

<div> <div>California Department of Justice</div> <div> <div>OFFICE OF THE ATTORNEY GENERAL</div>  </div> </div>	<div>Legal Alert</div>	
<div>Subject:</div> <div>Electric Vehicle Charging Station Permit Streamlining Requirements</div>	<div>No.</div> <div>OAG 2025-01</div> <div>Date:</div> <div>March 18, 2025</div>	<div>Contact for information:</div> <div>Legal.Alerts@doj.ca.gov</div>

TO: All California Local Government Planning Directors

The California Attorney General’s Office (“Attorney General”) issues this legal alert to remind local California jurisdictions (“localities”) of the requirements in California law to streamline and expedite the permitting of electric vehicle (“EV”) charging stations.

California has a goal to transition the state to 100% zero-emission passenger car and truck sales by 2035, and to 100% medium- and heavy-duty zero-emission vehicles in the state, as feasible, by 2045.¹ In 2024, over 25% of all new cars sold in California were zero-emission vehicles.² Fast, widespread deployment of EV charging stations is key to achieving these zero-emission goals and ensuring EV charging infrastructure is accessible to all Californians and available to meet growing demand. Thus, California has set a target of deploying 250,000 EV charging stations in California by 2025.³ To that end, Assembly Bill (AB) 1236 (Chiu, 2015) and AB 970 (McCarty and Chiu, 2021) added Sections 65850.7 and 65850.71 to the California Government Code (together referred to as “charging streamlining laws”). The Legislature intended for these laws to promote the deployment of EV charging stations by removing unreasonable barriers to their installation and costs.⁴

Electric vehicle charger deployment is lagging relative to the rapid adoption of electric vehicles. Data indicate that at least 37% of localities have not fully complied with the charging streamlining laws.⁵ As of December 1, 2024, 341 localities have implemented permit streamlining, 85 have implemented partial streamlining, and 114 jurisdictions have not streamlined their permitting processes.⁶ The

¹ Governor’s Executive Order N-79-20; See Cal. Code Regs. tit. 13 § 1962.4, subd. (c)(B).

² Cal. Energy Com., *New ZEV Sales in California*, <https://www.energy.ca.gov/data-reports/energy-almanac/zero-emission-vehicle-and-infrastructure-statistics-collection/new-zev> (as of Dec. 1, 2024).

³ Governor’s Executive Order B-48-18; Cal. Energy Comm’n, *Assembly Bill 2127 Second Electric Vehicle Charging Infrastructure Assessment: Assessing Charging Needs to Support Zero-Emission Vehicles in 2030 and 2035*, <https://www.energy.ca.gov/publications/2024/assembly-bill-2127-second-electric-vehicle-charging-infrastructure-assessment> (Mar. 6, 2024) (analysis pursuant to Assembly Bill 2127 projects that California will need approximately 1 million chargers in 2030, and 2.11 million chargers by 2035, to support light-duty passenger cars and trucks. To support medium- and heavy-duty electric vehicles such as trucks and buses, California will need approximately 114,500 chargers in 2030, and 264,000 chargers in 2035.)

⁴ Gov. Code, § 65850.7, subd. (4).

⁵ Cal. Off. Business & Econ. Development (“GO-Biz”), *Plug-In Electric Vehicle Charging Station Readiness*, <https://business.ca.gov/industries/zero-emission-vehicles/plug-in-readiness/> (as of Dec. 1, 2024).

⁶ GO-Biz, *CA Electric Vehicle Charging Station Permit Streamlining Map*, <https://california.maps.arcgis.com/apps/webappviewer/index.html?id=5b34002aaffa4ac08b84d24016bf04ce> (as of Dec. 1, 2024).

Attorney General has identified five significant and common compliance issues statewide among some localities:

1. Applying local zoning regulations to EV charging station permit application review even though local zoning regulations are preempted under the charging streamlining laws (Government Code sections 65850.7 and 65850.71).
2. Requiring discretionary review through conditional use permits or other processes for certain types of EV charging station installations even though the charging streamlining laws require streamlined permitting for all types of EV charging installations.
3. Considering potential impacts of EV charging permit applications beyond health and safety requirements, even though the charging streamlining laws limit localities' review to only health and safety requirements.
4. Far exceeding charging streamlining laws' timelines for permit application review and approval.
5. Failing to adopt an EV charging station expedited permitting ordinance, adopting a deficient ordinance, or failing to publish a review checklist for applicants, as required by the charging streamlining laws.

