HOUSE . . . . . No. 4502

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, April 4, 2024.

The committee on Telecommunications, Utilities and Energy, to whom was referred the petition (accompanied by bill, House, No. 777) of Josh S. Cutler and others relative to clean lighting, the petition (accompanied by bill, House, No. 3164) of Sean Garballey, Simon Cataldo and others relative to improving outdoor lighting and increasing dark-sky visibility, the petition (accompanied by bill, House, No. 3217) of Jeffrey N. Roy relative to consumer access to residential energy information, the petition (accompanied by bill, House, No. 3218) of Jeffrey N. Roy for legislation to promote transportation electrification infrastructure and the petition (accompanied by bill, House, No. 3691) of Marjorie C. Decker and others relative to energy assessments and energy efficiency improvements at schools and public institutions of higher education, reports recommending that the accompanying bill (House, No. 4502) ought to pass.

For the committee,

JEFFREY N. ROY.

FILED ON: 2/7/2024

HOUSE . . . . . No. 4502

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act to promote transportation electrification infrastructure.

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

SECTION 1. Section 21 of chapter 25 of the General Laws, as so appearing, is hereby amended by removing “and” before (xiv) and inserting after subsection xiv, the following: -

and (xv) an enhanced homebuyer incentive program providing additional incentives to purchasers of 1-5 unit homes within the first year of ownership which shall include but not be limited to free weatherization services, multilingual customer support, project facilitation services, technical assistance, and a $250 incentive payment.

SECTION 2. Section 97A of chapter 13 of the General Laws, as so appearing, is hereby amended by inserting after the words “home energy audit” the following: -

and the enhanced homebuyer incentive program

SECTION 3. Section 2 of Chapter 21H of the General Laws, as appearing in the 2020 official Edition, is hereby amended by striking out the definition of “Mercury-added Lamp” and inserting in place thereof the following definitions:-

"Compact fluorescent lamp" means a compact low-pressure, mercury-containing, electric-discharge light source in which a fluorescent coating transforms some of the ultraviolet energy generated by the mercury discharge into visible light, and includes all of the following characteristics:

(i) One base (end cap) of any type, including, but not limited to, screw, bayonet, two pins, and four pins.

(ii) Integrally ballasted or non-integrally ballasted.

(iii) Light emission between a correlated color temperature of 1700K and 24000K and a Duv of +0.024 and -0.024 in the International Commission on Illumination (CIE) Uniform Color Space (CAM02-UCS).

(iv) All tube diameters and all tube lengths.

(v) All lamp sizes and shapes for directional and nondirectional installations, including, but not limited to, PL, spiral, twin tube, triple twin, 2D, U-bend, and circular.

"Linear fluorescent lamp" means a low-pressure, mercury-containing, electric-discharge light source in which a fluorescent coating transforms some of the ultraviolet energy generated by the mercury discharge into visible light, and includes all of the following characteristics:

(i) Two bases (end caps) of any type, including, but not limited to, single-pin, two-pin, and recessed double contact.

(ii) Light emission between a correlated color temperature of 1700K and 24000K and a Duv of +0.024 and -0.024 in the CIE CAM02-UCS.

(iii) All tube diameters, including, but not limited to, T5, T8, T10, and T12.

(iv) All tube lengths from 0.5 to 8.0 feet, inclusive.

(v) All lamp shapes, including, but not limited to, linear, U-bend, and circular.

SECTION 4. Section 6J of Chapter 21H of the General Laws is hereby amended by striking out sections (d)(1) and (d)(2) in their entirety and inserting in place thereof the following:-

(d)(1) On and after January 1, 2024, no person shall offer for final sale or distribute in this state as a new manufactured product a screw or bayonet base type compact fluorescent lamp.

(d)(2) On and after January 1, 2025, no person shall offer for final sale or distribute in this state as a new manufactured product a pin-base type compact fluorescent lamp or a linear fluorescent lamp.

SECTION 5. Section 6J of Chapter 21H of the general laws is further amended by adding the following sections:-

(k) Sections (d)(1) and (d)(2) do not apply to a lamp designed and marketed exclusively for image capture and projection, including:

(i)photocopying;

(ii)printing, directly or in preprocessing;

(iii)lithography;

(iv)film and video projection; and

(v)holography.

(l) Sections (d)(1) and (d)(2) do not apply to a lamp that has a high proportion of ultraviolet light emission and is one of the following:

(i) A lamp with high ultraviolet content that has ultraviolet power greater than two milliwatts per kilolumen (mW/klm).

(ii) A lamp for germicidal use, such as the destruction of DNA, that emits a peak radiation of approximately 253.7 nanometers.

(iii) A lamp designed and marketed exclusively for disinfection or fly trapping from which either the radiation power emitted between 250 and 315 nanometers represents at least 5 percent of, or the radiation power emitted between 315 and 400 nanometers represents at least 20 percent of, the total radiation power emitted between 250 and 800 nanometers.

(iv) A lamp designed and marketed exclusively for the generation of ozone where the primary purpose is to emit radiation at approximately 185.1 nanometers.

(v) A lamp designed and marketed exclusively for coral zooxanthellae symbiosis from which the radiation power emitted between 400 and 480 nanometers represents at least 40 percent of the total radiation power emitted between 250 and 800 nanometers.

(vi) Any lamp designed and marketed exclusively for use in a sunlamp product, as defined in section 1040.20(b)(9) of subchapter J of title 21 of the Code of Federal Regulations, as in effect on the date of enactment of this Act.

(m) Sections (d)(1) and (d)(2) do not apply to a lamp designed and marketed exclusively for use in medical or veterinary diagnosis or treatment, or in a medical device.

(n) Sections (d)(1) and (d)(2) do not apply to a lamp designed and marketed exclusively for use in the manufacturing or quality control of pharmaceutical products.

(o) Sections (d)(1) and (d)(2) do not apply to a lamp designed and marketed exclusively for spectroscopy and photometric applications, such as UV-visible spectroscopy, molecular spectroscopy, atomic absorption spectroscopy, nondispersive infrared (NDIR), Fourier transform infrared (FTIR), medical analysis, ellipsometry, layer thickness measurement, process monitoring, or environmental monitoring.

(p) Sections (d)(1) and (d)(2) do not apply to a lamp used by academic and research institutions for conducting research projects and experiments.

(q) The department may cause periodic inspections to be made of distributors or retailers in order to determine compliance with (d)(1) and (d)(2). The department shall investigate complaints received concerning violations of (d)(1) and (d)(2).

(r) If the department finds that any person has committed a violation of any provision of (d)(1) or (d)(2), the department shall issue a warning to such person. Any person who commits a violation after the issuance of such warning shall be subject to a civil penalty, issued by the department, of up to one hundred dollars for each offense. Any further violations committed by such person after this second violation shall be subject to a civil penalty of not more than five hundred dollars for each offense. Each lamp offered, sold, or distributed in violation of (d)(1) or (d)(2), each violation shall constitute a separate offense, and each day that such violation occurs shall constitute a separate offense.

(s) If the department finds repeated violations have occurred, it shall report the results of such violations to the Attorney General. The Attorney General may institute proceedings to seek an injunction in state court to enforce the provisions of (d)(1) or (d)(2).

(t) The department may adopt such further regulations as necessary to ensure the proper implementation and enforcement of the provisions of (d)(1) and (d)(2).

