

HOUSE No. 3858

The Commonwealth of Massachusetts

PRESENTED BY:

Marjorie C. Decker

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 providing for electric vehicle charging stations in the city of Cambridge.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>3/18/2021</i>

HOUSE No. 3858

By Ms. Decker of Cambridge, a petition (accompanied by bill, House, No. 3858) of Marjorie C. Decker (with the approval of the city council) that the city of Cambridge be authorized to provide for electric vehicle charging stations in said city. Transportation. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act providing for electric vehicle charging stations in the city of Cambridge.

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. For the purposes of this act the following terms shall, unless the context
2 clearly requires otherwise, have the following meanings:-

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

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

10 “Electric vehicle charging system”, a system that is designed in compliance with Article
11 625 of the National Electrical Code and delivers electricity from a source outside an electric

12 vehicle into 1 or more electric vehicles. An electric vehicle charging system may include several
13 charge points simultaneously connecting several electric vehicles to the system.

14 “Owner”, a person or persons who own a separate lot, unit or interest, along with an
15 undivided interest or membership interest in the common area of the entire project, including but
16 not limited to condominiums, planned unit developments and parcels subject to a homeowner's
17 association.

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

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

23 SECTION 2. An association in the city of Cambridge may not prohibit or unreasonably
24 restrict an owner from installing an electric vehicle charging station on or in areas subject to their
25 separate interest, on or in areas to which they have exclusive use, or on a common element, so
26 long as it was within a reasonable distance of the dedicated parking spot. Nothing in this section
27 shall be construed to prohibit an association from making reasonable restrictions as defined in
28 section 1.

29 SECTION 3. (a) Installation of any electric vehicle charging station in the city of
30 Cambridge is subject to the following provisions:

31 (i) The electric vehicle charging station must be installed at the owner's expense;

32 (ii) The electric vehicle charging station must be installed by a licensed contractor and/or
33 electrician; and

34 (iii) An electric vehicle charging station in the city of Cambridge shall meet all applicable
35 health, safety and accessibility standards and requirements imposed by national, state, and local
36 authorities, as well as all other applicable zoning, land use or other ordinances or land use
37 permits.

38 (c) An association in the city of Cambridge may require an owner to submit an
39 application before installing a charging station, subject to the following provisions:

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

43 (ii) The association shall approve the application if the owner complies with the
44 association's architectural standards and the provisions of this act;

45 (iii) The approval or denial of an application should be in writing;

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

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

52 SECTION 4. (a) In the city of Cambridge, the owner and each successive owner of the
53 separate interest or with exclusive rights to the area where the electric vehicle charging system is
54 installed in the city shall be responsible for:

55 (i) Disclosing to prospective buyers the existence of any charging station of the owner
56 and the related responsibilities of the owner under this section;

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

60 (iii) Costs for the maintenance, repair, replacement of the electric charging vehicle station
61 until it has been removed, and for the restoration of the common area after removal;

62 (iv) Costs for damage to the electric vehicle charging station, common area, exclusive
63 common area, or separate interests resulting from the installation, maintenance, repair, removal,
64 or replacement of the charging station;

65 (v) The cost of electricity associated with the electric vehicle charging station; and

66 (vi) Removing the electric vehicle charging station if reasonably necessary for the repair,
67 maintenance, or replacement of any property of the association or of separate interests.

68 (b) Pursuant to this act, the owner must connect the electric vehicle charging station to
69 their own electricity utility account unless the licensed contractor performing the installation
70 deems that to be impossible. In this circumstance, the association shall allow the owner to
71 connect the electric vehicle charging station to the common electricity account but may require

72 reimbursement by the owner to the association for the electricity costs, per the owner's
73 responsibility for such costs.

74 SECTION 5. An association in the city of Cambridge may install an electric vehicle
75 charging station in the common area for the use of all members of the association and, in that
76 case, the association shall develop appropriate terms of use for the charging station.

77 SECTION 6. This act shall take effect 30 days from its passage.