The goal of this legal alert is to assist jurisdictions in correcting these issues and achieving compliance with the charging streamlining laws.

I. OVERVIEW OF CHARGING STREAMLINING LAWS

The purpose of both laws is to achieve timely and cost-effective installation of EV charging stations.⁷ Consistent with the aforementioned state goals, the Legislature has found that standards promoting timely and cost-effective installation of EV charging stations are a matter of statewide concern and not a municipal affair.⁸ These state laws thus apply to all local governments, including charter cities, and preempt local laws and ordinances that conflict with them.

A. Streamlined Permitting Requirements for EV Charging Stations

Section 65850.7 requires localities to administratively approve applications to install EV charging stations by issuing a building permit or similar nondiscretionary permit.⁹ Permit application review is "limited to the building official's review of whether [the facility] meets all health and safety requirements of local, state, and federal law."¹⁰ Thus, local government review of EV charging station permit applications cannot take into account anything other than whether the station meets health and safety standards.

Localities must approve any permit application for an EV charging station unless the locality finds, based on substantial evidence, that the charging station would have a "specific, adverse impact upon

⁷ Gov. Code, §§ 65850.7, subd. (a)(1), 65850.71, subd. (a)(1).

⁸ *Id.*

⁹ *Id.*, § 65850.7, subd. (b).

¹⁰ *Ibid.*

the public health or safety.”¹¹ “Specific, adverse impact” means “a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.”¹² A locality may deny a permit only if it makes written findings, based on substantial evidence, that the proposed installation would have an adverse public health or safety impact and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.¹³ Feasible mitigation, as defined in Section 65850.7, “includes, but is not limited to, any cost-effective method, condition, or mitigation imposed by a [locality] on another similarly situated application in a prior successful application for a permit.”¹⁴ Any permit denial must include an explanation of why potential feasible alternatives were rejected.¹⁵ The applicant may appeal any permit denial to the locality’s planning commission.¹⁶

The charging streamlining laws require localities to reduce the number of required parking spaces for existing uses by the amount necessary to accommodate the EV charging station and associated equipment.¹⁷

B. Accelerated Permitting Timelines for EV Charging Station Permit Applications

Section 65850.71 adds specific timelines to the expedited, streamlined review of EV charging station permit applications.

An application shall be deemed complete either 5 or 10 business days after submittal, depending on the number of EV charging stations proposed, if the application satisfies the information requirements in the locality’s published checklist (discussed under subsection II.D below) and the local building official has not issued a written correction notice detailing deficiencies (i.e., unmet checklist requirements) in the application.¹⁸ After the application has been deemed complete, the locality has 20 or 40 business days to approve the complete permit application, depending on the number of chargers.¹⁹ If the locality takes no adverse action within that timeline—i.e., the locality has not made a finding, based on substantial evidence, that the EV charging station would have a specific, adverse impact on public health or safety; the local building official has not required the applicant to apply for a use permit as specified in Section 65850.7, subdivision (b); and an appeal has not been made to the planning commission pursuant to Section 65850.7, subdivision (d)—the application is deemed approved, as discussed in subsection II.C.²⁰

¹¹ *Id.*, subd. (b) & (c).

¹² *Id.*, subd. (i)(4).

¹³ *Id.*, subd. (c).

¹⁴ *Id.*, subd. (i)(1).

¹⁵ *Id.*, subd. (c).

¹⁶ *Id.*, subd. (d).

¹⁷ Gov. Code, § 65850.71, subd. (d).

¹⁸ *Id.*, § 65850.71, subd. (b) (providing that applications are deemed complete after 5 business days for proposed projects with 25 or less charging stations, and applications for proposed projects with more than 25 charging stations are deemed complete after 10 days.)

¹⁹ *Id.*, subd. (c) (providing that localities have 20 business days to approve permit applications for proposed projects with 25 or less charging stations, and localities have 40 business days to approve permit applications for proposed projects with more than 25 charging stations).

²⁰ *Ibid.*

If there are deficiencies in the application, Section 65850.71 requires the locality to provide one complete set of comments detailing all application deficiencies, which the applicant should address through modifications to the existing application.²¹

C. Local Ordinance Requirements for Streamlining EV Charging Permitting

Additionally, Section 65850.7 requires localities to adopt an ordinance that creates an expedited and streamlined permitting process for EV charging stations. Localities with a population of 200,000 or more residents were required to adopt an ordinance by September 30, 2016. Localities with a population of fewer than 200,000 residents were required to adopt an ordinance by September 30, 2017.²² Section 65850.7 also requires localities to publish an online checklist of their requirements for expedited permit approvals.²³ The checklist must be published on a publicly accessible internet website, if the locality has an internet website.²⁴ Unless the locality finds an adverse health and safety impact, an application that satisfies the information requirements in the locality's checklist shall be deemed complete and approved.

