



**COUNCIL OF THE DISTRICT OF COLUMBIA
THE JOHN A. WILSON BUILDING
1350 PENNSYLVANIA AVENUE, NW
WASHINGTON, DC 20004**

Charles Allen
Councilmember, Ward 6
Chairperson
Committee on Transportation and the Environment

Committee Member
Business and Economic Development
Health
Judiciary and Public Safety

January 31, 2023

Secretary Nyasha Smith
Council of the District of Columbia
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Dear Secretary Smith:

Today, along with all Members of the Council, I am proud to introduce the “Comprehensive Electric Vehicle Infrastructure Access, Readiness, and Sustainability Amendment Act of 2023. Having recognized that the growing demand for electric vehicles (EVs) far outpaces the current charging infrastructure in the District to support that growth, I am putting forward this vital legislation that will put the District on track to install a minimum of 7,500 electric vehicles charging stations (EVCS) in every part of the District by 2027. I am pleased that every member of the Council signed on as a co-introducer.

This bill would dramatically scale up the number of EVCSs in the city. As of 2021, the District has somewhere between 5,200 and 6,000 electric vehicles on the road on any given day, but only around 250 charging locations. The National Capital Region Transportation Planning Board (TPB), our regional transportation planning body, has said that 90 percent of vehicles must be electric by 2040 if we want to meet our climate change targets. As consumer preferences and federal incentives work to transition personal vehicles from gas-consuming cars to electric, the District quickly needs to add the supportive infrastructure necessary to make that transition smooth.

The bill includes several ways to distribute charging infrastructure across the entire District equitably by:

- Expanding the District’s Electric Vehicle Charging Station Pilot Program to allow DDOT to use federal infrastructure dollars to rapidly deploy EV charging stations in areas lacking EV infrastructure beginning in 2024, specifically at least four (4) charging stations in each Ward.
- Requiring installation or consideration of installation in all major streetscape projects moving forward—just like crosswalks and bike and transit lanes.
- Directing DDOT to create and publish an Electric Vehicle Infrastructure Deployment and Management Plan in 2024 to help the District assess the electric grid’s readiness and resiliency for EV charging. The plan will identify future charging station locations with equity as a priority and would be required to be updated every three years.

- Establishing an Electric Vehicle Charging Station Grant Program to be administered by DDOT and available to District residents, nonprofits, certified business enterprises, and others to incentivize the purchase, installation, and upgrades of EV charging stations.
- Requiring all new or substantially upgraded commercial and multi-unit dwellings with parking lots to include even more EV charging infrastructure than the law currently does an infrastructure that accommodates future EV charging stations.
- Creating a permitting requirement for newly built or renovated single-family homes with dedicated off-road parking (i.e., driveway parking spots or garages) to be EV-charging ready.
- Giving renters the right to install EV charging stations at their place of residence, with reasonable requirements and safety restrictions by landlords.
- Allowing condominium owners and homeowners who are part of a condo association or community association to install EV charging stations with reasonable requirements and safety restrictions by condo or co-op boards.

I look forward to working with my colleagues on the Council and providing the residents of the District with the necessary infrastructure that will help meet their daily needs and the demands of our growing city.

Sincerely,

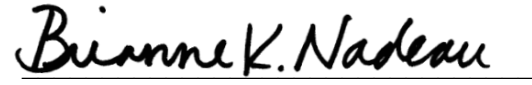
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Councilmember Charles Allen, Ward 6
Chair, Committee on Transportation and the Environment


