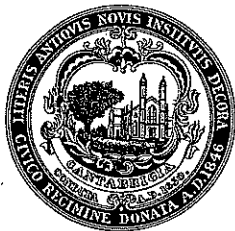


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CITY OF CAMBRIDGE

Office of the City Solicitor
795 Massachusetts Avenue
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July 29, 2019

Louis A. DePasquale
City Manager
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Re: ***Response to AR No. 19-07, Council Order No. O-2 of 1/14/19 Re: Report on Boston's Electric Vehicle Charging Station Home Rule Petition and Propose Similar Language for the City Council to Consider***

Dear Mr. DePasquale:

We have prepared this legal opinion in response to the above referenced Council Order, which requests that the City Solicitor conduct a review of the City of Boston's home rule petition for a special law regarding electric vehicle charging stations, referred to as the right to charge law ("Right to Charge"). *See 2018 Mass. Acts 370*. In addition, the Council Order requests that the City Solicitor propose similar language as contained in Boston's Right to Charge Law for the City Council's consideration. In my opinion, Boston's Right to Charge Law does not appear to contain any legal issues or concerns which would prevent the City Council from considering a similarly worded home rule petition regarding electric vehicle charging stations.

I. Boston's Right to Charge Law

Boston's Right to Charge Law was signed into law by Governor Charlie Barker on January 2, 2019. The law went into effect on February 1, 2019. The purpose of the law is to reduce greenhouse emissions by making the charging infrastructure necessary to support electric cars more accessible to Boston residents.

In summary, Boston's Right to Charge Law prevents homeowner and condominium associations from prohibiting or unreasonably restricting owner's rights to install electric vehicle charging stations in areas in which the owner has exclusive rights of ownership or use. The law imposes rules and regulations on both owners and associations. Specifically, owners are required to cover installation costs, ensure that the stations are installed by licensed contractors or electricians, and confirm that the installations comply

with all applicable health, safety, and land use requirements. In addition, owners are subject to certain disclosure requirements regarding the existence and costs associated with electric vehicle charging stations.

Associations are prevented from unreasonably restricting owner's rights to install electric vehicle charging stations but are permitted to place reasonable restrictions which do not significantly increase the cost of charging stations, significantly decrease their efficiency, or effectively prohibit the installation altogether. Associations may require the submission of applications before installation of electric vehicle charging stations. These applications must be treated in the same manner as all other applications for architectural modification to the property, and the applications must be approved if the owner complies with the association's architectural standards and the requirements of the Right to Charge Law. Associations are prohibited from willfully avoiding or delaying the processing of these applications.

Finally, associations are permitted to install electric vehicle charging stations in the common areas for use by all association members. In this event, associations are required to develop appropriate terms of use for the common area charging stations.

II. Analysis

Based on my review of Boston's Right to Charge Law, I do not believe that the law contains any legal issues or concerns that would prevent the City Council from considering a similarly worded home rule petition regarding electric vehicle charging stations. I have been unable to locate any cases filed in the Massachusetts Superior Court or U.S. District Court for the District of Massachusetts requesting equitable relief from the Right to Charge Law's requirements.

As requested, I have attached a proposed home rule petition modeled after Boston's Right to Charge Law which would make electric vehicle charging stations more accessible to City residents by preventing associations from prohibiting or unreasonably restricting owner's rights to install stations in their home.

Very truly yours,



Nancy E. Glowa
City Solicitor

Enclosure