II. ISSUES WITH LEGAL COMPLIANCE

A. Charging Streamlining Laws Supersede Local Zoning Designations and Ordinances.

Sections 65850.7 and 65850.71 do not permit localities to condition approval based on the location of the proposed EV charging station. Specifically, localities may not limit EV charging stations to commercial areas or refuse to site EV charging stations in residential zones or in locations where EV charging stations are not an allowed site use under local law. Section 65850.7 enumerates the factors building officials may consider when reviewing permit applications, and local zoning laws are not among those factors.²⁵ Review is limited to whether the proposed installation meets health and safety requirements, as discussed in subsection II.C below.

Sections 65850.7 and 65850.71 apply to EV charging station permit applications even if local zoning laws do not specifically list— or even if they expressly prohibit— EV charging stations as an allowed site use. Under California's Constitution, local laws that conflict with state laws are preempted.²⁶ Finally, while the charging streamlining laws preempt local zoning laws, Sections 65850.7 and 65850.71 do not abrogate other state laws. In other words, EV charging station projects must comply with all other state laws. For example, the charging streamlining laws do not supersede, modify, or amend the Coastal Act, which imposes specific requirements on developments in the coastal zone.²⁷

²¹ Gov. Code, § 65850.7, subd. (g)(1), § 65850.71, subd. (b)(1)(B).

²² Gov. Code, § 65850.7, subd. (g)(1).

²³ *Id.*, subd. (g).

²⁴ *Id.*, subd. (g)(2).

²⁵ *Id.*, subd. (b).

²⁶ See Cal. Const., Art. XI § 7 (California's doctrine of state preemption makes the state's laws superior to local laws. Local governments are permitted to make laws when they do not conflict with state law by duplicating, contradicting, or covering topics already fully occupied by state law.)

²⁷ Gov. Code, § 65850.7, subd. (f)(1); See *Cal. Coastal Com., Planning and Permitting for Electric Vehicle Charging*

B. Charging Streamlining Laws Cover All Installation Types, Including Primary Use Installations.

Sections 65850.7 and 65850.71 do not permit localities to condition approval based on the type of proposed EV charging station installation. The charging streamlining laws do not distinguish between installation types—they apply to *all* charging station installations, regardless of whether the EV charging stations are an accessory, incidental, or primary use of a site; whether the EV charging stations are for personal, public, or fleet use; or whether the EV charging stations are for light-, medium-, or heavy-duty vehicles.²⁸ Moreover, Section 65850.71 expressly contemplates an approval timeline for larger installations of more than 25 charging stations at a single site, demonstrating that the charging streamlining laws apply to more than just smaller accessory or incidental projects.²⁹

The Attorney General is aware that some localities may be delaying or imposing prohibited conditions on permits for primary use installations. Primary use facilities are standalone charging facilities where the EV charging station is the central and essential function of the site, as opposed to an accessory to a different primary land use. As stated above, Sections 65850.7 and 65850.71 require a locality to administratively approve primary use installations unless it finds, based on substantial evidence in the record, that the project would have an adverse impact on public health or safety.

Some applications for primary use installations include other elements beyond the chargers themselves. While the charging streamlining laws do not directly address how localities should handle these applications, the Attorney General interprets the laws to require streamlining for any components of a proposed installation that are integral for the functioning of the charging station (such as associated equipment, or paving following the installation of conduit), but not for components that are not integral (such as buildings containing refreshments and bathrooms for drivers to use while charging). The charging streamlining laws impose minimum streamlining requirements (a floor, not a ceiling), so localities are not required but may choose to streamline non-integral components of primary use installation applications.

C. Charging Streamlining Laws Prohibit Additional Review Without a Locality's Written Finding of a Specific, Adverse Impact to Public Health and Safety.