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Chairman Phil Mendelson

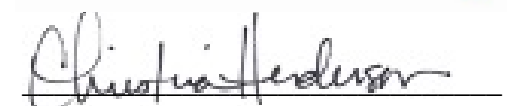

Councilmember Charles Allen

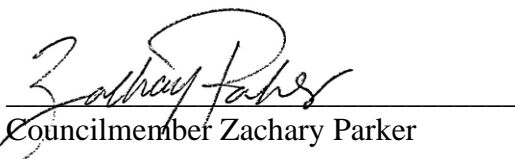

Councilmember Brianne K. Nadeau

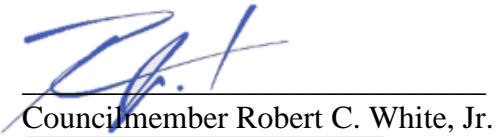

Councilmember Janeese Lewis George

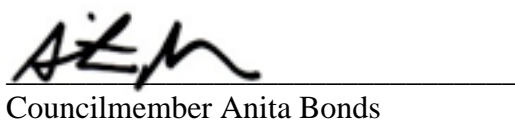

Councilmember Matt Frumin

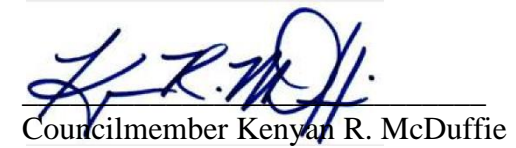

Councilmember Brooke Pinto


Councilmember Christina Henderson


Councilmember Zachary Parker


Councilmember Robert C. White, Jr.


Councilmember Anita Bonds


Councilmember Kenyan R. McDuffie


Councilmember Trayon White, Sr.


Councilmember Vincent C. Gray

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Department of Transportation Establishment Act of 2002 to expand the Electric Vehicle Charging Station Pilot Program, to require the District Department of Transportation to install electric charging stations during updates to streetscaping, and to maximize utilization to achieve at least 7,500 public charging stations with at least two or more ports across the District by 2027, and to establish the Electric Vehicle Charging Station Grant Program; to amend the Green Building Act of 2006 to require newly-constructed or substantially improved commercial buildings or single-family homes to include infrastructure to accommodate electric vehicle charging onsite, and to allow for

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46 the installation and use of electric vehicle charging stations by condominium owners and
47 homeowners in a condominium association or community association and renters.

48 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
49 act may be cited as the “Comprehensive Electric Vehicle Infrastructure Access, Readiness, and
50 Sustainability Amendment Act of 2023”.

51 Sec. 2. The Department of Transportation Establishment Act of 2002, effective May 21,
52 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.01 *et seq.*) is amended as follows:

53 (a) Section 5(a) (D.C. Official Code § 50-921.04(a)) is amended as follows:

54 (1) Paragraph (2A) is amended by adding a new subparagraph (C-1) to read as
55 follows:

56 “(C-1) Increases equitable access to electric vehicle charging stations by
57 implementing a project or recommendation listed in the DDOT’s Electric Vehicle Infrastructure
58 Deployment and Management Plan, as required by section 2o of this act.”.

59 (2) Paragraph (3A)(A) is amended as follows:

60 (A) Sub-sub paragraph (iv) is amended by striking the phrase “; and” and
61 inserting a semicolon in its place.

62 (B) A new sub-subparagraph (iv-1) is added to read as follows:

63 “(iv-1)(I) If the project is on a segment of road that has been
64 identified in the Electric Vehicle Infrastructure Deployment and Management Plan as a location
65 for an electric vehicle charging station, pursuant to section 2o(c-1) of this act, and the electric
66 vehicle charging station has not been installed, a plan to, as approved by the Department, install
67 either an electric vehicle charging station capable of delivering at least Level 2 charging or a
68 dedicated electric line of sufficient voltage to support the later addition of an electric vehicle

69 charging station capable of delivering Level 2 charging or greater as defined in DDOT’s Electric
70 Vehicle Infrastructure Deployment and Management Plan;

71 “(II) For the purposes of this sub-subparagraph,
72 the term “Level 2 charging” means an electric vehicle charging station capable of delivering an
73 electrical current from an outlet or hardwired unit to the vehicle via the connector using a
74 208/240V branch circuit and a dedicated up to 60 amps. A Level 2 charging output is
75 approximately 3 kW to 19 kW of AC power or approximately 12-80 miles of range per hour;
76 and”.

77 (b) Section 2o (D.C. Official Code § 50-921.23) is amended as follows:

78 (1) A new subsection (b-1) is added to read as follows:

79 “(b-1) By January 1, 2024, DDOT shall install at least 50 electric vehicle charging
80 stations, including at least four electric vehicle charging stations in each ward. Each electric
81 vehicle charging station shall be capable of delivering at least Level 2 charging and be able to
82 charge more than one electric vehicle simultaneously.”.

