



North Dakota House of Representatives

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Minority Leader

COMMITTEES:
Industry, Business and Labor

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Good morning, Chairman Louser and fellow members of the House Industry, Business and Labor Committee,

For the record, my name is Josh Boschee and I serve as a Representative from District 44, which comprises downtown and north Fargo.

House Bill 1310 is introduced to protect individual property rights for North Dakotans who's home is part of a condo association. As you are likely aware, when someone buys a home that is part of an association, there are typically established bylaws that govern the rights and responsibilities of being a part of that association. While this legislation prioritizes individual property rights over the priorities of an association, the intention is that the homeowner is responsible for all applicable costs associated with the installation, operation and maintenance of an electric vehicle charging station, including the energy costs associated with the use of the charging station.

This legislation came out of a conversation with a constituent who after reviewing the bylaws of a condo that was for sale determined that this condo would work well for her as an electric vehicle owner. Having done her due diligence, she purchased the condo, moved in, and began making it her home. After a period of time, issues began to arise with the condo association in terms of her installation of a charging station. She is here to provide you more information about that experience.

The legislation in front of you for consideration is modeled after legislation in Florida and New York, both of whom have a larger population of electric vehicle owners than North Dakota. As more and more people own hybrid or electric vehicles, the ability to efficiently charge their vehicles at home will become more and more important. Additionally, a home with a charging station installed may have an increased value to some buyers.

With that, Mr. Chairman, I'd like to walk the committee through key parts of HB 1310.

Page 1, lines 9-11 allow a homeowner's association to have reasonable restrictions, with lines 17-23 and lines 1-2 of page 2 outlining that the association can not prohibit or unreasonably restrict the installation of an electric charging station in an owner's designated or deeded garage or parking spot.

Page 2, lines 3-11 requires the charging station to "meet all applicable health and safety standards and requirements imposed by law, rule or regulation". It also allows the association to have an application for approval.

Page 2, lines 14-25 outlines the approval requirements of the owner if the charging station is to be located in a common area or limited common area. Including the requirement to provide a certificate of insurance, utilize a licensed contractor and pay installation and usage costs.

Page 2, lines 26 through page 3 line 6 ensures that current and future owners cover ongoing maintenance costs, costs to restore common areas if removed and usage costs. This responsibility is to be disclosed to any potential buyers.

Page 3, lines 7-17 outline the insurance requirements of the homeowner.

Page 3, lines 18-25 outlines the process for an association to allow the installation of a charging station outside of the owner's designated/deeded parking space if it is impossible or unreasonably expensive to install a station there. The identified space requires the association to "enter a license agreement with the owner for the use of the space" and requires the homeowner to comply with all requirements as if the installation occurred in the owners designated/deeded parking space.

Page 3, line 26-28 allows the association to install a charging station of their own to be used by association members.

Page 4, lines 1-6 outlines the civil actions afforded as part of this newly created section.

Chairman Louser and members of the committee, I hope you'll support HB 1310 as a key part of private property rights and an opportunity for home owners to take care of their electric vehicle if they choose to own one. I am happy to answer any questions you may have.