The plain language of Section 65850.7 states that localities may not impose additional permit requirements, undertake additional review processes, or deny permit applications unless there is a finding, based on substantial evidence in the record, of a specific, adverse public health and safety impact associated with the proposed project. Some localities have imposed additional permit requirements on proposed projects without a finding of a health and safety impact, or have imposed additional review on proposed projects, which are both illegal under Sections 65850.7 and

Stations in the Coastal Zone,

https://documents.coastal.ca.gov/assets/lcp/LUPUpdate/Planning%20and%20Permitting%20for%20EV%20Charging%20Stations_May%202024%20Final.pdf, at p. 3 (May 3, 2024) (For example, the California Coastal Commission (“Commission”) states that where a new EV charging station is cited in the coastal zone, a coastal development permit may be required; and adopting or amending local zoning regulations to include EV charging station permit streamlining may require an update to an existing Local Coastal Program (LCP) plan amendment.)

²⁸ Gov. Code, § 65850.7, subd. (b).

²⁹ *Id.*, § 65850.71, subd. (c)(2)(B).

65850.71.³⁰ Section 65850.7 prohibits localities from requiring an applicant to obtain a use permit or reviewing applications under other criteria unless the building official finds, based on substantial evidence, that the proposed facility will have a specific public health and safety impact.³¹

Furthermore, localities may impose conditions on a proposed installation only where there is a finding of a specific public health and safety impact and any conditions imposed must be designed to mitigate the specific, adverse impact upon the public health or safety at the lowest cost possible.³²

Localities may not consider aesthetics or subject applications to aesthetic review. In some cases, localities have subjected proposed installations to design review and asked the permit applicant to make aesthetic changes to the permit application. While design guidelines that implicate health and safety, such as safety-related lighting and clearance, are permissible under Section 65850.7, aesthetic requirements without a specific impact on health and safety are not in accordance with state permitting requirements under Section 65850.7.

D. Localities Must Adhere to Permit Review Timelines in Charging Streamlining Laws.

Localities may not delay permit application review and approval beyond the statutory timelines imposed by Section 65850.71.³³ Section 65850.71 requires 20-business day review and approval for permit applications with 25 or fewer EV charging stations and 40-business day review and approval for permit applications with more than 25 EV charging stations.³⁴ The Attorney General acknowledges that some localities face resource constraints that impose practical limitations on application reviews. Localities must work expeditiously to review and approve EV charging station applications and may not thwart Section 65850.71 by delaying the permit review and approval process.

E. Localities Must Adopt a Permit Streamlining Ordinance and Publish a Requirements Checklist.

Localities must adopt an EV charging station streamlined permitting ordinance and checklist if they have not yet done so. Localities that have adopted ordinances or checklists that conflict with Section 65850.7's mandate must amend them to conform to state law.

Under Section 65850.7, each California locality was required to adopt an EV charging station expedited permit approval ordinance by 2016 or 2017, depending on the population size.³⁵ Section 65850.7 requires localities to "adopt a checklist of all requirements with which electric vehicle charging stations shall comply to be eligible for expedited review."³⁶ Any checklists that list screening, landscaping, or aesthetic requirements are contrary to Section 65850.7, as such requirements are beyond the scope of health and safety review.

³⁰ See GO-Biz, *Electric Vehicle Permitting Guidebook, Second Edition*, <https://business.ca.gov/wp-content/uploads/2019/12/GoBIZ-EVCharging-Guidebook.pdf>, at p. 33 (Jan. 2023).

³¹ Gov. Code, § 65850.7, subd. (b).

³² *Id.*, subd. (c), (e).

³³ Gov. Code, § 65850.71, subd. (b)(1), (c)(2).

³⁴ *Id.*, § 65850.71, subd. (c)(2).

³⁵ Gov. Code, § 65850.7, subd. (g)(1).

³⁶ *Ibid.*

III. RESOURCES

There are resources available for localities seeking additional guidance for compliance with Sections 65850.7 and 65850.71.

- California Building Officials, “[AB 1236 Tool Kit: Electric Vehicle Charging Stations Ordinances and Staff Report Templates – Small Jurisdictions](#).”
- California Building Officials, “[AB 1236 Tool Kit: Electric Vehicle Charging Stations Ordinances and Staff Report Templates – Large Jurisdictions](#).”
- GO-Biz, “[CA Electric Vehicle Charging Station Permit Streamlining Map](#).”
- GO-Biz, “[Plug-In Vehicle Readiness](#).”
- GO-Biz, “[Permitting Electric Vehicle Charging Stations Scorecard](#).”
- GO-Biz, “[Electric Vehicle Charging Station Permitting Guidebook](#)” (2d Ed.) (Jan. 2023).
- UC Berkeley Center for Law, Energy, & the Environment, “[Equitable EV Action Plan Framework](#)” (Dec. 2024).
- UC Berkeley Center for Law, Energy, & the Environment, “[EV Equity Roadmap](#).”