

# STATE OF NEW YORK

3179--D

2021-2022 Regular Sessions

## IN ASSEMBLY

January 22, 2021

Introduced by M. of A. FAHY, GOTTFRIED, JACKSON, McDONALD, DICKENS, THIELE, SEAWRIGHT, BURDICK, SIMON, STECK, WOERNER, K. BROWN, CLARK, L. ROSENTHAL, OTIS -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Governmental Operations in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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

LBD07051-10-2

1 (i) a one, two or three-family home equipped with a garage, driveway  
2 or parking lot, or other off-street parking, shall have at least one  
3 electric vehicle capable parking space. For the purposes of this  
4 subparagraph, "new construction" shall mean the erection of an entirely  
5 new structure not attached or affiliated with any existing construction  
6 on the property. "New construction" shall not include a new addition or  
7 capital improvement to existing construction nor shall it constitute an  
8 addition to the property;

9 (ii) a multi-unit residential building with between two and ten park-  
10 ing spaces shall have at least seventy-five percent of available parking  
11 spaces be electric vehicle capable parking spaces, which shall include  
12 at least twenty percent of available parking spaces as electric vehicle  
13 charging stations. If there is a decimal in the calculation of the  
14 percentage of parking spaces, such decimal shall be rounded to the next  
15 largest whole number;

16 (iii) a multi-unit residential building with at least eleven parking  
17 spaces shall have one hundred percent of available parking spaces be  
18 electric vehicle capable parking spaces, which shall include at least  
19 forty percent of available parking spaces as electric vehicle charging  
20 stations. If there is a decimal in the calculation of the percentage of  
21 parking spaces, such decimal shall be rounded to the next largest whole  
22 number;

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

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

33 (vi) a privately-owned commercial building subject to the requirements  
34 of subparagraph (iv) or (v) of this paragraph, the installation of one  
35 400-900 volt direct current fast charging station shall be considered  
36 equivalent to five required electric vehicle charging stations of lower  
37 voltage.

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

42 d. The owner of a building subject to paragraph b of this subdivision  
43 may apply to the local department of buildings or similar entity for a  
44 waiver of the requirements of this subdivision, which such local depart-  
45 ment of buildings or similar entity may grant if such owner can demon-  
46 strate that the provisions present an undue hardship due to limitations  
47 of the local utility provider, or that the geographic location of the  
48 site is such that compliance would result in a significant burden on the  
49 owner.

50 § 2. This act shall take effect April 1, 2023 and shall apply to  
51 contracts for new construction entered into on and after such date.