

What you need to know about the new Illinois Electric Vehicle Charging Act.

Prepared by the CAI Illinois Legislative Action Committee.

- The Electric Vehicle Charging Act (“EVCA”) took effect January 1, 2024.
- As used in the EVCA, “association” means an association as defined in either subsection (o) of Section 2 of the Condominium Property Act or Section 1-5 of the Common Interest Community Association Act, whichever is applicable.
- Section 30 of the EVCA applies to unit owners, tenants, landlords, and associations of newly constructed and existing single-family homes and multifamily residential buildings that have parking spaces.
- Associations cannot prohibit or unreasonably restrict the installation or use of an electric vehicle charging system in an owner’s unit or designated parking space.
- Associations may impose reasonable restrictions pertaining to the installation and use of an electric vehicle charging system. An association may look to subsection (e) of Section 30 of the EVCA for examples of reasonable restrictions.
- An electric vehicle charging system installed by an owner is the property of that owner and is not deemed part of the common elements or common area, as the case may be.
- Electric vehicle charging systems must comply with applicable state and local regulations and requirements relating to health and safety, zoning, land use, permits, etc.
- When an association requires prior approval for the installation or use of an electric vehicle charging system, the association must process and approve the application in the same manner as an application for approval of an alteration, modification, or improvement to common elements/areas or an architectural modification to the property. The association must issue its approval or denial in writing without unreasonably delay. Association must deny an application in writing within 60 days from the date of receipt of the application, otherwise the application is deemed approved, unless a delay results from the reasonable request for additional information.
- Subsection (e) of Section 30 of the EVCA applies when an owner wants to place an electric vehicle charging system in a common element/area or limited common element/exclusive use common area. Under subsection (e), an owner must, among other things: obtain prior written approval from the association; comply with all reasonable restrictions of the association; engage a licensed and insured contractor to do the installation; pay for the costs of installation; pay for electricity usage; maintain liability insurance coverage. Also, the owner and successive owners must, among other things, be responsible for: maintenance, repair and replacement of the electric vehicle charging system; damage from the installation, maintenance, repair, removal, or replacement of the electric vehicle charging system; costs of electricity used; annually provide the association with a certificate of insurance.
- An association has the option of installing an electric vehicle charging system in a common element/area for use of all owners and may establish appropriate rules and regulations for the use of that electric vehicle charging system.
- The willful violation of Section 30 can subject an association to actual damages and a civil penalty not to exceed \$500. The prevailing party in an action to enforce compliance with Section 30 may recover its attorneys’ fees.

Additional Resources and Contact Information:

- Information and resources on electric vehicle charging stations can be found at caionline.org/advocacy/priorities/electriccharging
- CAI’s Illinois Legislative Action Committee can be found at caionline.org/advocacy/LAC/IL
- Please contact CAI’s Illinois Legislative Action Committee with any questions at government@caionline.org.

The above is provided for informational purposes only and does not constitute legal advice. All associations and owners should consult with a knowledgeable attorney about their rights under the EVCA.