SECTION 6. The department of energy resources shall consult with the department of public utilities, the administrators of energy efficiency programs established under section 19 of chapter 25, and municipal lighting plants to offer incentives and rebates for converting to high-efficiency lighting technologies for eligible homeowners. Eligible homeowners shall include any homeowner in the commonwealth that:

(a)resides in a house or apartment or other unit of housing built over 50 years before the current date; and

(b)resides in a home with light ballasts incompatible with non-mercury containing light bulbs or lamps.

SECTION 7. Section 22 of chapter 25, as appearing in the 2022 official edition, is hereby amended, by striking the words “the manufacturing industry” and inserting in place thereof the following:- “environmental justice and equity interests”

SECTION 8. Said section 22 of chapter 25, as so appearing, is hereby further amended, in line 4 by inserting before the word “labor” the following:- “workforce development and organized labor”

SECTION 9. Said section 22 of chapter 25, as so appearing, is hereby further amended, in line 7 by striking out the words “fewer than 10 persons”

SECTION 10. Said section 22 of chapter 25, as so appearing, is hereby further amended, in line 15 by striking out the words “energy efficiency business” and inserting in place there of the following:- “the Massachusetts Clean Energy Center”

SECTION 11. Said section 22 of chapter 25, as so appearing, is hereby further amended, by striking clause (b) and inserting in place there of the following:-

(b) The council shall, as part of the approval process by the department, seek to maximize net economic benefits through energy efficiency and load management resources, beneficial electrification to achieve energy, capacity, climate and environmental goals through a sustained and integrated statewide energy efficiency and decarbonization effort. The council shall review and approve plans and budgets, work with program administrators in preparing energy resource assessments, determine the economic, system reliability, climate and air quality benefits of efficiency and load management resources, and beneficial electrification, conduct and recommend relevant research, and recommend long term efficiency, load management, and beneficial electrification goals to balance economic savings, achievement of environmental goals consistent with meeting all greenhouse gas emission limits and sublimits imposed by law or regulation and ratepayer impacts. Approval of efficiency and demand resource and beneficial electrification plans and budgets shall require a two-thirds majority vote. The council shall, as part of its review of plans, examine opportunities to offer joint programs providing similar efficiency measures that save more than 1 fuel resource or to coordinate programs targeted at

saving more than one fuel resource. Any costs for joint programs shall be allocated equitably among the efficiency programs.

SECTION 12. Section 7 of Chapter 25A as appearing in the 2022 Official version, is hereby amended, in line 13, by striking out the words “with total storage capacity of fifty thousand gallons”.

SECTION 13. Said Section 7 of chapter 25A as so appearing is hereby amended by striking the third paragraph and inserting in place there of the following:

All electric and gas companies, transmission companies, distribution companies, suppliers, and aggregators, as defined in section 1 of chapter 164, and suppliers of natural gas, including aggregators, marketers, brokers, and marketing affiliates of gas companies, excluding gas companies as defined in said section 1 of said chapter 164, engaged in distributing or selling electricity or natural gas in the commonwealth shall make accurate reports to the department in such form and at such times, which shall be at least quarterly, as the department shall require pursuant to this section. Each such company, supplier, and aggregator shall report semi-annually to the department the average of all rates charged for default, low-income and standard offer service to each customer class and for each sub-class within the residential class, respectively; provided, however, that all such rate information so reported pursuant to this paragraph shall be deemed public information, and no such rate information shall be protected as a trade secret, confidential, competitively sensitive, or other proprietary information pursuant to section 5D of chapter 25. Each such company, supplier, and aggregator shall report to the department, in such form and at such times as the department shall require, detailed and accurate information including, but not limited to, the following: data regarding number of customers, load served,

amounts billed to customers (in dollars), renewable and clean energy attribute certificate purchases, and supply product offerings. The Department may make such information, or aggregates of such information, available to the public on its website.

All resellers of petroleum products, including retail heating oil and propane suppliers, doing business in the commonwealth shall make accurate reports of price, inventory, and product delivery data to the department in such form and at such time as the department shall require. A retail heating oil or propane supplier who operates in the commonwealth shall make the daily delivery price of heating oil or propane for residential heating customers available in a clear and conspicuous manner. If the retail heating oil or propane supplier operates a website for commonwealth customers, the daily delivery price shall be clearly and conspicuously displayed on the dealer's website.

SECTION 14. Chapter 25A of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking out section 11H in its entirety and replacing it with the following new section:

Section 11H. (a) The department of energy resources may make an assessment against each electric and gas utility company licensed to do business in the commonwealth by the department of public utilities, based upon the intrastate operating revenues subject to the jurisdiction of the department of public utilities of each such company derived from sales within the commonwealth of electric and gas service, respectively, as shown in the annual report of each such company to the department of public utilities. Assessments shall be made at a rate not exceeding 0.3 per cent of such intrastate operating revenues, as shall be determined and certified annually by the commissioner as sufficient to reimburse the commonwealth for funds

appropriated by the general court for the operation and general administration of the department, exclusive of funds appropriated by the general court for the cost of fringe benefits as established by the comptroller pursuant to section 5D of chapter 29, including group life and health insurance, retirement benefits, paid vacations, holidays and sick leave. Assessments made under this section may be credited to the normal operating cost of each company. Each company shall pay the amount assessed against it within 30 days after the date of the notice of assessment from the department. Such assessments shall be collected by the department and credited to the General Fund. Any funds unexpended in any fiscal year for the purposes for which such assessments were made shall be credited against the assessment to be made in the following fiscal year and the assessment in the following fiscal year shall be reduced by any such unexpended amount. This section shall not apply to municipally owned electric and gas companies.

SECTION 15. Chapter 25A of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking out section 16 in its entirety.

SECTION 16. Chapter 98 of the General Laws is hereby amended by inserting the following new section:

Section 59. (a) When used in this section, the following terms shall have the following meanings:

“Charging session” means an event starting when a customer of an EVSE initiates purchase of electric vehicle charging services from an EVSE and ends when either the EVSE or the customer ends the continuous transfer of said electric vehicle charging services to that customer’s electric vehicle.

"Commercial electric vehicle charging station" means an EVSE, or a group of EVSEs, at a certain location where every EVSE within that group is owned and operated by the same person or entity and which requires users to pay the EVSE owner a fee for electric vehicle charging services.

“Director" is the director of standards in the office of consumer affairs and business regulation.

“Division” is the division of standards in the office of consumer affairs and business regulation.

"Electric vehicle" means a battery electric vehicle that draws propulsion energy solely from an on-board electrical energy storage device during operation that is charged from an external source of electricity or a plug-in hybrid electric vehicle with an on-board electrical energy storage device that can be recharged from an external source of electricity which also has the capability to run on another fuel.

"Electric vehicle charging services" means the transfer of electric energy from an electric vehicle charging station to a battery or other storage device in an electric vehicle and billing services, networking and operation and maintenance.

“Electric vehicle supply equipment” or “EVSE” means a device or system designed and used specifically to transfer electrical energy to an electric vehicle, either as charge transferred via physical or wireless connection, by loading a fully charged battery, or by other means.

"EVSE connector" is a cable and connector combination which carries electrical current from a commercial electric vehicle charging station’s enclosure to the port of an electric vehicle.

"EVSE owner" is any person owning, in whole or in part, a commercial electric vehicle charging station in Massachusetts.

