

SENATE No. 2967

The Commonwealth of Massachusetts

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

SENATE, October 21, 2024

Report of the committee of conference on the disagreeing votes of the two branches with reference to the House amendment to the Senate Bill upgrading the grid and protecting ratepayers (Senate, No. 2838) (amended by the House by striking out all after the enacting clause and inserting in place thereof the text of House document numbered 4884),-- reports, a “Bill promoting a clean energy grid, advancing equity and protecting ratepayers” (Senate, No. 2967).

For the Committee:

Michael J. Barrett

Cynthia Stone Creem

Jeffrey N. Roy

Richard M. Haggerty

SENATE No. 2967

The Commonwealth of Massachusetts

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

An Act promoting a clean energy grid, advancing equity and protecting ratepayers.

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. Section 30 of chapter 7C of the General Laws, as appearing in the 2022
2 Official Edition, is hereby amended by striking out, in line 4, the words “the energy consumption
3 of” and inserting in place thereof the following words:- the: (i) energy consumption of; (ii)
4 energy efficiency of; and (iii) greenhouse gas emissions directly attributable to.

5 SECTION 2. Said section 30 of said chapter 7C, as so appearing, is hereby further
6 amended by striking out, in lines 10 and 11, the words “energy conservation maintenance and
7 operating procedures” and inserting in place thereof the following words:- maintenance and
8 operating procedures for energy conservation, energy efficiency and greenhouse gas emissions
9 reductions.

10 SECTION 3. Said section 30 of said chapter 7C, as so appearing, is hereby further
11 amended by striking out, in line 13, the words “energy efficiency standards” and inserting in
12 place thereof the following words:- standards for energy efficiency and greenhouse gas
13 emissions reductions.

the location is sought. If it appears at the hearing that the company has already been granted, and has accepted, a location for such line in 2 cities or in 2 towns or in a city and town adjoining the city or town refusing or neglecting to grant a location or if it appears at the hearing that the company has already been granted, and has accepted, locations for such line in a majority of the cities or towns through which such line will pass and if the energy facilities siting board deems the location necessary for public convenience and in the public interest, the board may by order grant a location for such line in the city or town with respect to which the application is made and shall have and exercise the powers and authority conferred by section 22 upon the city council or select board and in addition to the provisions of law governing such company may impose such other terms, limitations and restrictions as it deems the public interest may require. The energy facilities siting board shall cause an attested copy of its order, with the certificate of its clerk endorsed thereon that the order was adopted after due notice and a public hearing, to be forwarded to the city or town clerk, who shall record the same and furnish attested copies thereof. The company in whose favor the order is made shall pay for such record and attested copies the fees provided by clauses 31 and 32, respectively, of section 34 of chapter 262.

SECTION 84. Section 6 of chapter 183A of the General Laws, as so appearing, is hereby amended by striking out, in lines 37 to 42, inclusive, the words “any energy conservation device installed in a unit, not already separately metered for water and utilities, including but not limited to the installation of separate water meters, low-flow toilets and showerheads, faucet aerators, windows and storm windows; provided, however, that a unit owner required to install such energy conservation” and inserting in place thereof the following words:- a device installed pursuant to an action taken by a corporation, trust or association pursuant to section 10; provided, however, that a unit owner required to install such.

SECTION 85. Subsection (b) of section 10 of said chapter 183A, as so appearing, is hereby amended by striking out clause (6) and inserting in place thereof the following clause:-

(6) to require reasonable measures to facilitate energy savings, energy efficiency and greenhouse gas emissions reductions and, in furtherance of such measures, to cause the installation of devices that result in energy savings, energy efficiency and greenhouse gas emissions reductions in all units not already separately metered for water and utilities; provided, however, that such measures and devices shall not include solar energy systems, the installation of which shall be governed by section 18; provided further, that electric vehicle supply equipment as defined in section 2 of chapter 25B shall only be required in the common areas and facilities in the condominium; provided further, that such devices may include, but shall not be limited to including, separate meters for each unit to monitor the use of water, electricity and other utilities for the unit to which it is attached, low-flow toilets and showerheads, faucet aerators, windows and storm windows; provided further, that such devices and, in the case of electric vehicle supply equipment installed in common areas and facilities, such supply equipment shall not be considered improvements for the purposes of said section 18 if the board of trustees of the organization of unit owners or, if there is no board of trustees, the entity performing its duties, receives the approval of the majority of unit owners in attendance at a meeting for which notice was duly given and which was held for the purpose of voting on the installation of such devices and supply equipment; provided further, that the cost of installation of such devices and, in the case of supply equipment installed in common areas and facilities, of such supply equipment shall be an expense of the organization of unit owners, which may be assessed to the individual unit owners as a special assessment, the amount of which, if such device was installed in each individual unit or in substantially all of the units in the

