willing to pay for all expenses related to the installation and operation of the station. However, AB 2565 exempts dwellings that are subject to residential rent stabilization ordinances.

AB 1796 would eliminate the exemption for dwellings subject to residential rent stabilization ordinances for new leases executed, extended or renewed on and after January 1, 2019. This amendment would make the requirements of AB 2565 applicable to all rental properties in California, regardless of whether or not the dwelling falls under a local rent stabilization ordinance.

More than 80% of all EV charging, happens at home. AB 1796 will allow more people to charge at home and will help make electric vehicle technology more accessible to all types of households.

FINANCIAL IMPLICATIONS

None

ENVIRONMENTAL SUSTAINABILITY

AB 1796 is aligned with Berkeley's Climate Action Strategy

CONTACT PERSON

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Attachments:

1. Letter
2. AB 1796

March 13, 2018

To: (Assemblymember Tony Thurmond, State Senator Nancy Skinner and Governor Brown)

From: Berkeley City Council

Subject: Berkeley City Council Supports AB 1796

The City of Berkeley extends its full support of AB 1796 (Muratsuchi) which removes impediments to installing home electric vehicle charging stations in Section 1947.6 of the Civil Code, relating to tenancy. AB 1796 would eliminate the exemption for dwellings subject to residential rent stabilization ordinances for leases executed, extended or renewed on and after January 1, 2019.

More than 80% of all EV charging happens at home.<sup>1</sup> AB 1796 will allow more people to charge at home and will help make electric vehicle technology more accessible to all types of households.

Support of AB 1796 is consistent with the City of Berkeley's policy goals of environmental stewardship and sustainability. We thank you for your support of this important bill.

Signed,

The Berkeley City Council

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<sup>1</sup> <https://www.bchydro.com/powersmart/electric-vehicles/charging/how-to-charge.html>

**ASSEMBLY BILL**

**No. 1796**

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**Introduced by Assembly Member Muratsuchi**

January 9, 2018

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An act to amend Section 1947.6 of the Civil Code, relating to tenancy.

LEGISLATIVE COUNSEL'S DIGEST

AB 1796, as introduced, Muratsuchi. Rental property: electric vehicle charging stations.

Existing law requires a lessor of a dwelling to approve a written request of a lessee to install an electric vehicle charging station at a parking space allotted for the lessee in accordance with specified requirements. Existing law provides exemptions for specified dwellings, including an exemption for a dwelling that is subject to the residential rent control ordinance of a public entity.

This bill would eliminate that exemption, thereby requiring a lessor of a dwelling subject to the residential rent control ordinance of a public entity to approve a written request of a lessee to install an electric vehicle charging station in accordance with specified requirements.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 1947.6 of the Civil Code is amended to  
2 read:  
3 1947.6. (a) For any lease executed, extended, or renewed on  
4 and after July 1, 2015, a lessor of a dwelling shall approve a written  
5 request of a lessee to install an electric vehicle charging station at

1 a parking space allotted for the lessee that meets the requirements  
2 of this section and complies with the lessor’s procedural approval  
3 process for modification to the property.

4 (b) This section does not apply to residential rental properties  
5 where:

6 (1) Electric vehicle charging stations already exist for lessees  
7 in a ratio that is equal to or greater than 10 percent of the designated  
8 parking spaces.

9 (2) Parking is not provided as part of the lease agreement.

10 (3) A property where there are less than five parking spaces.

11 (4) A dwelling that is subject to the residential rent control  
12 ordinance of a public entity. *This paragraph shall not apply to a*  
13 *lease executed, extended, or renewed on and after January 1, 2019.*

14 (c) For purposes of this section, “electric vehicle charging  
15 station” or “charging station” means any level of electric vehicle  
16 supply equipment station that is designed and built in compliance  
17 with Article 625 of the California Electrical Code, as it reads on  
18 the effective date of this section, and delivers electricity from a  
19 source outside an electric vehicle into a plug-in electric vehicle.

20 (d) A lessor shall not be obligated to provide an additional  
21 parking space to a lessee in order to accommodate an electric  
22 vehicle charging station.

23 (e) If the electric vehicle charging station has the effect of  
24 providing the lessee with a reserved parking space, the lessor may  
25 charge a monthly rental amount for that parking space.

26 (f) An electric vehicle charging station and all modifications  
27 and improvements to the property shall comply with federal, state,  
28 and local law, and all applicable zoning requirements, land use  
29 requirements, and covenants, conditions, and restrictions.

30 (g) A lessee’s written request to make a modification to the  
31 property in order to install and use an electric vehicle charging  
32 station shall include, but is not limited to, his or her consent to  
33 enter into a written agreement that includes, but is not limited to,  
34 the following:

35 (1) Compliance with the lessor’s requirements for the  
36 installation, use, maintenance, and removal of the charging station  
37 and installation, use, and maintenance of the infrastructure for the  
38 charging station.

1 (2) Compliance with the lessor’s requirements for the lessee to  
2 provide a complete financial analysis and scope of work regarding  
3 the installation of the charging station and its infrastructure.

4 (3) A written description of how, when, and where the  
5 modifications and improvements to the property are proposed to  
6 be made consistent with those items specified in the “Permitting  
7 Checklist” of the “Zero-Emission Vehicles in California:  
8 Community Readiness Guidebook” published by the Office of  
9 Planning and Research.

10 (4) Obligation of the lessee to pay the lessor all costs associated  
11 with the lessor’s installation of the charging station and its  
12 infrastructure prior to any modification or improvement being  
13 made to the leased property. The costs associated with  
14 modifications and improvements shall include, but are not limited  
15 to, the cost of permits, supervision, construction, and, solely if  
16 required by the contractor, consistent with its past performance of  
17 work for the lessor, performance bonds.

18 (5) Obligation of the lessee to pay as part of rent for the costs  
19 associated with the electrical usage of the charging station, and  
20 cost for damage, maintenance, repair, removal, and replacement  
21 of the charging station, and modifications or improvements made  
22 to the property associated with the charging station.

23 (h) The lessee shall maintain in full force and effect a lessee’s  
24 general liability insurance policy in the amount of one million  
25 dollars (\$1,000,000) and shall name the lessor as a named  
26 additional insured under the policy commencing with the date of  
27 approval of construction until the lessee forfeits possession of the  
28 dwelling to the lessor.