"Network roaming" is the act of a member of 1 electric vehicle charging station billing network using a charging station that is outside of the member's billing network with the member's billing network account information.

(b) An EVSE owner shall register a commercial electric vehicle charging station with the division prior to offering electric vehicle charging services to the public on a form created by the division. The division shall set the length of the term of the registration by regulation. An applicant for registration shall submit such registration in the manner determined by the division along with the appropriate registration fee established pursuant to subsection (d).

No person shall operate a commercial electric vehicle charging station without first registering the device with the division. An EVSE owner who owns more than one commercial electric vehicle charging station in Massachusetts shall separately register each commercial electric vehicle charging station. The registrant shall notify the division within 30 days if the station is sold or ownership is otherwise transferred, if the operator changes, or if the station ceases operation.

(c) The registration form may include the commercial electric vehicle charging station’s street address; geographic location; hours of operation; charging level; number, make, and model for each EVSE; number and type of connectors for each EVSE; hardware compatibility for each EVSE; description and amount of any fees users may incur to use the commercial EVSE; accepted methods of payment; and any other information the division finds necessary.

(d) The division shall establish a fee schedule for registrations, renewals, and inspections, including the imposition of late charges when appropriate, by regulation. The division may retain such registration fees and fines it collects in order to support its operations.

(e) An EVSE owner shall display on each EVSE, clearly visible to a user of that EVSE, the price per kilowatt-hours of the electric vehicle charging services and any other costs a user might encounter when purchasing electric vehicle charging services from the EVSE. The price shown on such display shall display any taxes imposed on the sale of the charging services. No sign, advertising material or other display or product that is placed upon, above or around an EVSE shall directly or indirectly obscure the posted price.

(f) No EVSE owner shall sell electric vehicle charging services at any price other than the price so posted at the time of the sale. Any EVSE owner who sells electric vehicle charging services to a customer from an EVSE shall display on each EVSE, at a location and in a manner clearly visible to a user of that EVSE, the total volume of electricity transferred during each charging session. Any advertisement, statement, or display of electric vehicle charging services prices shall display the total price, including any taxes, usage fees, and any membership fees required to obtain the price displayed.

(g) The director and their inspectors shall have the power to test, inspect and seal all EVSEs in accordance with standards set forth in the most recent publication of the National Institute of Standards and Technology Handbook 44 as adopted by the National Conference on Weights and Measures. Notwithstanding any other general law or special law to the contrary, said testing, inspection, and sealing shall be the sole responsibility of the division. All EVSE connectors and related equipment and systems shall meet all the applicable requirements

contained in the most recent publication of the National Institute of Standards and Technology Handbook 44.

All EVSE connectors and related equipment and systems which the division determines have met the standard contained herein shall be marked in a manner visible to consumers, as determined by the division. The division shall also affix a security seal to said EVSE pursuant to the standards contained in the most recent publication of National Institute of Standards and Technology Handbook 44.

(h) The division may adopt, amend, alter or repeal, and shall enforce all such reasonable orders, rules and regulations as may be necessary or suitable for the administration and enforcement of this section, inclusive, and the division may, in such administration and enforcement, at any time no cause to be made by its agents or representatives an audit, examination or investigation of the books, records, papers, vouchers, accounts and documents of any EVSE owner, who shall make them available, upon oral or written demand, to the division or any of its duly authorized agents or representatives. Every EVSE owner shall keep such records as may be prescribed by the orders, rules or regulations adopted by the division.

(i) A violation of any provision of this section shall be punished by a civil citation of not more than five thousand dollars, pursuant to section 29A of chapter 98. Upon the second violation of this section, the division may, in addition to assessing a civil citation, suspend the right of such registrant to engage in the business of selling electric vehicle charging services for a period not exceeding three months, and upon the third or subsequent violation, in addition to assessing a civil citation, suspend such right for a period not exceeding one year.

(j) All EVSE connectors and related equipment and systems which cannot be made to conform to the standard described in subsection (g) shall be taken out of service and marked or labelled in a manner by the division until it meets such standard. Whoever removes said mark or label without the consent of the person affixing the same shall be punished by a fine of not more than five thousand dollars or shall be subject to a civil citation as provided in section 29A of chapter 98.

(k) The owner or operator of a commercial electric vehicle charging station shall provide payment options that allow access by the general public. A person shall not be required to pay a subscription fee to use a commercial electrical vehicle charging station or be required to obtain a membership in a club, association or organization as a condition of using the station; provided, however, that owners and operators of a commercial electrical vehicle charging station may have separate price schedules conditional on a subscription or membership.

(l) The owner or operator of a public electric vehicle charging station or a designee shall disclose on an ongoing basis to the United States Department of Energy National Renewable Energy Laboratory, or other publicly available database designated by the division in consultation with the department of energy resources, the station's geographic location, hours of operation, charging level, hardware compatibility, schedule of fees, accepted methods of payment and the amount of network roaming charges for nonmembers, if any.

SECTION 17. Section 16 of chapter 25A of the General Laws, is hereby amended by inserting after the word “membership”, in line 39, the following words:- “Any person who parks a vehicle that is not compatible with an electronic charging station in a publicly available parking

spot equipped with an electronic charging station, shall be subject to a fine of $50 for a first offense and $100 for a second or subsequent offense."

SECTION 18. Chapter 25A of the General Laws is hereby further amended by adding the following section:

Section 20(B) An Act Relative to Healthy and Sustainable Schools Definitions

For the purpose of this statute, the following definitions apply:

(a) As used in this legislation, the term "energy audit" refers to an investment-grade study of a school that yields recommendations on energy efficiency improvements and renewable energy systems to install on or nearby school properties. Energy audits shall estimate the costs, savings, and greenhouse gas reductions from implementing the recommendations and shall include a list of financing options, including federal, state, and local funding sources. Energy audits shall also include, but not be limited to, mechanical insulation evaluation and inspection of the building envelope(s).

(b) As used in this legislation, the term "energy efficiency improvements" refers to any improvement, repair, alteration, or betterment of any building or facility, subject to all applicable building codes, owned or operated by a public institution of higher education, municipally-owned institution of higher education, and public elementary and secondary school or any equipment, fixture, or furnishing to be added to or used in any such building or facility that is designed to reduce energy consumption. Energy efficiency improvements include, but are not limited to: adding square footage to existing school facilities; building envelope improvements; heating, ventilating, and cooling upgrades; lighting retrofits; installing or upgrading an energy management system; motor, pump, or fan replacements; domestic water use reductions;

information technology improvements associated with an energy conservation improvement to school facilities; mechanical insulation; municipal utility improvements associated with an energy conservation improvement to school facilities; and upgrading other energy consuming equipment or appliances

(c) As used in this legislation, the term “environmental justice communities” refers to a population with an annual median household income of not more than 65 per cent of the statewide median income or with a segment of the population that consists of residents that is not less than 25 per cent minority, foreign born or lacking in English language proficiency based on the most recent United States census.

(d) As used in this legislation, the term “historically marginalized communities” refers to a community that has historically suffered from discrimination and has not had equal access to public or private economic benefits due to the race, ethnicity, gender, geography, language preference, immigrant or citizen status, sexual orientation, gender identity, socioeconomic status, or disability status of its members.

(d) As used in this legislation, the term “Office” refers to the Healthy and Sustainable Schools Office.

