



2022

Colleagues and Leaders,

Since 2018, greenhouse gas emissions from transportation have exceeded those from any other sector of society. The transition from internal combustion engines to electric vehicles will be critical as we work to minimize the impact of climate change. If Massachusetts is to meet its climate goals, electric vehicle charging stations will need to be installed in thousands of locations throughout the Commonwealth.

To meet this coming demand for electric vehicle charging, the permitting of charging stations will need to be transparent and free from duplicative processes and avoidable administrative delays. Submission requirements will need to be clearly documented, with a central point of contact for applicants and easy to follow checklists provided.

The following Electric Vehicle Charging Station Expedited Permitting Ordinance has been drafted by a task force of advocacy organizations, utility representatives, charging station installers, and governmental departments to allow Massachusetts municipalities to adopt a framework to provide charging station permitting that is safe, fair, and timely. The Ordinance is meant to be revised to align with the planning and zoning goals and regulations of each community while providing a template to provide baseline consistency throughout the Commonwealth.

We invite your city or town to consider adopting this ordinance as a first step towards becoming an EV-ready community.

Sincerely,

The EVSE Expedited Permitting Task Force

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SEC. XX.XXX- ELECTRIC VEHICLE CHARGING STATIONS REVIEW PROCESS

(A) DEFINITIONS. The following words and phrases as used in this section are defined as follows:

1. "Adverse impact" means a significant negative, quantifiable, direct, or unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.
2. "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.
3. "Electronic submittal" means the utilization of a municipality's online permitting portal or the internet in [pdf/other] format.
4. "Electric Vehicle Charging Station", "Electric Vehicle Supply Equipment (EVSE)," as defined in the National (and Massachusetts) Electric Code, Section 625.2.
5. "Initial administrative review", the initial review of an application and required documentation by applicable municipal staff for completeness and eligibility plus a determination provided to the applicant in writing. If a proposed project is determined incomplete, the written determination will list what is still needed to expedite the application.
6. "Owner", a person who owns a separate lot, unit, or interest, including 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.

(B) PURPOSE. The purpose of this chapter is to promote and encourage the use of electric vehicles by creating an expedited, streamlined permitting process for electric vehicle charging stations while promoting public health and safety and preventing specific adverse impacts in the installation and use of such charging stations.

(C) APPLICABILITY. This section applies to the permitting of all electric vehicle charging stations in the municipality that require licensing or permitting. All electric vehicle charging stations legally established or permitted prior to the effective date of this ordinance shall not require a permit issued under this section unless physical modifications or alterations are undertaken that materially change the size, type, or components of an electric vehicle charging station. Routine operations and maintenance or like-kind replacements of the components of an electric vehicle charging state shall not be considered a material change.

(D) ELECTRIC VEHICLE CHARGING STATION PERMITTING REQUIREMENTS

1. All electric vehicle charging stations shall meet the requirements of a Nationally Recognized Testing Laboratory, such as Intertek (ETL mark) or Underwriter's Laboratory (UL mark). All permitted electric vehicle charging stations shall also meet all requirements of Section 625 of the Massachusetts Electrical Code and shall be subject to inspections as deemed necessary by the Chief Building Official, or other appropriate contact.

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2. Installation of electric vehicle charging stations shall be incorporated into the load calculations of all new or existing electrical services and shall meet the requirements of the Massachusetts Electrical Code.

3. Anchorage of either floor-mounted, wall-mounted or other electric vehicle charging stations shall meet the requirements of the Massachusetts Building Code (780 CMR); Massachusetts Electrical Code (527 CMR 12.00 and any other applicable Massachusetts Building Code sections as determined by the Municipal Building Official. The provisions of the manufacturer's installation instructions. Installation of charging stations shall not adversely affect building elements.

4. Electric vehicle charging stations shall follow any applicable [city/town] emergency response protocols and adhere to all applicable fire codes.

5. Publicly accessible electric vehicle charging stations shall comply with any accessibility standards required by the municipality.

(E) PUBLICLY AVAILABLE EXPEDITED PERMITTING INFORMATION. Upon passage of this ordinance, the Chief Building Official, or other appropriate contact, shall comply with the following process elements within (30/60/90) days of passage:

1. By resolution, the [city/town council or other] shall adopt a checklist of all requirements with which electric vehicle charging stations shall comply to be eligible for expedited review.

2. All documents required by the municipality for submission of an electric vehicle charging station application and the permitting checklist shall be made publicly available at the municipality's permitting website and shall be easily accessible from any municipal webpage through the search function.

3. All required documents for the initial administrative review shall be allowed to be submitted together via one platform, e.g., upload to website, email, or fax.

4. Any additional reviews and permits required for electric vehicle charging stations located in a public right of way shall be clearly documented, including the sequence of reviews and approvals, on the municipal permitting website. When multiple municipal commissions, councils, or administrative bodies need to approve installation in a public right of way, the required documents for each body shall be clearly listed on a "EV Charging Station Permitting in a Public Right of Way" Checklist on the municipal permitting website that reflects the municipality's procedure for permitting EVSE in a public right of way.

5. Reviews by municipal commissions, councils, or administrative bodies that need to approve installation in a public right of way shall be concurrent if the required documents are submitted to each body simultaneously.

6. The Chief Building Official, or other appropriate contact, shall allow the electronic submittal of the electric vehicle charging station application.

7. The Chief Building Official, or other appropriate contact, shall appoint an appropriate employee of the municipality to serve as an electric vehicle charging station permitting ombudsman, whose contact information shall be clearly posted on the municipal permitting webpage.

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(F) PERMITTING REVIEW REQUIREMENTS

1. Review of the permit application shall be limited to the Chief Building Official's, or other designated authority's, review of whether the application meets local, State and Federal health and safety requirements. Design review related solely to aesthetics, such as landscaping, is not permissible. The application shall be administratively reviewed by the Chief Building Official, or other designated authority as a nondiscretionary permit.
2. An application for an electric vehicle charging station shall be deemed complete and the permit available for issuance, when the Chief Building Official, or other appropriate contact, determines that the application satisfies all the requirements found in the checklist.
3. The municipality shall notify applicant(s) if the EVSE has characteristics that would require signage or lighting review upon review of the manufacturer's specification sheet.
4. The City shall not condition approval of an application on the approval of an association, as that term is defined in Section XXX.XX A.2 of this document.
5. An application for an electric vehicle charging station shall be deemed complete and the permit available for issuance, when the Chief Building Official, or other appropriate contact, determines that the application satisfies all the requirements found in the [city/town] checklist.
6. If an application is deemed incomplete, a written plan check correction notice will be available to the applicant within ten (10) working days, detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permit issuance shall be given to the applicant for resubmission.

(G) PARKING REQUIREMENTS

If an electric vehicle charging station and any associated equipment interfere with, reduce, eliminate, or in any way impact the required parking spaces for existing uses, the [city/town] shall reduce the number of required parking spaces for the existing uses by the amount necessary to accommodate the electric vehicle charging station and any associated equipment, unless such a reduction would reduce the required number of ADA compliant spaces for ADA.