STATE OF NEW YORK

7406--C

Cal. No. 869

2021-2022 Regular Sessions

IN SENATE

September 29, 2021

Introduced by Sens. KRUEGER, BIAGGI, GOUNARDES, HOYLMAN, JACKSON, KAPLAN, KENNEDY, MYRIE, RAMOS, RIVERA, SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- recommitted to the Committee on Housing, Construction and Community Development in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee and committed to the Committee on Finance -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- again amended and ordered reprinted, retaining its place in the order of third reading

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:

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

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

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

(ii) electric vehicle capable parking spaces, which have the appropriate wiring, electric panels, and the appropriate space to install appropriate electric service for an electric vehicle charging station.

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

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

LBD07051-11-2

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

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

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

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

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

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

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

d. The owner of a building subject to paragraph b of this subdivision may apply to the local department of buildings or similar entity for a waiver of the requirements of this subdivision, which such local department of buildings or similar entity may grant if such owner can demonstrate that the provisions present an undue hardship due to limitations of the local utility provider, or that the geographic location of the site is such that compliance would result in a significant burden on the owner.

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