(e) As used in this legislation, the term “renewable energy systems” refers to energy generated from any source that qualifies as a Class I or Class II renewable energy source under sections 11F of chapter 25A.

(f) As used in this legislation, the term “School Building Authorities” refers to the Massachusetts School Building Authority, University of Massachusetts Building Authority, and Massachusetts State College Building Authority.

SECTION 19. Chapter 25A of the General Laws is hereby further amended by adding the following section:

Section 20(C): An Act Relative to Healthy and Sustainable Schools Act

(a) All public institutions of higher education, municipally-owned institutions of higher education, and public elementary and secondary schools shall receive Energy audits. Energy audits shall be provided to schools at no cost. Energy audits shall be performed within 24 months after the effective date of this Act.

(b) Energy audits shall be prioritized for all public institutions of higher education, municipally-owned institutions of higher education, and public elementary and secondary schools located in environmental justice communities.

(c) Public institutions of higher education, municipally-owned institutions of higher education, and public elementary and secondary schools that are located in environmental justice communities shall receive priority for any energy efficiency improvements or installations of renewable energy systems that are authorized under this act.

SECTION 20. Chapter 25A of the General Laws is hereby further amended by adding the following section:

Section 20(D): An Act Relative to Healthy and Sustainable Schools- Healthy and Sustainable Schools Office

(a) In the department of energy resources within the executive office of energy and environmental affairs, there shall be a Healthy and Sustainable Schools Office. The Office shall carry out its duties and responsibilities in coordination with School Building Authorities.

(b) The Office shall have a director appointed by the Governor; two members appointed by the State Senate, one of whom shall be a representative of organized labor; and two members appointed by the Assembly, one of whom shall be a representative of organized labor. The Office shall employ architects, consulting engineers, attorneys, construction, financial and other experts, superintendents, managers, and such other employees and agents as may be necessary in its judgment.

(c) The Office shall conduct energy audits at all public institutions of higher education, municipally-owned institutions of higher education, and public elementary and secondary schools. Energy audits shall be prioritized for public institutions of higher education, municipally-owned institutions of higher education, and public elementary and secondary schools located in environmental justice communities.

(d) The results of each energy audit shall be memorialized by the Office and shall be provided to the applicable school and School Building Authorities. The Office shall retain a copy of each energy audit and promptly make the results available for public inspection on its website. Any information sensitive to school safety and security shall be redacted before being made public.

(e) The Office shall facilitate implementing recommended energy efficiency improvements and installing renewable energy systems on or nearby school property. The Office is authorized and encouraged to aggregate projects to maximize efficiency, including but not limited to negotiating bulk purchases of renewable energy and energy efficiency equipment, energy audits, and installation services. The Office shall prioritize installing energy efficiency

improvements and renewable energy systems at schools located in environmental justice communities.

(f) Third party contractors shall be prohibited from performing both energy audits and installing energy efficiency improvements and renewable energy systems at the same school.

(g) The Office shall seek public input from stakeholders, including but not limited to school boards, labor union representatives, and community representatives when implementing recommended energy efficiency improvements and installing renewable energy systems.

(h) The Office is authorized to make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act.

(i) The office shall ensure that contractors and subcontractors of all tiers engaging in the construction and installation of energy efficiency improvements and renewable energy systems submit sworn certifications as part of the bidding process that the firm will:

(1) Provide documentation of its participation in State or Federally registered apprenticeship training program(s) for each trade in which it employs craft workers.

(2) Ensure that each employee on the project will be paid, at minimum, wages and benefits that are not less than the prevailing wage and fringe benefits rates as prescribed in sections 26 through 27D of Chapter 149, for the corresponding classification in which the employee is employed.

(3) Comply with the Commonwealth's public bidding laws, including G.L. c. 149, s. 44A, c. 149A, s.8, and c. 30, s. 39M, as applicable.

(4) Comply with all other Federal, State, and Local laws.

(5) Prioritize hiring residents from environmental justice communities and members of historically marginalized communities.

(6) Comply with all State and Local hiring goals for women, minorities, and veterans.

(7) Provide documentation of its partnership(s) with high-quality preapprenticeship training programs.

(8) Become signatory to a project labor agreement if such an agreement is selected as the project delivery method for the construction project by the contracting authority.

A bid will not be considered complete and ready for review until all certifications have been submitted as part of its bid package. The failure to include complete and accurate certifications prior to the bid deadline shall be grounds for disqualification from the bidding process.

(i) The Office shall ensure that contractors and subcontractors of all tiers, as part of the bid process, disclose and certify the following:

(1) Contractors and sub-contractors on the project are currently, and will remain, in compliance with Massachusetts General Laws Chapters 149, 151, 151A, 151B, and 152 and/or 29 U.S.C. § 201, et seq. and Federal anti-discrimination laws for the duration of the project.

(2) Contractors and sub-contractors on the project, have complied with Massachusetts General Laws Chapters 149, 151, 151A, 151B, and 152 and/or 29 U.S.C. § 201, et seq. and Federal anti-discrimination laws for the last three (3) calendar years.

(3) When contractors or sub-contractors on the project cannot meet the certification requirements provided for in Paragraphs (1) and (2) of this subsection, the contractors or subcontractors must submit proof of a wage bond or other comparable form of insurance in an amount equal to the aggregate of one year's gross wages for all workers projected to be employed by the contractor or sub-contractor for which certification is unavailable, to be maintained for the life of the project.

SECTION 21.

Chapter 25A of the Massachusetts General Laws is hereby amended by adding the following new Section:

Section 20(E): An Act Relative to Healthy and Sustainable Schools- Funding

(a) The State shall appropriate funds to a revolving fund to finance activities authorized under this act, including but not limited to providing energy assessments and installing energy efficiency improvements and renewable energy systems on or nearby school property. The Office shall be responsible for administering this fund.

(b) The Office shall make application for, receive, and accept funding from local and federal sources to carry out its duties, including but not limited to the following sources:

(i) funding authorized under the Infrastructure Investment and Jobs Act, including but not limited to funding programs under the Department of Energy's State and Community Energy Program,

(ii) funding authorized under the Inflation Reduction Act, including but not limited to the Greenhouse Gas Reduction Fund,

(iii) funding authorized under the American Rescue Plan Act, including but not limited to funds for elementary and secondary emergency relief,

(iv) State bonds,

(v) funding from green banks, and

(vi) department funding.

SECTION 22. Section 2 of chapter 25B of the General Laws, as appearing the 2022 official edition is hereby amended by inserting after the definition of "Electricity Ratio" the following definition:-

"Fast DC", a galvanically-connected EVSE that includes an off-board charger and provides DC current greater than or equal to 80 amperes DC.

SECTION 23. Said section 2 of said chapter 25B, as so appearing, is hereby further amended by inserting after the definition of "Lamp" the following 2 definitions:-

"Level 1", a galvanically-connected EVSE with a single-phase input voltage nominally 120 volts AC and maximum output current less than or equal to 16 amperes AC.

"Level 2", a galvanically-connected EVSE with a single-phase input voltage range from 208 to 240 volts AC and maximum output current less than or equal to 80 amperes AC.

