

Part II	REAL AND PERSONAL PROPERTY AND DOMESTIC RELATIONS
Title I	TITLE TO REAL PROPERTY
Chapter 183A	CONDOMINIUMS
Section 10A	INSTALLATION OF ELECTRIC VEHICLE SUPPLY EQUIPMENT

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

"Association", a condominium association, homeowners' association, community association, cooperative, trust or other nongovernmental entity with covenants, by-laws and administrative provisions with which the compliance of a homeowner or unit owner is required.

"Dedicated parking space", a parking space located within an owner's separate interest or a parking space 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 specifically designated for use by a particular owner.

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

"Municipal governing body", the legislative body of a city or town.

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

"Owner", a person or group of persons who owns 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, a condominium, planned unit development and parcel subject to a homeowners' association.

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

"Separate interest", a separate lot, unit or interest to which an owner has exclusive rights of ownership.

(b) Notwithstanding chapters 21, 40C and 183A or any other general or special law to the contrary, a historic district commission, commission or board of a neighborhood conservation district or manager or organization of unit owners of an association shall not prohibit or unreasonably restrict an owner from installing electric vehicle supply equipment, as defined in section 2 of chapter 25B, on or in an area subject to the owner's separate interest or in an area to which the owner has exclusive use. Nothing in this section shall prohibit a historic district commission, a commission or board of a neighborhood conservation district or a manager or organization of unit owners of an association from setting reasonable restrictions; provided, however, that in setting such restrictions, the

commission, board, manager or organization shall give substantial weight to threats posed by climate change and the commonwealth's obligation to meet the statewide greenhouse gas emission limits and sublimits established under chapter 21N.

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

(d) A historic district commission, a commission or board of a neighborhood conservation district or a manager or organization of unit owners of an association may require an owner to submit an application before installing electric vehicle supply equipment. If the commission, board, manager or organization requires such an application and also requires an application for approval of an architectural modification to the property, the application to install electric vehicle supply equipment shall be processed and approved by the commission, board, manager or organization in the same manner as an application for approval of an architectural modification to the property and such application shall not be willfully avoided or delayed; provided, further, that if the commission, board, manager or organization requires such an application and does not require an application for approval of an architectural modification to the property, the application to install electric vehicle supply equipment shall not be willfully avoided or delayed; provided further, that the commission, board, manager or organization shall approve the application if the owner complies with this section and the architectural standards, if any, of the association, historic district or neighborhood conservation district. The approval or denial of an application shall be in

writing and if an application is not denied in writing within 60 days after the date of receipt thereof, the application shall be deemed approved unless the delay is the result of a reasonable request for additional information. The association, historic district or neighborhood conservation district shall not assess or charge the owner any fees for the placement of any electric vehicle supply equipment above any reasonable fees for processing the application if any fees exist for all applications for approval of architectural modifications.

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

account but may require equitable reimbursement by the owner to the association, historic district commission or neighborhood conservation district for electricity costs; and (vi) removing the electric vehicle supply equipment at the owner's expense if reasonably necessary for the repair, maintenance or replacement of any property of the association, historic district commission, neighborhood conservation district or separate interest.

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

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