

SECTION 1. For the purposes of this act the following terms shall, unless the context clearly requires otherwise, have the following meanings:-

“Association”, 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.

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

“Electric vehicle charging system”, 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 1 or more electric vehicles. An electric vehicle charging system may include several charge points simultaneously connecting several electric vehicles to the system.

“Owner”, 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 homeowner's association.

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

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

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

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

- (i) The electric vehicle charging station must be installed at the owner's or tenant's expense;
  - (ii) The electric vehicle charging station must be installed by a licensed contractor and/or electrician; and
  - (iii) An electric vehicle charging station in the city of Somerville shall meet all applicable health, safety and accessibility 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.
- (c) An association or landlord in the city of Somerville may require an owner to submit an application before installing a charging station, subject to the following provisions:
- (i) If the association or landlord requires such an application, the application shall be processed and approved by the association or landlord in the same manner as an application for approval of an architectural modification to the property, and shall not be willfully avoided or delayed;
  - (ii) The association or landlord shall approve the application if the owner complies with the association's or landlord's architectural standards and the provisions of this act;
  - (iii) The approval or denial of an application should be in writing;
  - (iv) If an application is not denied in writing after 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; and
  - (v) 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.

SECTION 4: (a) A landlord may not assess or charge the tenant any fees for the placement of any electric vehicle charging station; except that:

- (1) The landlord may require reimbursement for the actual cost of electricity provided by the landlord that was used by the charging system or, alternatively, may charge a reasonable fee

for access. If the charging system is part of a network for which a network fee is charged, the landlord's reimbursement may include the amount of the network fee. Nothing in this section requires a landlord to impose upon a tenant any fee or charge other than the rental payments specified in the lease.

(2) The landlord may require reimbursement for the cost of the installation of the charging system, including any additions or upgrades to existing wiring directly attributable to the requirements of the charging system, if the landlord places or causes the electric vehicle charging system to be placed at the request of the tenant; and

(3) If the tenant desires to place an electric vehicle charging system in an area accessible to other tenants, the landlord may assess or charge the tenant a reasonable fee to reserve a specific parking spot in which to install the charging system.

(b) The landlord may require that the charging system be registered with the landlord within thirty days after installation.

(c) The tenant may place an electric vehicle charging system in an area accessible to other tenants if:

(1) The charging is in compliance with all applicable requirements adopted pursuant to this Section.

(2) The tenant agrees in writing to:

(i) Comply with the landlord's design specifications for the installation of the charging system;

(ii) Engage the services of a duly licensed and registered electrical contractor familiar with the installation and code requirements of an electric vehicle charging system; and

(iii) Provide

a. Within fourteen days after receiving the landlord's consent for the installation, a certificate of insurance, naming the landlord as an additional insured on the tenant's renters' insurance policy for any claim related to the installation, maintenance, or use

the system or, at the landlord's option, reimbursement to the landlord for the actual cost of any increased insurance premium amount attributable to the system, notwithstanding any provision to the contrary in the lease.

- b. A certificate of insurance under this section must be provided within fourteen days after the tenant receives the landlord's consent for the installation. Reimbursement for an increased insurance premium amount under this section must be provided within fourteen days after the tenant receives the landlord's invoice for the amount attributable to the system.

SECTION 5. (a) In the city of Somerville, 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 in the city shall be responsible for:

- (i) Disclosing to prospective buyers the existence of any charging station of the owner and the related responsibilities of the owner under this section;
- (ii) 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;
- (iii) Costs for the maintenance, repair, replacement of the electric charging vehicle station until it has been removed, and for the restoration of the common area after removal;
- (iv) 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;
- (v) The cost of electricity associated with the electric vehicle charging station; and
- (vi) 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.

(b) Pursuant to this act, 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.

SECTION 6. An association in the city of Somerville 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.

SECTION 7. A charging station installed at the owner or tenant's cost is property of the owner or tenant. Upon termination of the lease, if the charging system is removable, the owner or tenant may either remove it or sell it for an agreed price. Nothing in this subsection requires the association or the landlord to purchase the charging system.

SECTION 8. This act shall take effect 30 days from its passage.