



American Planning Association  
**California Chapter**

*Creating Great Communities for All*

May 1, 2020

The Honorable Kevin McCarty  
Member, California State Assembly  
State Capitol, Room 2136  
Sacramento, CA 95814

The Honorable Eloise Gómez Reyes  
Member, California State Assembly  
State Capitol, Room 2175  
Sacramento, CA 95814

The Honorable David Chiu  
Member, California State Assembly  
State Capitol, Room 4112  
Sacramento, CA 95814

**RE: Assembly Bill 2168 – OPPOSE  
As Amended May 4, 2020**

Dear Assembly Members McCarty, Chiu, and Reyes:

On behalf of the League of California Cities (League), the Rural County Representatives of California (RCRC), the California Building Officials (CALBO), the California State Association of Counties (CSAC), the Urban Counties of California (UCC), the American Planning Association California Chapter (APA California), we respectfully must oppose Assembly Bill 2168 (McCarty).

AB 2168 will require applications to install electric vehicle (EV) charging stations to be deemed complete within five business days by a building official in local jurisdictions. This measure also requires such applications to be deemed approved within 15 business days after the application was submitted if the respective building official has not issued a permit and if the building official has not made findings that the proposed installation could have specific adverse impacts on public health and safety.

Existing law, via Assembly Bill 1236 (Chiu, 2015), requires all cities and counties to adopt an ordinance by September 30, 2017 creating an expedited, streamlined permitting process for EV charging stations. Local governments also have to adopt a checklist for applicants that satisfies the information required to be deemed complete, and therefore eligible for expedited review. While we regret that not all 58 counties and 482 cities have complied to date, model ordinances

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and guidance documents providing technical assistance to local governments were not available until recently. In July 2019, the Governor's Office of Business and Economic Development (GO-Biz) published the Electric Vehicle Charging Station Permitting Guidebook, including a compliance toolkit with best practices for EV permit streamlining. Since then, our organizations have undergone education and outreach to our members encouraging compliance with AB 1236.

Rural/low-population cities and counties face many challenges in reviewing EV charging applications. Some of these challenges include, incomplete or poor quality permit applications, a high volume of permit applications at any given time, lack of adequate staff capacity, and the need for infrastructure upgrades as the result of new device installation. Additionally, EV charging retrofits can be very complex, costly, and technical making a 15 day approval time difficult regardless of jurisdiction type (rural, urban, suburban). As amended, AB 2168 only gives the building official one attempt to have the applicant correct deficiencies and makes no guarantee that subsequent errors, deficiencies or omissions can be corrected. AB 2168 places an untenable burden on local governments and creates a separate and unequal permitting and inspection process specifically for EV charging stations. AB 2168 exacerbates these difficulties by deeming EV charging stations approved and allowing construction regardless of whether the installation complies with health and safety requirements, such as the Fire Code, thereby endangering public safety because one public official missed a deadline.

Further, this new permitting scheme in AB 2168 would apply to all jurisdictions regardless if they have streamlined model ordinances and permitting checklists in place pursuant to AB 1236, and would effectively nullify the good work those jurisdictions have done to implement AB 1236 through locally responsive public process.

For cities and counties with finite resources, having to focus on certain permit types with very short turnarounds results in less resources to expedite other types of permits. AB 2168 would unfairly prioritize EV charging applications for permits over all permittees, including projects related to affordable housing, health and safety, and other established or emerging industries. Additionally, this approach would not take into account the differences in permittee—whether they are a homeowner seeking a building permit for their plug-in vehicle, or a more complicated installation of a large public charging station.

While the League, RCRC, CALBO, CSAC, UCC, and APA California urge our members to get familiar with the recent AB 1236 guidelines to come into compliance with AB 1236, it must be noted that local governments have been issuing EV charging permits regularly and will continue to do so. California leads the nation with its zero-emission vehicle market and EV sales, comprising almost half of all nationwide sales.<sup>1</sup> Electrify America in particular has opened 100 fast-charging locations across the state in the last 15 months.<sup>2</sup> We strongly believe this recent activity is not a function of permitting delays.

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<sup>1</sup> Veloz, accessed March 3, 2020 <https://www.veloz.org/sales-dashboard/>

<sup>2</sup> Electrify America Expands to 100 Electric Vehicle Charging Stations in California, March 4, 2020 [https://www.ttownmedia.com/news/state/electrify-america-expands-to-electric-vehicle-charging-stations-in-california/article\\_9f91c155-8722-5acd-85a2-fedb7618d62b.html](https://www.ttownmedia.com/news/state/electrify-america-expands-to-electric-vehicle-charging-stations-in-california/article_9f91c155-8722-5acd-85a2-fedb7618d62b.html)

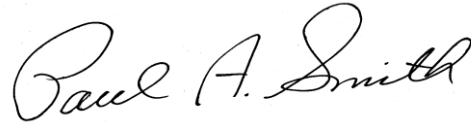
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For these reasons, our organizations must respectfully oppose AB 2168. Should you have any questions about our position, please contact (League) at (916) 658-8200, Paul A. Smith (RCRC) at (916) 447-4806, Katie Little (CALBO) at (916) 457-1103, Chris Lee (CSAC) at (916) 327-7500, Jean Kinney Hurst (UCC) at (916) 272-0010, or Eric Phillips (APA California) at (916) 443-5301.

Sincerely,



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League of California Cities



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Rural County Representatives of California



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ERIC PHILLIPS  
Vice President Policy and Legislation  
American Planning Association California  
Chapter

cc: Assembly Member Ash Kalra  
Assembly Member Ken Cooley  
Assembly Member Phil Ting  
Senator Jim Beall  
Senator Lena Gonzalez  
Senator Bob Wieckowski  
Angela Mapp, Assembly Local Government Committee  
William Weber, Assembly Republican Caucus