2074 condominium, may be attributable to each unit owner in the amount of the cost of the item
2075 installed. The organization of unit owners may assess to each unit owner their proportionate
2076 share of the costs for water, electricity and other utilities as measured by the meter attached to
2077 the unit. In the event of a conflict between this clause and the master deed, trust or by-laws of a
2078 condominium under of this chapter, this clause shall control; provided further, that nothing
2079 herein shall be construed to conflict with the state sanitary code, the state building code, the
2080 stretch energy code or any municipal opt-in specialized energy code; provided further, that
2081 notwithstanding any rights to use common areas reserved for individual unit owners, if the
2082 governing board of the organization of unit owners determines to install electric vehicle supply
2083 equipment in a common area for the use of all members of the organization, the organization
2084 shall develop appropriate terms of use of the supply equipment; and provided further, that the
2085 expenses incurred in and proceeds accruing from the exercise of the rights and powers under this
2086 clause shall be common expenses and common profits.

2087 SECTION 86. Said chapter 183A is hereby further amended by inserting after section 10
2088 the following section:-

2089 Section 10A. (a) As used in this section, the following words shall have the following
2090 meanings unless the context clearly requires otherwise:-

2091 “Association”, a condominium association, homeowners’ association, community
2092 association, cooperative, trust or other nongovernmental entity with covenants, by-laws and
2093 administrative provisions with which the compliance of a homeowner or unit owner is required.

2094 “Dedicated parking space”, a parking space located within an owner’s separate interest or
2095 a parking space in a common area but subject to exclusive use rights of an owner including, but

2096 not limited to, a deeded parking space, a garage space, a carport or a parking space
2097 specifically designated for use by a particular owner.

2098 “Historic district commission”, a commission or other body responsible for administering
2099 the rules and regulations of an historic district established by a community pursuant to any
2100 general or special law.

2101 “Municipal governing body”, the legislative body of a city or town.

2102 “Neighborhood conservation district”, a district established by a municipal governing
2103 body as part of the local zoning code or by-laws for the express purpose of protecting the
2104 architectural character of a neighborhood.

2105 “Owner”, a person or group of persons who owns a separate lot, unit or interest, along
2106 with an undivided interest or membership interest in the common area of the entire project
2107 including, but not limited to, a condominium, planned unit development and parcel subject to a
2108 homeowners’ association.

2109 “Reasonable restrictions”, restrictions that do not significantly: (i) increase the cost of
2110 electric vehicle supply equipment as defined in section 2 of chapter 25B or the installation
2111 thereof; or (ii) significantly decrease its efficiency or specified performance or effectively
2112 prohibit the installation.

2113 “Separate interest”, a separate lot, unit or interest to which an owner has exclusive rights
2114 of ownership.

2115 (b) Notwithstanding chapters 21, 40C and 183A or any other general or special law to the
2116 contrary, a historic district commission, commission or board of a neighborhood conservation

2117 district or manager or organization of unit owners of an association shall not prohibit or
2118 unreasonably restrict an owner from installing electric vehicle supply equipment, as defined in
2119 section 2 of chapter 25B, on or in an area subject to the owner's separate interest or in an area to
2120 which the owner has exclusive use. Nothing in this section shall prohibit a historic district
2121 commission, a commission or board of a neighborhood conservation district or a manager or
2122 organization of unit owners of an association from setting reasonable restrictions; provided,
2123 however, that in setting such restrictions, the commission, board, manager or organization shall
2124 give substantial weight to threats posed by climate change and the commonwealth's obligation to
2125 meet the statewide greenhouse gas emission limits and sublimits established under chapter 21N.

