

STATE OF NEW YORK

3780

2023-2024 Regular Sessions

IN ASSEMBLY

February 8, 2023

Introduced by M. of A. FAHY, JACKSON, DICKENS, THIELE, SEAWRIGHT, BURDICK, SIMON, STECK, WOERNER, K. BROWN, CLARK, L. ROSENTHAL, OTIS, EPSTEIN, DINOWITZ -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to requiring electric vehicle charging stations and electric vehicle capable parking spaces

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 378 of the executive law is amended by adding a new
2 subdivision 17-a to read as follows:

3 17-a. a. Standards to require new construction that includes dedicated
4 off-street parking involving a garage, driveway, parking lot or other
5 off-street parking, to have:

6 (i) electric vehicle charging stations as defined in paragraph (b) of
7 subdivision one of section three hundred thirty-nine-11 of the real
8 property law; and

9 (ii) electric vehicle capable parking spaces, which have the appropri-
10 ate wiring, electric panels, and the appropriate space to install appro-
11 priate electric service for an electric vehicle charging station.

12 b. Such standards shall require that the number of electric vehicle
13 capable parking spaces pursuant to subparagraph (ii) of paragraph a of
14 this subdivision shall be as follows:

15 (i) a one, two or three-family home equipped with a garage, driveway
16 or parking lot, or other off-street parking, shall have at least one
17 electric vehicle capable parking space. For the purposes of this
18 subparagraph, "new construction" shall mean the erection of an entirely
19 new structure not attached or affiliated with any existing construction
20 on the property. "New construction" shall not include a new addition or
21 capital improvement to existing construction nor shall it constitute an
22 addition to the property;

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 (ii) a multi-unit residential building with between two and ten park-
2 ing spaces shall have at least seventy-five percent of available parking
3 spaces be electric vehicle capable parking spaces, which shall include
4 at least twenty percent of available parking spaces as electric vehicle
5 charging stations. If there is a decimal in the calculation of the
6 percentage of parking spaces, such decimal shall be rounded to the next
7 largest whole number;

8 (iii) a multi-unit residential building with at least eleven parking
9 spaces shall have one hundred percent of available parking spaces be
10 electric vehicle capable parking spaces, which shall include at least
11 forty percent of available parking spaces as electric vehicle charging
12 stations. If there is a decimal in the calculation of the percentage of
13 parking spaces, such decimal shall be rounded to the next largest whole
14 number;

15 (iv) a privately-owned commercial building with between two and ten
16 parking spaces shall have one hundred percent of available parking spac-
17 es be electric vehicle capable parking spaces, which shall include at
18 least twenty percent of available parking spaces as electric vehicle
19 charging stations with at least a 208-240 volt, 40 amp circuit;

20 (v) a privately-owned commercial building with at least eleven parking
21 spaces shall have one hundred percent of available parking spaces be
22 electric vehicle capable parking spaces, which shall include at least
23 forty percent of available parking spaces as electric vehicle charging
24 stations with at least a 208-240 volt, 40 amp circuit; and

25 (vi) a privately-owned commercial building subject to the requirements
26 of subparagraph (iv) or (v) of this paragraph, the installation of one
27 400-900 volt direct current fast charging station shall be considered
28 equivalent to five required electric vehicle charging stations of lower
29 voltage.

30 c. For the purposes of this subdivision, "privately-owned commercial
31 building" shall mean any newly constructed commercial building under
32 private contract which has not received state capital funding for such
33 construction.

34 d. The owner of a building subject to paragraph b of this subdivision
35 may apply to the local department of buildings or similar entity for a
36 waiver of the requirements of this subdivision, which such local depart-
37 ment of buildings or similar entity may grant if such owner can demon-
38 strate that the provisions present an undue hardship due to limitations
39 of the local utility provider, or that the geographic location of the
40 site is such that compliance would result in a significant burden on the
41 owner.

42 § 2. This act shall take effect April 1, 2024 and shall apply to
43 contracts for new construction entered into on and after such date.