83 (2) Subsection (c) is amended by striking the phrase “charging stations installed
84 pursuant to subsection (b) of this section” and inserting the phrase “charging stations installed
85 pursuant to subsections (b) and (b-1) of this section” in its place.”.

86 (3) A new subsection (c-1) is added to read as follows:

87 “(c-1) On January 1, 2024, and every three years thereafter, DDOT shall submit to the
88 Council and make publically available an Electric Vehicle Infrastructure Deployment and
89 Management Plan that includes:

90 “(1) A description of whether the District’s electric grid has the capacity to meet

91 and sustain the demand for electric vehicles and charging infrastructure and a description of
92 additional data DDOT needs to fully assess the electric grid’s readiness and resiliency;

93 “(2) Identification of the proposed location of electric vehicle charging
94 infrastructure and charging stations based on needs assessment and existing and future conditions
95 analysis, as well as analysis for optimal charger siting to maximize utilization to achieve at least
96 7,500 public charging stations with at least two or more ports across the District by 2027;

97 “(3) Equity considerations that ensure electric vehicle charging access is made
98 available to all District residents, particularly free publicly available charging stations;

99 “(4) Minimum standards and requirements for projects and initiatives for the
100 deployment of publicly accessible electric vehicle charging infrastructure and charging stations,
101 including considerations for operational and technological advancements; and

102 “(5) Analysis of electric vehicle charging infrastructure deployment and adoption
103 across the District and contributions towards combating climate change in furtherance of the
104 District clean energy plan for carbon neutrality.”.

105 (4) A new subsection (f) is added to read as follows:

106 “(f) There is established an Electric Vehicle Charging Station Grant Program
107 (“Program”), which shall be administered by DDOT to incentivize the purchase and installation
108 or upgrade of electric vehicle charging stations.

109 “(1) DDOT shall establish an application procedure and application requirements,
110 including:

111 “(A) A period of time during which the applicant shall be required to
112 own the electric vehicle charging station;

113 “(B) The electric vehicle charging station shall be installed in the

114 District and shall:

115 “(i) Establish at least a new, alternating Level 2 station with two or
116 more ports that provide electricity to two or more electric vehicles, or a Level 3 direct current
117 fast charging station where none previously existed; or

118 “(ii) Upgrades an existing electric vehicle charging station to an
119 alternating current Level 2 station with two or more ports that provide electricity to two or
120 more electric vehicles or a Level 3 direct current fast charging station; and

121 “(D) The applicant shall be, as determined by DDOT:

122 “(i) A District resident;

123 “(ii) A non-profit organization registered in the District;

124 “(iii) Eligible to be certified as a local business enterprise, pursuant
125 to the Small, Local, and Disadvantaged Business Enterprise Development and
126 Assistance Act of 2005 (D.C. Law 16-33; D.C. Official Code § § 2–218.3); or

127 “(iv) A homeowners’ association or condominium association
128 located in the District.

129 “(2) DDOT shall distribute grants, subject to the availability of funding, as
130 follows:

131 “(A) Each eligible installation of a new electric vehicle charging station
132 shall receive up to:

133 “(i) \$4,500 for the installation of an alternating current Level 2
134 station with two or more ports; or

135 “(ii) \$35,000 for the installation of a direct current fast charging
136 station.

137 “(B) Each eligible upgrade of an existing electric vehicle charging a
138 station shall receive up to:

139 “(i) \$3,000 for upgrading to an alternating current Level 2 station
140 with two or more ports; or

141 “(ii) \$28,000 for upgrading to a direct current fast charging station.

142 “(3) DDOT may establish criteria to ensure that an applicant is only
143 eligible for a grant once in any 5-year period.

144 “(4) When making grants pursuant to the Program, DDOT shall prioritize:

145 “(A) Electric vehicle charging stations that are publicly available,
146 serve multiple electric vehicles, serve electric vehicle fleets, or serve low-income or moderate-
147 income communities as identified in DDOT’s Electric Vehicle Infrastructure Deployment and
148 Management Plan; and

149 “(B) Electric vehicle charging stations that are networked and co-
150 optimized with other electric vehicle charging stations, or that DDOT determines advances grid
151 resiliency goals described in the District Electric Vehicle Infrastructure Deployment and
152 Management Plan.