SECTION 24. Section 2 of chapter 25B of the General Laws is hereby further amended by inserting after the definition of "Faucet" the following 2 definitions:-

"Flexible demand", means the capability to schedule, shift, or curtail the electrical demand of a load-serving entity's customer through direct action by the customer or through

action by a third party, the load-serving entity, or a grid balancing authority, with the customer's consent.

SECTION 25. Section 5 of said chapter 25B, as so appearing, is hereby amended by inserting after the paragraph ending with "No state-regulated general service lamp shall be sold or offered for sale in the commonwealth unless the efficiency of the new product meets or exceeds the efficiency standards provided in this section" the following paragraph:-

The commissioner may also adopt, by regulation, and periodically update, standards for any appliances to facilitate the deployment of flexible demand technologies. These regulations may include labeling provisions to promote the use of appliances with flexible demand capabilities. The flexible demand appliance standards shall be based on feasible and attainable efficiencies or feasible improvements that will enable appliance operations to be scheduled, shifted, or curtailed to reduce emissions of greenhouse gases associated with electricity generation. The standards shall become effective no sooner than one year after the date of their adoption or updating.

SECTION 26 . Section 5 of chapter 25B of the General Laws is hereby amended by striking out paragraph (20) and inserting in place thereof the following:

(20) Electric vehicle supply equipment included in the scope of the ENERGY STAR Program Requirements Product Specification for Electric Vehicle Supply Equipment, Version 1.0 (Rev. Apr-2017) or latest applicable version of ENERGY STAR for Electric Vehicle Supply Equipment, shall meet the qualification criteria of that specification.

"No new, commercial dishwasher, commercial fryer, commercial hot-food holding cabinet, commercial oven, commercial steam cooker, computer or computer monitor, faucet,

high CRI fluorescent lamp, portable electric spa, residential ventilating fan, showerhead, spray sprinkler body, urinal, water closet or water cooler shall be sold or offered for sale, lease or rent in the commonwealth unless the efficiency of the new product meets or exceeds the efficiency standards set forth in the regulations adopted pursuant to this section. No state-regulated general service lamp shall be sold or offered for sale in the commonwealth unless the efficiency of the new product meets or exceeds the efficiency standards provided in this section."

SECTION 27. Section 5 of said chapter 25B, as appearing in the 2022 official edition, is hereby further amended by striking out the first and second paragraphs and inserting in place thereof the following paragraph:-

The commissioner may by regulation update the level of the energy efficiency standards for minimum energy efficiency standards for the types of new products set forth in clauses (f) to (y), inclusive, of section 3. Any revision of such standards shall be based upon the determination by the commissioner that such efficiency levels are cost-effective to the users, as a group, of the covered appliance or lamp. Any standard revised pursuant to this section which conflicts with a corresponding standard in the state plumbing code shall take precedence over the standard in said code. Any standard revised pursuant to this section shall not take effect for at least one year after its adoption.

SECTION 28. Chapter 85 of the General Laws is hereby amended by adding the following section:

Section 38. (a) As used in this section, the following words shall have the following meanings unless the context clearly requires otherwise:

"Correlated color temperature" or "CCT", the apparent hue of the light emitted by a fixture, expressed in kelvins (K).

"Façade lighting", illumination of exterior surfaces of buildings for the enhancement of their nighttime appearance, achieved by shining light onto building surfaces, or by internal or external illumination of translucent building surfaces, or with fixtures solely for decorative function.

"Fixture", a complete lighting unit, including a light source together with the parts designed to distribute the light, to position and protect the light source and connect the light source to the power supply.

"Fully shielded fixture", a fixture that in its mounted position has an uplight value of U0 as defined by the Illuminating Engineering Society's standards publication TM-15-20 (Luminaire Classification System for Outdoor Luminaires).

"Glare", light emitted by a fixture that causes visual discomfort or reduced visibility.

"Illuminance", the luminous power incident per unit area of a surface.

"Light trespass", light that falls beyond the property it is intended to illuminate.

"Lumen", a standard unit of measurement of the quantity of light emitted from a source of light.

"Municipal funds", bond revenues or money appropriated or allocated by the governing body of a town or city within the Commonwealth.

"Ornamental lighting", a lighting fixture that has a historical or decorative appearance and that serves a decorative function in addition to serving to light a roadway, parking lot, walkway, plaza, or other area.

"Parking-lot lighting", a permanent outdoor fixture specifically intended to illuminate an uncovered vehicle-parking area.

"Part-night service", a rate charged by a utility company to provide unmetered electricity for permanent outdoor fixtures that operate for only a portion of each night's dusk-to-dawn cycle.

"Permanent outdoor fixture", a fixture for use in an exterior environment installed with mounting not intended for relocation.

"Roadway lighting", a permanent outdoor fixture specifically intended to illuminate a public roadway.

"Sky glow", scattered light in the atmosphere that is caused by light directed upward or sideways from fixtures, reducing an individual's ability to view the natural night sky.

"State funds", bond revenues or money appropriated or allocated by the general court.

"Uplight," direct light emitted above a horizontal plane through the fixture's lowest light-emitting part in its mounted position

(b) State or municipal funds must not be used to install or cause to be installed a new permanent outdoor fixture or to pay for the cost of operating a new permanent outdoor fixture, for the specific purposes listed below, unless the following conditions are met:

(i) Fixtures used for roadway lighting or parking-lot lighting, whether mounted to poles, buildings or other structures, must be fully shielded unless they are Ornamental lighting fixtures, or are fixtures used to light tunnels or roadway underpasses;

(ii) Ornamental lighting fixtures must emit fewer than 500 lumens of Uplight;

(iii) "Fixtures used for Roadway lighting must not be more numerous than is necessary for adequate vehicular and pedestrian safety, as determined by the current lighting-needs criteria published by the Federal Highway Administration and the Illuminating Engineering Society;"

(iv) Building-mounted fixtures must be fully shielded unless they are Façade lighting fixtures;

(v) Façade lighting fixtures must be selected and installed to direct the light onto the intended target, and must be shielded, so that glare, sky glow, and light trespass are minimized;

(vi) Fixtures used to light historic structures, flags, monuments, statuary and works of art must be selected and installed to direct the light onto the intended target, and must be shielded, so that glare, sky glow, and light trespass are minimized;

(vii) Fixtures used to light athletic playing areas must be selected and installed so as to minimize glare, light trespass and sky glow outside the athletic playing area;

(viii) Fixtures installed for any purpose must have a correlated color temperature that is not greater than 3000 K unless (1) an exemption up to 4000 K is granted, in which case a public safety need must be demonstrated; or (2) the fixtures are used exclusively for the decorative illumination through color of certain building façade or landscape features; or (3) the fixtures are used to illuminate athletic playing areas.

(ix) Lighting installed for any purpose should provide maintained illuminance levels equal to the minimum values recommended by the Illuminating Engineering Society for the intended application and may not exceed those recommended minimum values by more than 50% unless a demonstrated and verified need exists for higher levels to ensure safety or security.

(c) This section shall not apply: (i) if it is preempted by federal law; (ii) if the outdoor lighting fixture is used temporarily for emergency, repair, construction or similar activities; (iii) to navigational and other lighting systems necessary for aviation and nautical safety; (iv) if a compelling and bona fide safety or security need exists that cannot be addressed by another reasonable method; (v) to the replacement of a previously installed permanent outdoor fixture that is destroyed, damaged or inoperative, has experienced electrical failure due to failed components, or requires standard maintenance; (vi) to festoon lighting as defined in the NFPA 70 National Electrical Code, or (vii) to fixtures installed for any specific purpose that is not listed in (b) above.

