

HOUSE No. 1303

The Commonwealth of Massachusetts

PRESENTED BY:

Michelle L. Ciccolo and Steven Owens

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 to ensure the right to install electric vehicle charging stations.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>	<i>1/19/2023</i>
<i>Steven Owens</i>	<i>29th Middlesex</i>	<i>1/19/2023</i>
<i>Shirley B. Arriaga</i>	<i>8th Hampden</i>	<i>11/14/2023</i>

HOUSE No. 1303

By Representatives Ciccolo of Lexington and Owens of Watertown, a petition (accompanied by bill, House, No. 1303) of Michelle L. Ciccolo and Steven Owens relative to the rights of homeowners to install electric vehicle charging stations. Housing.

The Commonwealth of Massachusetts

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

An Act to ensure the right to install 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 1. Definitions

2 For the purpose of this section:

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

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

10 "Owner" means a person or persons who own a separate lot, unit, or interest, along with
11 an undivided interest or membership interest in the common area of the entire project, including

12 but not limited to condominiums, planned unit developments, and parcels subject to a
13 homeowners' association.

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

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

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

23 "Historic District Commission" means a commission responsible for administering the
24 rules and regulations of a historic district established by a community pursuant to Massachusetts
25 General Laws Chapter 40C.

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

29 "Municipal Governing Body" means the legislative decision-making body of a city or
30 town.

31 Right of Owner to Install Electric Vehicle Charging Station

32 Associations, Historic District Commissions (HDCs), and Neighborhood Conservation
33 Districts (NCDs) may not prohibit or unreasonably restrict an owner from installing an electric
34 vehicle charging station on or in areas subject to their separate interest, on or in areas to which
35 they have exclusive use, or on a common element, so long as it was within a reasonable distance
36 of the dedicated parking space. Nothing in this section shall be construed to prohibit an
37 association, HDC, or NCD from making reasonable restrictions as defined in Section 1.

38 Rules and Regulations

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

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

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

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

47 B. The association, HDC, or NCD may require an owner to submit an application before
48 installing a charging station, subject to the following provisions:

49 a) If the association, HDC, or NCD requires such an application, the application shall be
50 processed and approved by the association, HDC, or NCD in the same manner as an application
51 for approval of an architectural modification to the property, and shall not be willfully avoided or
52 delayed;

53 b) The association, HDC, or NCD shall approve the application if the owner complies
54 with the association, HDC, or NCD's architectural standards and the provisions of this section;

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

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

59 e) The association, HDC, or NCD may not assess or charge the owner any fees for the
60 placement of any electric vehicle charging station, beyond reasonable fees for processing the
61 application, provided that such fees exist for all applications for approval of architectural
62 modifications.

63 Rights and Responsibilities of Ownership

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

66 a) disclosing to prospective buyers the existence of any charging station of the owner and
67 the related responsibilities of the owner under this section.

68 b) disclosing to prospective buyers if the owner intends to remove the station in order to
69 install it at their new place of residence.

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

72 d) costs for damage to the electric vehicle charging station, common area, exclusive
73 common area, or separate interests resulting from the installation, maintenance, repair, removal,
74 or replacement of the charging station.

75 e) the cost of electricity associated with the electric vehicle charging station. Pursuant to
76 this clause, the owner must connect the electric vehicle charging station to their own electricity
77 utility account unless the licensed contractor performing the installation deems that to be
78 impossible. In this circumstance, the association, HDC, or NCD shall allow the owner to connect
79 the electric vehicle charging station to the common electricity account, but may require
80 reimbursement by the owner to the association, HDC, or NCD for the electricity costs, per the
81 owner's responsibility for such costs.

82 f) removing the electric vehicle charging station if reasonably necessary for the repair,
83 maintenance, or replacement of any property of the association, HDC, NCD, or of separate
84 interests.

85 Common Area Electric Vehicle Charging Stations

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

89 Severability

90 The provisions of this section are severable, and if any provision, or portion thereof,
91 should be held to be unconstitutional or otherwise invalid by any court of competent jurisdiction,

92 such unconstitutionality or invalidity shall not affect the remaining provisions, which remain in
93 full force and effect.

94 SECTION 2. This act shall take effect 30 days after passage.