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CITY OF BOSTON IN CITY COUNCIL

AN ORDINANCE REGARDING THE RIGHT TO CHARGE

WHEREAS: Climate change is a real and pressing threat in the City of Boston; *AND*

WHEREAS: One way that many City of Boston residents have chosen to use to lower carbon emissions is to purchase personal electric vehicles as opposed to traditional gas powered cars which produce greenhouse gas emissions; *AND*

WHEREAS: Transportation is responsible for approximately 30 percent of greenhouse gas emissions in the Commonwealth of Massachusetts; *AND*

WHEREAS: Many City of Boston residents wish to have personal electric vehicle charging stations installed at their homes; *NOW*

THEREFORE BE IT ORDERED:

SECTION 1. The City of Boston Code, Ordinances, Chapter IX is hereby amended by adding at the end thereof the following new section:

Section 9-14. Electric Vehicle Charging Stations

-14.1 Definitions

For the purpose of this section:

"Electric vehicle charging system" means a system 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 system may include several charge points simultaneously connecting several electric vehicles to the system.

"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.

"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.

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

“Dedicated parking spot” refers to both parking spots that are located within an owner’s separate interest, as well as parking spots 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.

“Reasonable restrictions” means restrictions that do not significantly increase the cost of the station or significantly decrease its efficiency or specified performance.

9-14.2 Right of Owner to Install Electric Vehicle Charging Station

An association may not prohibit or unreasonably restrict an owner from installing an electric vehicle charging station on or in areas subject to their separate interest, or on or in areas to which they have exclusive use. Nothing in this section shall be construed to prohibit an association from making reasonable restrictions as defined in Section 1.

9-14.3 Rules and Regulations

- A. If the electric vehicle charging station is to be installed in an area subject to an owner’s separate interest or in an area of exclusive use as designated in the common interest development’s declaration, the following provisions apply:
 - a) The electric vehicle charging station must be installed at the owners’ expense;
 - b) The electric vehicle charging station must be installed by a licensed contractor;
 - c) An electric vehicle charging station shall meet all applicable health and safety standards and requirements imposed by national, state, and local authorities, as well as all other applicable zoning, land use or other ordinances, or land use permits.
- B. The association may require an owner to submit an application before installing a charging station, subject to the following provisions:
 - a) If the association requires such an application, the application shall be processed and approved by the association in the same manner as an application for approval of an architectural modification to the property, and shall not be willfully avoided or delayed;
 - b) The association shall approve the application if the owner complies with the association’s architectural standards and the provisions of this section;
 - c) The approval or denial of an application shall be in writing;
 - d) 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;
 - e) The association 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.

9-14.4 Rights and Responsibilities of Ownership

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

- a) Disclosing to prospective buyers the existence of any charging station of the owner and the related responsibilities of the owner under this section.
- b) If the electric vehicle charging station is removable and the owner intends to remove the station in order to install it at their new place of residence, they must also disclose this fact to prospective buyers;
- c) Costs for the maintenance, repair, and replacement of the electric vehicle charging station until it has been removed, and for restoration of the common area after removal.
- d) Costs for damage to the electric vehicle charging station, common area, exclusive common area, or separate interests resulting from the installation, maintenance, repair, removal, or replacement of the charging station.
- e) The cost of electricity associated with the electric vehicle charging station. Pursuant to this, the owner must connect the electric vehicle charging station to their own electricity utility account unless the licensed contractor performing the installation deems that to be impossible. In this circumstance, the association 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 for the electricity costs, per the owner's responsibility for such costs.
- f) Removing the electric vehicle charging station if reasonably necessary for the repair, maintenance, or replacement of any property of the association or of separate interests.

9-14.5 Common Area Electric Vehicle Charging Stations

- A. 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.

9-14.6 Severability

The provisions of this section are severable and if any provision, or portion thereof, should be held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect the remaining provisions which remain in full force and effect.

SECTION 2. This ordinance shall take effect 30 days from passage.

Filed on: September 11, 2017