(d) The Massachusetts Department of Energy Resources, in consultation with the Massachusetts Department of Transportation, shall:

(i) develop and promulgate regulations to implement and enforce this section; provided, however, that if a municipal or county ordinance or regulation specifies lower illuminance levels, the illuminance level required for the intended purpose by the ordinance or regulation shall be used; and

(ii) develop and promulgate regulations to ensure that the use of state or municipal funds, including, but not limited to, operating costs for new permanent outdoor fixtures for roadway

lighting or parking-lot lighting installed by electric distribution companies and municipal aggregators, comply with this section.

SECTION 29. Section 1 of chapter 164 of the General Laws, as so appearing, is hereby amended by striking out the definition of "Gas company" and inserting in place thereof the following definition:-

“Gas company”, a corporation originally organized for the purpose of making and selling or distributing and selling gas within the Commonwealth, though subsequently authorized to make or sell electricity. A gas company may make, sell, or distribute geothermal energy, including networked geothermal and deep geothermal energy.

SECTION 30. Section 30 of chapter 164, of the General Laws, as so appearing, is hereby amended by inserting after the word “therein”, in line 4 the following words:- ; provided, however, that the expansion of a company’s gas system does not increase greenhouse gas emissions.

SECTION 31. Chapter 186 of the General Laws, as appearing in the 2022 official edition, is hereby amended by inserting after section 22 the following section:-

Section 22A: (a) For the purposes of this section the following words shall have the following meanings:

"Common area", any portion of a building with more than 1 dwelling unit that is not incorporated within a dwelling unit.

"Dwelling unit", any house or building, or portion thereof, that is occupied, designed to be occupied, or is rented, leased or hired out to be occupied, as a home or residence of one or more persons.

“Electric heat pump,” an apparatus for heating or cooling that transfers heat by mechanical means from or to an external reservoir such as the ground, water, or outside air.

“Energy monitoring system,” a system of software tools that monitor, analyze, and control building energy use and system performance.

"Landlord", the owner, lessor or sublessor of a dwelling unit, the building of which it is a part, or the premises wherein a customer receives electric service through metered measurement.

(b) Notwithstanding any general or special law, rule, or regulation, to the contrary, the operation in rental housing of an energy monitoring system installed prior to July 1, 1997 or after July 1, 2024, whereby the cost of heat or air conditioning is allocated or charged by the owner to the occupant based upon measurements made by a computerized energy monitoring system, provided that such equipment shall be installed by a licensed electrician and shall meet the standards of accuracy and testing of the National Electrical Contractors Association or a similar accredited association, and pursuant to a written rental agreement shall be permitted; provided, however that cost allocations initiated after July 1, 2024 shall be permitted only for heating or cooling costs from an electric heat pump.

(c) A landlord may charge an occupant of a dwelling unit for the cost of heat or air conditioning as measured through the use of an energy monitoring system only in accordance with this section and only upon the landlord certifying that the dwelling unit is in compliance with this section to a board of health, health department or other municipal agency or department

charged with enforcement of the state sanitary code. Certification by the landlord shall be provided under the penalties of perjury and shall include a statement that the dwelling unit is eligible for the imposition on the occupant of a charge for the cost of heat or air conditioning in accordance with subsection (d) and the energy monitoring system measuring the use of heat or air conditioning in the dwelling unit was installed by a licensed electrician and is in compliance with subsection (b).

(d) A dwelling unit shall become eligible for the imposition on the occupant of a charge for the cost of heat or air conditioning only upon the commencement of a new tenancy in such dwelling unit.

(e) A landlord may not charge the occupant of a dwelling unit separately for heat or air conditioning usage measured by an energy monitoring system, nor allow such occupant to be so charged, unless the energy monitoring system measures only heat or air conditioning that is supplied for the exclusive use of the particular dwelling unit and only to an area within the exclusive possession and control of the occupant of such dwelling unit and does not measure any heat or air conditioning usage for any portion of the common areas or by any other party or dwelling unit.

(f) A landlord may not charge the occupant separately, nor allow an occupant to be charged separately, for heat or air conditioning usage measured by an energy monitoring system unless the occupant has signed a written rental agreement that clearly and conspicuously provides for such separate charge and that fully discloses in plain language the details of the heat or air conditioning usage measured by an energy monitoring system and billing arrangement between the landlord and the occupant. Each bill for heat or air conditioning usage measured by

an energy monitoring system shall clearly set forth all charges and all other relevant information, including, but not limited to, the current and immediately preceding energy monitoring system readings and the date of each such reading, the heat or air conditioning usage since the last reading, the charge per unit of heat or air conditioning, the total charge and the payment due date. A bill shall not include any upcharges on the value of energy used for heat or air conditioning, late payments, penalty fees, or interest for late payments, for all electricity provided to the premises through the electric company meter. Such charges shall be billed to the occupant in at least as many periods as the landlord is billed by the electric company providing electric service to the building or such payments may be made on a monthly payment schedule as agreed to in the written rental agreement; provided, however, that if the landlord bills the occupant on a monthly basis, payment of the bill by the occupant shall be due 15 days after the date the bill is mailed to the occupant, but if the landlord bills the occupant at intervals greater than 1 month, payment of the bill by the tenant shall be due 30 days after the date the bill is mailed to the occupant.

(g) Whenever a tenancy in a dwelling unit commences after the beginning, but before the end, of a billing period for which the landlord has not been billed by the electric company, the landlord shall mail to the occupant on the first day of such tenancy the reading on the energy monitoring system for the dwelling unit as of that day. The landlord may thereafter bill the occupant only for the heat or air conditioning measured on the energy monitoring system subsequent to such reading.

(h) Whenever a tenancy in a dwelling unit terminates after the beginning, but before the end, of a billing period for which the landlord has not been billed by the electric company, the landlord shall give to the occupant on the last day of such tenancy the reading on the energy

monitoring system for the dwelling unit as of that day together with a final bill for heat and air conditioning usage in the dwelling unit since the last prior reading of the energy monitoring system for such dwelling unit.

(i) A landlord shall not charge or recover, or allow to be charged or recovered, any additional servicing, administrative, establishment, energy monitoring-reading, energy monitoring-testing, billing, or energy monitoring system fee or other fee whatsoever, however denominated.

(j) In the event of nonpayment of a bill to an electric company by the landlord, such electric company shall have all the remedies against the customer of the electric company available pursuant to any law, rule or regulation. A landlord may not shut off or refuse heating or air conditioning service to an occupant on the basis that the occupant has not paid a separately assessed energy monitoring usage charge.

(k) The landlord shall retain an affirmative obligation to maintain in good working order the electric heat pump system supplying heat or air conditioning to each dwelling unit and any component thereof and to respond in a timely manner to any request by the occupant for the repair of any defect or malfunctioning in such system. In the event of any overcharge by the landlord or any violation of the state sanitary code, the occupant shall have all rights and remedies provided under law for such overcharges or such violations including, but not limited to, the rights and remedies provided under chapters 111, 186 and 239.

