

Frequently Asked Questions: Condominium Association Obligations Concerning EV Charging Equipment

On November 21, 2024, Massachusetts Governor Maura Healey signed Senate Bill 2967, An Act Promoting a Clean Energy Grid, Advancing Equity, and Protecting Ratepayers (the “Act”) into law. The following questions are representative of those the Town has received about obligations on condominium associations to provide Electronic Vehicle (“EV”) charging capabilities.^[1]

Q: When does the Clean Energy Grid Act become effective?

A: The Clean Energy Grid Act becomes effective on February 19, 2025.

Q: Who does the Act apply to?

A: It applies to all condominium associations, HOAs, HDCs, NCDs, and any other cooperative, trust or nongovernmental entity with covenants, by-laws and administrative provisions with which a home or unit owner must comply—and to the homeowners and unit owners subject to such rules.

Q: What does the Clean Energy Grid Act say about EV charging equipment at condominiums and properties subject to HOA rules?

A: The Act amends the existing condominium laws to explicitly provide for the installation of EV charging equipment. It states that condominium associations, homeowners’ associations (“HOAs”), historic district commissions (“HDCs”), and the commissions or boards of neighborhood conservation districts (“NCDs”) may not “prohibit or unreasonably restrict” an owner from installing EV supply equipment on or in an area subject to an owner’s separate interest, or in an area to which an owner has exclusive use.

Q: What is a condominium owner’s “separate interest”?

A: A “separate interest” means a lot, unit, or interest to which the owner(s) has exclusive rights of ownership.

Q: What does “dedicated parking space” mean in the context of this law?

A: A “dedicated parking space” means either a parking space located within an owner’s separate interest, or a parking space located within a common area but subject to the owner’s exclusive use rights, such as a deeded parking space, a garage space, a carport, or a parking space specifically designated for use by a particular owner.

Q: What is “EV supply equipment”?

A: “EV supply equipment” means an electric component assembly, or cluster of component assemblies, designed specifically to charge batteries within EVs by permitting the transfer of electric energy to a battery or other storage device in an EV.

Q: How can condominium associations, HOAs, HDCs, or NCDs regulate the installation of EV supply equipment going forward?

A: Condo associations, HOAs, HDCs, and NCDs may set “**reasonable restrictions**” on the installation of EV charging equipment by unit owners but may not prohibit the installation.

In developing such restrictions, the commission, board, manager or organization must give substantial weight to the threats posed by climate change and the Commonwealth’s obligation to meet the statewide greenhouse gas emission limits and sublimits established under chapter 21N of the General Laws. These include a 50% reduction in overall greenhouse gas emissions levels and a 34% reduction in transportation sector emissions by 2030 and net-zero greenhouse gas emissions by 2050.

Q: What are “reasonable restrictions” in this context?

A: “Reasonable restrictions” are those that do not: (1) significantly increase the cost of EV supply equipment or the installation thereof; (2) significantly decrease its efficiency or specified performance; or (3) effectively prohibit its installation.

Q: Who pays for the installation?

A: An owner may install EV charging equipment on or in an area subject to their separate interest or exclusive use (e.g., the owner’s dedicated parking space), provided that such equipment is installed at the **owner’s expense** by a licensed contractor or electrician and conforms to all applicable health and safety standards and requirements of national, state, and local authorities (including zoning and other local ordinances and land use permits).

Q: May a condo association, HOA, HDC, or NCD require a unit owner interested in installing EV charging equipment to apply for approvals before doing so?

A: Yes, a condo association, HOA, HDC, or NCD may require an owner to submit an application before installing EV supply equipment. The condo association, HOA, HDC, or NCD must process the application to install EV supply equipment in the same manner in which it processes an application for an architectural modification to the property, if such application exists, and may under no circumstances willfully avoid or delay review of the application to install EV supply equipment. Such applications must be processed (approved or denied) within sixty (60) days of receiving the application, or it is deemed approved.

Q: Can a condo association, HOA, HDC, or NCD deny an owner’s application to install EV charging equipment?

A: No, as long as the owner complies with all requirements under Section 86 of the Act and applicable architectural standards, if any, of the condo association, HOA, HDC, or NCD.

Q: May a condo association, HOA, HDC, or NCD charge an owner a fee to install EV charging equipment?

A: No, a condominium association, HOA, HDC, or NCD may not assess or charge an owner any fees for the placement of EV charging

equipment. If an application is required, an application fee can be charged only if it is reasonable and such application fees exist for all applications for architectural modifications.

Q: What obligations does an owner have once their EV charging equipment is installed?

A: The owner, and each successive owner is responsible for disclosing certain information to prospective buyers and fixing any damage caused by removal of the equipment. The owner is also responsible for covering the cost of the electricity the EV charging equipment uses.

Q: May a condo association, HOA, HDC, or NCD install EV charging equipment in common areas?

A: Yes, but it is under no obligation to do so. If they do, it must develop appropriate terms of use for such supply equipment.

Q: Are there regulations related to this section of the Act?

A: Not yet. The Act does empower the Executive Office of Housing and Livable Communities to promulgate regulations as necessary to implement the section on EV charging equipment.

[1] The Town of Acton Planning Board is unable to offer legal advice to any individual or association about their particular situation. If you have specific questions or need detailed guidance on how to comply with this new law, we recommend contacting an attorney. You can find a lawyer through a local legal services agency or bar association. See <https://www.mass.gov/info-details/finding-legal-help>.