2126 (c) Electric vehicle supply equipment shall: (i) be installed at the owner's expense; (ii) be
2127 installed by a licensed contractor or electrician; and (iii) conform to all applicable health and
2128 safety standards and requirements imposed by national, state and local authorities and all other
2129 applicable zoning, land use or other ordinances and land use permits.

2130 (d) A historic district commission, a commission or board of a neighborhood
2131 conservation district or a manager or organization of unit owners of an association may require
2132 an owner to submit an application before installing electric vehicle supply equipment. If the
2133 commission, board, manager or organization requires such an application and also requires an
2134 application for approval of an architectural modification to the property, the application to install
2135 electric vehicle supply equipment shall be processed and approved by the commission, board,
2136 manager or organization in the same manner as an application for approval of an architectural
2137 modification to the property and such application shall not be willfully avoided or delayed;
2138 provided, further, that if the commission, board, manager or organization requires such an
2139 application and does not require an application for approval of an architectural modification to

2140 the property, the application to install electric vehicle supply equipment shall not be willfully
2141 avoided or delayed; provided further, that the commission, board, manager or organization shall
2142 approve the application if the owner complies with this section and the architectural standards, if
2143 any, of the association, historic district or neighborhood conservation district. The approval or
2144 denial of an application shall be in writing and if an application is not denied in writing within 60
2145 days after the date of receipt thereof, the application shall be deemed approved unless the delay
2146 is the result of a reasonable request for additional information. The association, historic district
2147 or neighborhood conservation district shall not assess or charge the owner any fees for the
2148 placement of any electric vehicle supply equipment above any reasonable fees for processing the
2149 application if any fees exist for all applications for approval of architectural modifications.

2150 (e) The owner and each successive owner of the separate interest or with exclusive rights
2151 to the area where the electric vehicle supply equipment is installed shall be responsible for: (i)
2152 disclosing to prospective buyers the existence of such supply equipment, its owner and the
2153 related responsibilities of the owner pursuant to this section; (ii) disclosing to prospective buyers
2154 whether such supply equipment is removable and whether the owner intends to remove the
2155 supply equipment in order to install it elsewhere; (iii) the costs of the maintenance, repair and
2156 replacement of such supply equipment until such equipment has been removed and the common
2157 area is restored after removal; (iv) the costs of any damage to such supply equipment, common
2158 area, exclusive common area or separate interest resulting from the installation, maintenance,
2159 repair, removal or replacement of such equipment; (v) the cost of electricity associated with the
2160 electric vehicle supply equipment; provided, however, that the owner shall connect such supply
2161 equipment to the owner's own electric utility account unless the licensed contractor performing
2162 the installation deems that to be impossible; provided further that if the connection is deemed

2163 impossible, the association, historic district commission or neighborhood conservation district
2164 shall allow the owner to connect such supply equipment to the common electricity account but
2165 may require equitable reimbursement by the owner to the association, historic district
2166 commission or neighborhood conservation district for electricity costs; and (vi) removing the
2167 electric vehicle supply equipment at the owner's expense if reasonably necessary for the repair,
2168 maintenance or replacement of any property of the association, historic district commission,
2169 neighborhood conservation district or separate interest.

2170 (f) A historic district commission, a commission or board of a neighborhood conservation
2171 district or a manager or organization of unit owners of an association may install electric vehicle
2172 supply equipment in a common area reserved for the use of all members or residents of the
2173 association or district; provided, however, that the commission, board, manager or organization
2174 shall develop appropriate terms of use for such supply equipment.

2175 (g) The executive office of housing and livable communities may promulgate regulations
2176 as necessary to implement this section.

2177 SECTION 87. Section 3A of chapter 185 of the General Laws, as appearing in the 2022
2178 Official Edition, is hereby amended by striking out, in lines 35 to 37, inclusive, the words
2179 "involves either 25 or more dwelling units or the construction or alteration of 25,000 square feet
2180 or more of gross floor area or both" and inserting in place thereof the following words:-
2181 involves: (i) not less than 25 dwelling units; (ii) the construction or alteration of not less than
2182 25,000 square feet of gross floor area; (iii) the construction or alteration of a Class I renewable
2183 energy generating source as defined in subsection (c) of section 11F of chapter 25A; or (iv) the
2184 construction or alteration of an energy storage system as defined in section 1 of chapter 164.