153 “(5) DDOT shall direct grant recipients to local electric utilities where
154 additional electric vehicle charging equipment grants may be available.

155 “(6) For the purposes of this subsection, the term: “Level 2 charging”
156 means an electric vehicle charging station capable of delivering an electrical current from an
157 outlet or hardwired unit to the vehicle via the connector using a 208/240V branch circuit and a
158 dedicated up to 60 amps. A Level 2 charging output is approximately 3 kW to 19 kW power or
159 approximately 12-80 miles of range per hour; and “Level 3 charging, or direct current fast charging

160 charging, means an electric vehicle charging station capable of delivering an electrical current
161 from an outlet or hardwired unit to the vehicle via the connector using over a 480V branch circuit
162 and a dedicated up to 400 amps. A Level 3 charging output is approximately between 50 kW to
163 350 kW power or approximately 3-15 miles of range per minute or 75-1,200 miles per hour.”.

164 Sec. 3. The Green Building Act of 2006, effective March 8, 2007 (D.C. Law 16-234; D.C.
165 Official Code § 6-1451.01 *et seq.*) is amended as follows:

166 (a) Section 2 is amended by adding new paragraphs (11A-1) ad (11A-2) to read as
167 follows:

168 “(11A-1) “Electric vehicle charging installed” means a dedicated parking space
169 that is fully equipped with the requisite electrical panel capacity and space to support an installed
170 electric vehicle charging station of at least Level 2, 40-amp, 208/240V branch circuit or greater
171 with at least two ports, and the installation of raceways, both underground and surface mounted,
172 to support the charging station.

173 “(11A-2) “Electric vehicle charging ready” means a designated parking space that
174 is provided with the electrical panel capacity and space to support the future installation of a
175 Level-2, 40-amp, 208/240V branch circuit charging station or greater, and the installation of
176 raceways, both underground and surface mounted.”

177 (b) Section 4a (D.C. Official Code § 6–1451.03a) is amended by adding a new subsection
178 (a-1) to read as follows:

179 “(a-1) For building permits issued after January 1, 2024, all new construction or
180 substantial improvement of commercial buildings and multi-unit buildings that have 3 or more
181 automobile off-road parking spaces shall include infrastructure to accommodate electric vehicle
182 charging onsite based on the following requirements:

183 “(1) Commercial buildings shall include at least 15% of dedicated parking
184 spaces that are electric vehicle charging installed, and 25% of parking spaces that are electric
185 vehicle charging ready; and

186 “(2) Multi-unit buildings shall include at least 20% of dedicated parking
187 spaces that are electric vehicle charging installed, and 20% of parking spaces that are electric
188 vehicle charging ready.

189 (c) A new section 4b is added to read as follows:

190 “Sec. 4b. Electric vehicle make-ready parking spaces in new single-family homes.

191 “(a) For building permits issued after January 1, 2024, all new
192 construction or substantial improvement of single-family homes that include dedicated off-road
193 parking included in the permit shall be electric vehicle charging ready.

194 “(b) The builder or builder’s agent shall give to each buyer, prospective
195 buyer, or homeowner the following:

196 “(1) Notice of the requirement in subsection (a); and

197 “(2) Specific information about any available grant and/or
198 incentive programs related to the purchase or installation of an electric vehicle charging station.

199 “(c) The buyer, prospective buyer, or homeowner shall provide a physical
200 or electronic signature indicating that the buyer, prospective buyer, or homeowner has received
201 the options and information listed in subsection (b).

202 “(d) By September 30, 2023, the Mayor, pursuant to Title I of the District
203 of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C.
204 Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this section,
205 including rules that:

206 “(1) Detail the technical specifications required for the electric
207 vehicle make-ready infrastructure required by subsection (a) of this section; and

208 “(2) Establish standards for a waiver of the requirements of
209 subsection (a) of this section when a property owner demonstrates severe financial hardship.