(l) Upon receipt of a bill for heat or air conditioning usage from the landlord and within the time allowed for paying the bill, an occupant may request that a person or entity with expertise in the installation and operation of energy monitoring systems and with no financial or

other relationship with the landlord, test the energy monitoring system for the dwelling unit leased by the occupant to determine whether it is accurately measuring the heat or air conditioning being used in the dwelling unit. If the energy monitoring system is found to be measuring more heat or air conditioning than is being used in the dwelling unit, the landlord shall install a new energy monitoring system at their own expense and shall also pay for the cost of the test. In addition, the person or entity conducting the test shall determine as accurately as possible the amount of heat or air conditioning that was improperly measured by the energy monitoring system in both the prior and current billing periods. The landlord shall calculate the amount the occupant was overcharged for the prior billing period and reduce the bill by that amount, or, if the occupant has already paid the bill, give the occupant a rebate in that amount. Upon receipt from the electric company of the bill for the current billing period, the landlord shall calculate the amount of the bill attributable to the excessive measurement by the energy monitoring system and reduce the bill to the occupant by that amount prior to sending it to the occupant. If the energy monitoring system is found to be measuring no more heat or air conditioning than is being used in the dwelling unit, the occupant shall pay for the cost of the test; provided, however, that if the occupant does not pay for the cost of the test, the landlord may add such cost to the next bill sent to the occupant and such cost shall be considered a part of the bill for purposes of paragraph (f) and clause (i) of subsection (4) of section 15B of chapter 186.

(m) Upon request of an affected occupant, the consumer division of the department of public utilities shall have jurisdiction to determine whether the allocation of costs for heating and air conditioning usage to such occupant was substantially correct.

(n) Nothing in this section shall be construed to increase or expand, change, eliminate, reduce or otherwise limit the liabilities or obligations of any electric company that are set forth in any law, rule, regulation or order to the occupant of a dwelling unit who is receiving electric service provided to the building by the electric company.

(o) Nothing in this section shall affect or impair the powers and duties of the department of public utilities with respect to electric services under chapter 164. Nothing in this section shall affect or impair the power and duties of the attorney general with respect to consumer protection.

(p) No agreement under this section may impose an additional annual cost burden, consisting of the net of rental cost adjustment and allocation of heating and cooling costs, on the occupant of any dwelling unit in a public ousing development pursuant to chapter 200 of the acts of 1948, chapter 667 of the acts of 1954, chapter 705 of the acts of 1966, or chapter 689 of the acts of 1974.

(q) The department of public health shall promulgate regulations to the state sanitary code as it determines to be necessary to implement this section. The department of public utilities may promulgate regulations as it determines to be necessary to implement this section. The attorney general may promulgate regulations as it determines to be necessary to implement this section

SECTION 32. Section 3 of chapter 149 of the Acts of 2014 is hereby repealed.

SECTION 33. Section 370 of the acts of 2018 is hereby repealed.

SECTION 34. Section 53 of Chapter 179 of the Acts of 2022 is hereby amended by inserting the following section after section 92C:-

Section 92D. (a) Specific to achieving clause v of subsection a of section 92B, notwithstanding any other requirements of Sections 92B or 92C, and building on the Massachusetts executive office of energy and environmental affairs intergovernmental coordinating council EV deployment plan published in August 2023 and the electric distribution company electric sector modernization plans filed January 2024, the department of energy resources and Massachusetts department of transportation, in consultation with each EDC, and other key stakeholders such as EV Supply Equipment companies, EV Original Equipment Manufacturers, and Fleet operators, shall forecast EV charging demand through 2045 and identify sites to create a statewide network of fast charging hubs along Massachusetts highways and major roadways and charging capacity for fleet depots. By no later than two years following enactment of this legislation, each electric distribution company shall submit plans for implementation of distribution system build necessary to accommodate the highway charging network and fleet depots, and the department of public utilities shall approve the plans, if deemed reasonable.

(b) The department of energy resources and Massachusetts department of transportation, in consultation with each electric distribution company, and other key stakeholders such as EV Supply Equipment companies, EV Original Equipment Manufacturers, and Fleet operators, by no later than six months following enactment of this legislation, shall complete a study to forecast the 2045 electric demand from electric light-duty vehicle and medium- and heavy-duty vehicle charging at service plazas and other locations along Massachusetts highways and major

roadways, based on current traffic patterns and expected adoption of EVs to meet the Massachusetts 2045 climate goals.

(c) Within six months of, and based on the 2045 electric charging demand determined Section 92D. (b), the department of energy resources, Massachusetts department of transportation, and the electric distribution companies, and in consultation with other key stakeholders such as EV Supply Equipment companies, EV Original Equipment Manufacturers, Fleet operators and EJ Communities shall identify optimal sites along or near Massachusetts highways and major roadways in each electric distribution company service territory, which are suitable to host electric vehicle fast charging hubs to create a statewide network and meet the anticipated demand in 2045. Identification of such priority sites for electric vehicle fast charging stations should include, but not be limited to, consideration of the following: (i) ease of access for both consumer and commercial electric vehicles; (ii) cost-effective and efficient use of existing electric company infrastructure and rights-of-way; (iii) land use feasibility; (iv) potential ability to qualify for public funds, including, but not limited to, those funds made available under the Federal Infrastructure Investment and Jobs Act (IIJA) signed into U.S. Law in 2021; and (v) impact on environmental justice communities.

(d) Within six months of identification of such electric vehicle fast charging hub sites, each electric distribution company shall develop a plan to proactively design and build the additional distribution infrastructure investments necessary on its system to satisfy, at a minimum, the year 2045 projected charging demand at the applicable sites. The associated infrastructure investments shall also be designed to accommodate any additional projected future needs for the area identified by the electric distribution company.

(e) Within six months of each electric distribution company submitting its plan for the additional infrastructure investments required for the identified electric vehicle fast charging hub sites,. The department of public utilities shall promptly consider the plan, and if it finds the plan to be a reasonable approach to accommodate the increased transportation electrification necessary to facilitate achievement of the statewide greenhouse gas emissions limits under chapter 21N, shall approve the plan. Each electric distribution company shall be entitled to full cost recovery of all charges for the infrastructure investments resulting from the plan.

(f) Within 18 months following enactment of this legislation, each electric distribution company, in consultation with other key stakeholders such as EV Supply Equipment companies, EV Original Equipment Manufacturers, Fleet operators and EJ Communities, shall identify distribution upgrades necessary to support the electrification of at least five industrial areas with fleet depots, including factors to prioritize sites impacting environmental justice communities[i]. Within 6 months of the EDCs submitting their plans, the department of public utilities shall promptly consider the plan, and if it finds the plan to be a reasonable approach to accommodate the increased transportation electrification necessary to facilitate achievement of the statewide greenhouse gas emissions limits under chapter 21N, shall approve the plan. Each electric distribution company shall be entitled to cost recovery of charges for the infrastructure investments resulting from the plan.

SECTION 35. Subsection 81(a) of chapter 179 of the acts of 2022 is hereby amended by inserting after the words “commissioner of public utilities or designee;” the following words:- the executive director of the Massachusetts clean energy technology center or designee;.

SECTION 36. The Massachusetts Department of Transportation shall review and issue a report on existing roadway lighting and lighting operational costs. The report shall include a review of standards and other criteria for roadway lighting and an analysis of lighting operational costs; a review of roadway lighting's impact on human health, human safety, and environmental impact; actions taken by the department to comply with current standards; procedures and accepted best practices relative to roadway lighting; and a plan to reduce lighting operational costs through the replacement of existing high-wattage, unshielded fixtures with lower-wattage, fully shielded fixtures and the replacement of unnecessary roadway lighting with the installation of passive safety measures. The department shall issue its report to the Department of Energy Resources and the clerks of Senate and the House of Representatives not later than January 1, 2024.

