



To: Chair Helm & Members of the House Committee on Energy and Environment

From: Nellie deVries, Building Owners & Managers Association

Date: March 22, 2017

Re: Opposition to HB 2510

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The Building Owners and Managers Association (BOMA) of Oregon is a commercial real estate organization representing over 40 million square feet of commercial real estate in Oregon.

BOMA has some concerns with HB 2510, which authorizes commercial tenant to install on premises and use electric vehicle charging station.

One of the concerns BOMA has with HB 2510 is the potential of a tenant leaving exposed wires when removing the electric charging station. Therefore, BOMA requests the following language be included into the bill. "The tenant must remove the charging station, *cap all exposed wires and conduit*, leave the area in a clean and safe condition, and restore the premises to the condition before installation of the charging station upon termination of the rental agreement."

In addition, it is rare for a commercial tenant to have a dedicated parking space. HB 2510 raises the following questions: Which space would the tenant select? Does landlord get to direct where it goes? Will placement of the station cause the landlord to lose any spaces? Are there potential adverse environmental consequences involved (like PCB issues that occur with electrical transformers)?

The bill says the tenant is responsible for damages. What if the tenant is an LLC with no assets? Can the landlord require the tenant to post a bond? Can the landlord impose insurance and indemnity requirements on the tenant? Section 5(d) says the landlord can impose reasonable restrictions on the installation and use of the charging station, but they cannot "significantly increase the cost of the charging station." Would indemnity, insurance or bond requirements "significantly increase the cost?"

Section 9 says the tenant must use a certified electrical product. Then it says that if the tenant doesn't use a certified electrical product, the tenant needs to get some kind of insurance. HB 2510 is unclear as to what the requirements really are. Another question HB 2510 raises is whether this would constitute a "taking" of property entitling the landlord to just compensation under the Oregon and US Constitutions.

BOMA respectfully urges your reconsideration of HB 2510. Thank you.