

HOUSE No. 4069

The Commonwealth of Massachusetts

PRESENTED BY:

Adrian Madaro

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act Electric Vehicle Charging Stations.

PETITION OF:

NAME:

Adrian Madaro

DISTRICT/ADDRESS:

1st Suffolk

HOUSE No. 4069

By Mr. Madaro of Boston, a petition (accompanied by bill, House, No. 4069) of Adrian Madaro (with the approval of the mayor and city council) that the city of Boston be authorized to regulate certain electric vehicle charging stations in said city. Transportation. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act Electric Vehicle Charging Stations.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section One

2 Definitions

3 For the purpose of this section:

4 "Electric vehicle charging system" means a system that is designed in compliance with
5 Article 625 of the National Electrical Code and delivers electricity from a source outside an
6 electric vehicle into one or more electric vehicles. An electric vehicle charging system may
7 include several charge points simultaneously connecting several electric vehicles to the system.

8 "Association" means any association of homeowners, community association,
9 condominium association, cooperative, or any other nongovernmental entity with covenants,
10 bylaws, and administrative provisions with which a homeowner's compliance is required.

11 “Owner” means a person or persons who own a separate lot, unit, or interest, along with
12 an undivided interest or membership interest in the common area of the entire project, including
13 but not limited to condominiums, planned unit developments, and parcels subject to a
14 homeowners’ association.

15 “Separate interest” means the separate lot, unit, or interest to which an owner has
16 exclusive rights of ownership.

17 “Dedicated parking spot” refers to both parking spots that are located within an owner’s
18 separate interest, as well as parking spots that are in a common area, but subject to exclusive use
19 rights of an owner, including, but not limited to, a deeded parking space, a garage space, a
20 carport, or a parking space that is specifically designated for use by a particular owner.

21 “Reasonable restrictions” means restrictions that do not significantly increase the cost of
22 the station, significantly decrease its efficiency or specified performance, or effectively prohibit
23 the installation altogether.

24 Right of Owner to Install Electric Vehicle Charging Station

25 An association may not prohibit or unreasonably restrict an owner from installing an
26 electric vehicle charging station on or in areas subject to their separate interest, on or in areas to
27 which they have exclusive use, or on a common element, so long as it was within a reasonable
28 distance of the dedicated parking spot. Nothing in this section shall be construed to prohibit an
29 association from making reasonable restrictions as defined in Section 1.

30 Rules and Regulations

31 A. Installation of any electric vehicle charging station is subject to the following
32 provisions:

33 a) The electric vehicle charging station must be installed at the owners' expense;

34 b) The electric vehicle charging station must be installed by a licensed contractor
35 and/or electrician;

36 c) An electric vehicle charging station shall meet all applicable health and safety
37 standards and requirements imposed by national, state, and local authorities, as well as all other
38 applicable zoning, land use or other ordinances, or land use permits.

39 B. The association may require an owner to submit an application before installing a
40 charging station, subject to the following provisions:

41 a) If the association requires such an application, the application shall be processed
42 and approved by the association in the same manner as an application for approval of an
43 architectural modification to the property, and shall not be willfully avoided or delayed;

44 b) The association shall approve the application if the owner complies with the
45 association's architectural standards and the provisions of this section;

46 c) The approval or denial of an application shall be in writing;

47 d) If an application is not denied in writing within 60 days from the date of receipt of
48 the application, the application shall be deemed approved, unless that delay is the result of a
49 reasonable request for additional information;

50 e) The association may not assess or charge the owner any fees for the placement of
51 any electric vehicle charging station, beyond reasonable fees for processing the application,
52 provided that such fees exist for all applications for approval of architectural modifications.

53 Rights and Responsibilities of Ownership

54 A. The owner and each successive owner of the separate interest or with exclusive
55 rights to the area where the electric vehicle charging system is installed is responsible for:

56 a) Disclosing to prospective buyers the existence of any charging station of the
57 owner and the related responsibilities of the owner under this section.

58 b) If the electric vehicle charging station is removable and the owner intends to
59 remove the station in order to install it at their new place of residence, they must also disclose
60 this fact to prospective buyers;

61 c) Costs for the maintenance, repair, and replacement of the electric vehicle charging
62 station until it has been removed, and for restoration of the common area after removal.

63 d) Costs for damage to the electric vehicle charging station, common area, exclusive
64 common area, or separate interests resulting from the installation, maintenance, repair, removal,
65 or replacement of the charging station.

66 e) The cost of electricity associated with the electric vehicle charging station.

67 Pursuant to this, the owner must connect the electric vehicle charging station to their own
68 electricity utility account unless the licensed contractor performing the installation deems that to
69 be impossible. In this circumstance, the association shall allow the owner to connect the electric

70 vehicle charging station to the common electricity account, but may require reimbursement by
71 the owner to the association for the electricity costs, per the owner's responsibility for such costs.

72 f) Removing the electric vehicle charging station if reasonably necessary for the
73 repair, maintenance, or replacement of any property of the association or of separate interests.

74 Common Area Electric Vehicle Charging Stations

75 A. An association may install an electric vehicle charging station in the common area
76 for the use of all members of the association and, in that case, the association shall develop
77 appropriate terms of use for the charging station.

78 Severability

79 The provisions of this section are severable and if any provision, or portion thereof,
80 should be held to be unconstitutional or otherwise invalid by any court of competent jurisdiction,
81 such unconstitutionality or invalidity shall not affect the remaining provisions which remain in
82 full force and effect.

83 SECTION 2. This ordinance shall take effect 30 days from passage.