SECTION 37. The Massachusetts Department of Public Utilities shall, subject to its ratemaking authority:

(a) develop a rate for part-night service that applies to dimmable and controls-operated fixtures used for unmetered roadway or parking-lot lighting.

(b) develop a rate for unmetered roadway or parking-lot lighting fixtures utilizing less than 25 watts of electricity.

SECTION 38. Notwithstanding any general or special law to the contrary, subject to availability of sufficient proceeds, the department of energy resources shall expend amounts from the RGGI Auction Trust Fund established in section 35II of chapter 10 of the General Laws to fund the green communities program established in section 10 of chapter 25A of the General Laws, and to fund the Electric Vehicle Adoption Incentive Trust Fund established in Section

19(a) of Chapter 25A of the General Laws. All payments made from the fund shall be prioritized so that the initial payments from the fund shall be made to the green communities, electric vehicle incentive and transportation electrification programs; provided, however, that not less than $27,000,000 shall be available for electric vehicle incentive programs each year for Fiscal Years ending June 30, 2025, June 30, 2026, and June 30, 2027.

SECTION 39. (a) For the purposes of this section the following words shall have the following meanings:

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

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

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

“Historic district commission” means a commission responsible for administering the rules and regulations of a historic district established by a community pursuant to chapter 40C of the General Laws.

"Municipal governing body" means the legislative decision-making body of a city or town.

"Neighborhood conservation district" means a district established by a municipal governing body as part of the local zoning code or bylaws for the express purpose of protecting the architectural character of a neighborhood.

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

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

"Separate interest" means the separate lot, unit, or interest to which an owner has exclusive rights of ownership.

(b) Associations, historic district commissions, and neighborhood conservation districts may not prohibit or unreasonably restrict an owner from installing an electric vehicle charging station on or in areas subject to their separate interest, on or in areas to which they have exclusive use, or on a common element, so long as it was within a reasonable distance of the dedicated parking space. Nothing in this section shall be construed to prohibit an association, historic district commission, or neighborhood conservation district from making reasonable restrictions.

(c) Installation of any electric vehicle charging station is subject to the following provisions: (i) the electric vehicle charging station shall be installed at the owners' expense; (ii) the electric vehicle charging station must be installed by a licensed contractor or electrician; (iii) an electric vehicle charging station shall conform to: (A) all applicable health and safety standards and requirements imposed by national, state, and local authorities; and (B) all other applicable zoning, land use or other ordinances, or land use permits.

(d) An association, historic district commission, or neighborhood conservation district may require an owner to submit an application before installing a charging station, subject to the following provisions: (i) if the association, historic district commission, or neighborhood conservation district requires such an application, the application shall be processed and approved by the association, historic district commission, or neighborhood conservation district in the same manner as an application for approval of an architectural modification to the property, and shall not be willfully avoided or delayed; (ii) the association, historic district commission, or neighborhood conservation district shall approve the application if the owner complies with the association, historic district commission, or neighborhood conservation district's architectural standards and the provisions of this section; (iii) the approval or denial of an application shall be in writing; (iv) if an application is not denied in writing within 60 days from the date of receipt of the application, the application shall be deemed approved, unless that delay is the result of a reasonable request for additional information; and (v) the association, historic district commission, or neighborhood conservation district may not assess or charge the owner any fees for the placement of any electric vehicle charging station, beyond reasonable fees for processing the application, provided that such fees exist for all applications for approval of architectural modifications.

(e) The owner and each successive owner of the separate interest or with exclusive rights to the area where the electric vehicle charging station is installed is responsible for: (i) disclosing to prospective buyers the existence of any charging station of the owner and the related responsibilities of the owner pursuant to this section; (ii) disclosing to prospective buyers whether the electric vehicle charging station is removable and whether the owner intends to remove the station in order to install it at the owner's new place of residence; (iii) costs for the maintenance, repair, and replacement of the electric vehicle charging station until the charging station has been removed, and for restoration of the common area after removal; (iv) costs for damage to the electric vehicle charging station, common area, exclusive common area, or a separate interest resulting from the installation, maintenance, repair, removal, or replacement of the charging station; (v) the cost of electricity associated with the electric vehicle charging station, provided however, that the owner shall connect the electric vehicle charging station to their own electric utility account unless the licensed contractor performing the installation deems that to be impossible; provided further, that if the connection is deemed impossible, the association, historic district commission, or neighborhood conservation district shall allow the owner to connect the electric vehicle charging station to the common electricity account, but may require reimbursement by the owner to the association, historic district commission, or neighborhood conservation district for the electricity costs, per the owner's responsibility for such costs; and (vi) removing the electric vehicle charging station if reasonably necessary for the repair, maintenance, or replacement of any property of the association, historic district commission, or neighborhood conservation district, or separate interests.

(f) An association may install an electric vehicle charging station in the common area for the use of all members of the association and, in that case, the association shall develop appropriate terms of use for the charging station.

SECTION 40. (a) By no later than twelve months following enactment of this legislation, each local unit of government shall adopt a land use ordinance or bylaws that:

(1) create an expedited, streamlined permitting process for electric vehicle charging stations, including electric vehicle charging stations installed in the public right-of-way, with binding timeline for the review and approval of permit applications not to exceed thirty days;

(2) classify all levels of electric vehicle charging stations as permitted accessory and primary use in all zoning districts;

(3) address electric vehicle charging in parking minimum requirements, specifically that a parking space served by an electric vehicle charging station or any parking spaces used to site electric vehicle charging equipment must be counted as at least one standard automobile parking space and that any van-accessible parking space shall count as at least two standard automobile parking spaces for the purpose of complying with any applicable minimum parking requirements;

(4) specify that review of applications to install electric vehicle charging stations, including electric vehicle charging stations installed in the public right-of-way, shall be limited to the building official's review of whether the installation meets all health and safety requirements under local, state, and federal law and shall be administratively approved through the issuance of a building permit or similar nondiscretionary permit.

(h) The department of energy resources and Massachusetts department of transportation, in consultation with the appropriate and affected parties, by no later than six months following enactment of this legislation, shall develop and publish a model land use ordinance that local governments may elect to adopt. Upon completion, the department of energy resources and Massachusetts department of transportation must post the model ordinance to the department's internet website and notify local units of government of its availability.

(i) The department of energy resources and Massachusetts department of transportation may periodically publish amendments to the model ordinance to reflect increased electric vehicle adoption and technological advances in the State. Any update shall not require a rulemaking process. Upon completion of any amendment, the department of energy resources and Massachusetts department of transportation must post the updated model ordinance to the department's internet website and notify local units of government of the amendments.

SECTION 41. Sections 7 through 10 of this act shall take effect January 1, 2028.

SECTION 42. Section 11 of this act shall take effect January 1, 2026.

SECTION 43. Sections 28 and 36 shall take effect on January 1, 2024.

SECTION 44. Pursuant to section 16, a commercial electric vehicle charging station operating in MA as of January 1, 2025, shall be required to register with the division of standards no later than January 1, 2026.