210 “(e) By September 30, 2023, the Department of Energy and Environment
211 shall establish incentives for builders and homeowners of single-family dwellings to install
212 electric vehicle make-ready infrastructure. The Department may establish additional initiatives at
213 any time.

214 (d) A new section 4c is added to read as follows:

215 “Sec. 4c. Electric vehicle charging station policy for condominium owners and
216 homeowners in a condominium association or community association.

217 “(a)(1) A condominium association or community association shall allow the installation,
218 at the owner’s expense for the owner's own use, an electric vehicle charging station on or within
219 the property, provided that the owner complies with the following requirements which the
220 association may set:

221 “(A) Bona fide safety requirements consistent with an applicable building code or
222 recognized safety standard for the protection of persons and property;

223 “(B) A requirement that the electric vehicle charging station be registered with the
224 condominium association or common interest association within 30 days after installation; or

225 “(C) Reasonable aesthetic provisions that govern the dimensions, placement, or
226 external appearance of an electric vehicle charging station.

227 “(2) Any covenant, restriction, or condition contained in any deed, contract,

228 security interest, or other instrument affecting the transfer or sale of any interest in a
229 condominium or common interest community, and any provision of a governing document that
230 effectively prohibits or unreasonably restricts the installation or use of an electric vehicle
231 charging station within a unit owner's unit or a designated parking space, including, but not
232 limited to, a deeded parking space, a parking space in a unit owner's exclusive use common area,
233 or a parking space that is specifically designated for use by a particular unit owner, or is in
234 conflict with this section, is void and unenforceable.

235 “(b) Nothing in this section prohibits an association from imposing reasonable
236 restrictions on electric vehicle charging stations.

237 “(c) If approval is required for the installation or use of an electric vehicle charging
238 station, the association shall process and approve the application in the same manner as an
239 application for approval of an architectural modification to the property, and the association shall
240 not willfully avoid or delay the adjudication of the application. The approval or denial of an
241 application shall be in writing. If an application is not denied in writing within 30 days from the
242 date of the receipt of the application, the application shall be deemed approved unless the delay
243 is the result of a reasonable request for additional information.

244 “(d) If an electric vehicle charging station is to be placed in a common area or exclusive
245 use common area, as designated by the condominium or common interest community
246 association, the condominium or common interest community association may require that the
247 unit owner shall first obtain approval from the association to install the electric vehicle charging
248 station, may require the reasonable reimbursement of electricity usage, which shall not be set to
249 deliberately exceed the reasonable reimbursement, and the association may require the unit
250 owner to agree in writing to:

251 “(1) Comply with the association's architectural standards for the
252 installation of the electric vehicle charging station;

253 “(2) Engage a licensed electrical contractor to install the electric vehicle
254 charging station;

255 “(3) Provide a certificate of insurance that names the association as an
256 additional insured party under the unit owner's insurance policy); and

257 “(4) pay for both the costs associated with the installation of and the
258 electricity usage associated with the electric vehicle charging station; and

259 “(5) Except as provided in subsection (f), acceptance of authorization by
260 the association for an electric vehicle charging station for the exclusive use of a unit owner in a
261 common area that is not an exclusive use common area if installation in the unit owner's
262 designated parking space is impossible or unreasonably expensive.

263 “(e) After the installation of the electric vehicle charging station, the association
264 may require the unit owner, and each successive unit owner of the electric vehicle charging
265 station, be responsible for costs for the maintenance, repair, and replacement of the electric
266 vehicle charging station until it has been removed and for the restoration of the common area
267 after removal;

268 “(f) If an association installs an electric vehicle charging station in the common
269 area for the use of all unit owners and members of the association, the association shall develop
270 appropriate terms of use for the electric vehicle charging station.

271 “(g) An association that willfully violates this section shall pay a civil penalty to
272 DDOT not to exceed \$1,000.

273 (e) A new section 4d is added to read as follows:

274 “Sec. 4d. Electric vehicle charging station policy for renters.

