

SENATE No. 852

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia Stone Creem

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 relative to the installation of electric vehicle charging stations by condominium owners.

PETITION OF:

NAME:

Cynthia Stone Creem

DISTRICT/ADDRESS:

Norfolk and Middlesex

SENATE No. 852

By Ms. Creem, a petition (accompanied by bill, Senate, No. 852) of Cynthia Stone Creem relative to the installation of electric vehicle charging stations by condominium owners. Housing.

The Commonwealth of Massachusetts

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

An Act relative to the installation of electric vehicle charging stations by condominium owners.

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

1 Chapter 183A of the General Laws, as appearing in the 2020 Official Edition, is hereby
2 amended by adding the following section:-

3 Section 24. (a) As used in this section, the following words shall, unless the context
4 clearly requires otherwise, have the following meanings:-

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

8 “Dedicated parking spot”, a parking spot that is: (i) located within an owner’s separate
9 interest; and (ii) in a common area, but subject to exclusive use rights of an owner, including, but
10 not limited to, a deeded parking space, a garage space, a carport or a parking space that is
11 specifically designated for use by a particular owner.

12 “Electric vehicle charging system”, a system that is designed in compliance with Article
13 625 of the National Electrical Code and delivers electricity from a source outside an electric
14 vehicle into 1 or more electric vehicles; provided, however, that an electric vehicle charging
15 system may include several charge points simultaneously connecting several electric vehicles to
16 the system.

17 “Owner”, a person who owns a separate lot, unit or interest, along with an undivided
18 interest or membership interest in the common area of the entire project, including but not
19 limited to condominiums, planned unit developments and parcels subject to a homeowners’
20 association.

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

24 “Separate interest”, a separate lot, unit or interest to which an owner has exclusive rights
25 of ownership.

26 (b) An association shall not prohibit or unreasonably restrict an owner from installing an
27 electric vehicle charging station: (i) on or in areas subject to the owner’s separate interest; (ii) on
28 or in areas to which the owner has exclusive use; or (iii) on a common element; provided,
29 however, that the common element is within a reasonable distance of the dedicated parking spot.
30 Nothing in this subsection shall be construed to prohibit an association from making reasonable
31 restrictions.

32 (c) Installation of an electric vehicle charging station shall be subject to the following: (i)
33 the electric vehicle charging station shall be installed at the owner’s expense; (ii) the electric

34 vehicle charging station shall be installed by a licensed contractor or electrician; (iii) an electric
35 vehicle charging station shall conform to: (A) all applicable health and safety standards and
36 requirements imposed by national, state and local authorities; and (B) all other applicable zoning,
37 land use or other ordinances or land use permits.

38 (d) An association may require an owner to submit an application before installing an
39 electric vehicle charging station, pursuant to the following provisions: (i) if an association
40 requires such an application, the application shall be processed and approved by the association
41 in the same manner as an application for approval of an architectural modification to the
42 property, and shall not be willfully avoided or delayed; (ii) the association shall approve the
43 application if the owner complies with the association's architectural standards and this section;
44 (iii) the approval or denial of an application shall be in writing; (iv) if an application is not
45 denied in writing within 60 days from the date of receipt of the application, the application shall
46 be deemed approved, unless that delay is the result of a reasonable request for additional
47 information; (v) an association may not assess or charge an owner a fee for the placement of an
48 electric vehicle charging station, except a reasonable fee for processing the application; provided,
49 however, that such a fee exists for all applications for approval of architectural modifications.

50 (e) An owner of a separate interest or an owner who has exclusive rights to an area where
51 an electric vehicle charging system is installed shall be responsible for: (i) disclosing to
52 prospective buyers the existence of a charging station of the owner and the related
53 responsibilities of the owner pursuant to this section; (ii) disclosing to prospective buyers
54 whether the electric vehicle charging station is removable and whether the owner intends to
55 remove the station in order to install it at the owner's new place of residence; (iii) costs of the
56 maintenance, repair and replacement of the electric vehicle charging station until the charging

57 station is removed, and for restoration of the common area after removal; (iv) costs for damage
58 to the electric vehicle charging station, common area, exclusive common area or a separate
59 interest resulting from the installation, maintenance, repair, removal or replacement of the
60 charging station; (v) the cost of electricity associated with the electric vehicle charging station;
61 provided however, that the owner shall connect the electric vehicle charging station to the
62 owner's electricity utility account unless the licensed contractor performing the installation
63 deems that to be impossible; provided further, that if the connection is deemed impossible, the
64 association shall allow the owner to connect the electric vehicle charging station to the common
65 electricity account, but may require reimbursement by the owner to the association for the
66 electricity costs, per the owner's responsibility for such costs; and (vi) removing the electric
67 vehicle charging station if reasonably necessary for the repair, maintenance or replacement of
68 any property of the association or separate interests.

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