



Common Questions and Tips for Implementing the new Electric Vehicle Charging Station Requirements of House Bill 23-1233

The following are some common questions regarding the new HB23-1233 that was signed into law by Governor Polis on May 23, 2023, and which became effective on the same day.

- **Does the new law affect condominium, townhome, and detached single-family communities?**

Yes. The new law amends an existing section of the Colorado Common Interest Ownership Act, C.R.S. §38-33.3-106.8, and addresses installation and use of Electric Vehicle Charging Stations (“EVCS”) within condominium, townhome and detached single-family common interest communities.

- **May our association prohibit Owners from installing a Level 1 or level 2 EVCS on the Common Element parking spaces?**

No. All associations must now allow owners to install, at their own expense, a Level 1 or Level 2 EVSC on Common Element parking spaces. This is a change from the previous law which only mandated the Association allow owners to install these on their Units or Lots and any Limited Common Element parking spaces allocated to them subject to some conditions.

- **May associations still adopt aesthetic, safety, electrical usage, and placement guidelines regarding the installation of an EVCS?**

Yes. While not required, associations may (and are encouraged to) adopt reasonable guidelines addressing considerations such as aesthetics, bona fide safety concerns, installation requirements, and conditions upon sale or transfer of ownership. Some examples that may be applicable to your community may include:

- Insurance for and ownership of the EVCS
- Permitting and use of licensed contractors for installation
- Monitoring and payment of Utility costs
- Requirements pertaining to when a lot or unit is sold

- **Other than allowing owners to install and use EVCS on the Common Element Parking Spaces, Limited Common Element Parking Spaces, and their Units or Lots, how else does the new law affect our community?**

The new law also prohibits an association from restricting parking based on the vehicle being a plug-in hybrid vehicle or a plug-in electric vehicle.

- **What next steps should our association consider?**

An Association should consider how it will adopt or update its rules and architectural or design guidelines addressing the installation of these EVCS. Additionally, associations should consider how any additional costs related to the installation and use of the EVCS will be funded. An insurance deductible policy may also be considered to address responsibility for insurance deductibles under the association’s insurance policy for claims related to damage to an EVCS installed on the Common Element parking spaces.

New Electric Vehicle Charging Station Requirements of Senate Bill 178 Solutions and Options

To assist our communities in navigating the recent legislation (HB23-1233), we offer two options.

Option No. 1 – Policy Only

Cost: \$450.00 flat fee.

Services Provided: Preparation of an Electric Vehicle Charging Station Policy or amendment of an existing Electric Vehicle Charging Station Policy previously prepared by our firm. Preparation of an Installation Agreement for either Common Element parking or Limited Common Area parking made specifically for your community, with direction on how to utilize said Policy and Agreement.

Conditions: This Policy or revised Policy and accompanying Agreement will originate from our office and will not be a revision to your existing rules or architectural/design guidelines with “redlines” unless we are revising a policy previously prepared by our firm. This flat fee does not include any additional services or support outside of preparation of the written Policy and accompanying Agreement for the association. The \$450.00 flat-fee rate will be billed upon delivery of the Policy and Agreement. Additional support requested will be billed at the prevailing hourly attorney rate. This additional support includes, but is not limited to, how to implement the Policy and Agreement (beyond what is provided in the transmittal) and general questions related to the Policy and the new legislation.

Option No. 2 –Architectural or Design Guidelines or Rules: Electric Vehicles Charging Station and Parking Review and Revision

Cost: \$6500.00 flat fee.

Services provided: We will review and revise the association’s architectural or design guidelines or existing rules to integrate the electric vehicle charging station and parking requirements of Colorado law and to provide an Appendix to said Rules or Guidelines for the Agreement called for in the Policy. The benefit of Option No. 2 is that the requirements will be integrated into the association’s architectural or design guidelines or existing rules, as opposed to being in a separate stand-alone Policy.

Conditions: The \$650.00 flat-fee rate will be billed upon delivery of the revised architectural or design guidelines or rules. The review and revision does not include subjects other than those directly pertaining to electric vehicle charging stations and electric vehicle parking requirements. If you are unable to provide the existing architectural or design guidelines or rules in Word format, there may be additional charges for our staff to scan/type up the portion of the existing architectural or design guidelines and rules pertaining to electric vehicle charging station requirements. Over the last couple of years there have been other changes in Colorado law related to electric vehicles, parking, and other subjects often addressed in architectural or design guidelines and rules for associations. We are happy to provide a more thorough review of the architectural or design guidelines and your rules in relation to these other changes in the law upon request or provide additional support including how to implement the revised architectural or design guidelines and parking rules (beyond what is provided in the transmittal) as well as general questions related to the new legislation. Reviewing the guidelines and rules for these other changes and providing any additional support requested will be outside the scope of this flat fee and be billed at the prevailing hourly attorney rate.