275 “(a) Notwithstanding any provision in the lease to the contrary, a tenant may install, at the
276 tenant's expense for the tenant's own use, an electric vehicle charging station on or in the leased
277 premises, provided that the tenant complies with the following requirements which a landlord
278 may set:

279 “(1) Bona fide safety requirements consistent with an applicable building code or
280 recognized safety standard for the protection of persons and property;

281 “(2) A requirement that the electric vehicle charging station be registered with the
282 landlord within 30 days after installation; or

283 “(3) Reasonable aesthetic provisions that govern the dimensions, placement, or
284 external appearance of an electric vehicle charging station.

285 “(b) An electric vehicle charging station installed at the tenant's cost is the property of the
286 tenant. Upon termination of the lease, if the electric vehicle charging station is removable, the
287 tenant may either remove it or sell it for an agreed price or transfer ownership without sale to the
288 landlord or another tenant.

289 “(c) A landlord shall not assess or charge a tenant any fee for the placement or use of an
290 electric vehicle charging station, except that the landlord may:

291 “(1) Require reimbursement for the actual cost of electricity provided by the
292 landlord that was used by the electric vehicle charging station; or

293 “(2) If the tenant places an electric vehicle charging station in an area accessible
294 to other tenants, charge the tenant a reasonable fee to reserve a specific parking space in which to
295 install the electric vehicle charging station.

296 “(d) If a tenant places an electric vehicle charging station in an area accessible to other
297 tenants, a landlord may require the tenant to comply with the following:

298 “(1) That the electric vehicle charging station is in compliance with all applicable
299 requirements adopted by a landlord under subsection (b); and

300 “(2) Agreement, in writing by the tenant, to:

301 “(A) Comply with the landlord's design specifications for the installation
302 of an electric vehicle charging station;

303 “(B) Engage the services of a duly licensed and registered electrical
304 contractor familiar with the installation and code requirements of an electric vehicle charging
305 station; and

306 “(C) Provide, within 14 days after receiving the landlord's consent for the
307 installation, a certificate of insurance naming the landlord as an additional insured party on the
308 tenant's renter's insurance policy for any claim related to the installation, maintenance, or use of
309 the electric vehicle charging station or, at the landlord's option, reimbursement to the landlord for
310 the actual cost of any increased insurance premium amount attributable to the electric vehicle
311 charging station, notwithstanding any provision to the contrary in the lease. The tenant shall
312 provide reimbursement for an increased insurance premium amount within 14 days after the
313 tenant receives the landlord's invoice for the amount attributable to the electric vehicle charging
314 station.

315 “(e) If the landlord consents to a tenant's installation of an electric vehicle charging
316 station on property accessible to other tenants unless otherwise specified in a written agreement
317 with the landlord, the landlord may require that:

318 “(1) The tenant, and each successive tenant with exclusive rights to the area where
319 the electric vehicle charging station is installed, is responsible for costs for damages to the
320 electric vehicle charging station and to any other property of the landlord or another tenant
321 resulting from the installation, maintenance, repair, removal, or replacement of the electric
322 vehicle charging station;

323 “(2) Each successive tenant with exclusive rights to the area where the electric
324 vehicle charging station is installed shall assume responsibility for the repair, maintenance,
325 removal, and replacement of the electric vehicle charging station until the electric vehicle
326 charging station is removed;

327 “(3) The tenant, and each successive tenant with exclusive rights to the area where
328 the electric vehicle charging station is installed, shall, at all times, have and maintain an
329 insurance policy covering the obligations of the tenant under this subsection and shall name the
330 landlord as an additional insured party under the policy; or

331 “(4) The tenant, and each successive tenant with exclusive rights to the area where
332 the electric vehicle charging station is installed, is responsible for removing the station if
333 reasonably necessary or convenient for the repair, maintenance, or replacement of any property
334 of the landlord, whether or not leased to another tenant.

335 Sec. 5. Fiscal impact statement.

336 The Council adopts the fiscal impact statement in the committee report as the fiscal
337 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
338 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

339 Sec. 6. Effective date.

340 This act shall take effect following approval by the Mayor (or in the event of veto by the

341 mayor, action by the Council to override the veto), a 30-day period of Congressional review as
342 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
343 24, 1973, (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
344 Columbia Register.