

STATE OF NEW YORK

10229

IN ASSEMBLY

May 15, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. K. Brown) --
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 ready parking spaces in certain new constructions and on state properties

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

1 Section 1. The executive law is amended by adding a new section 201-b
2 to read as follows:

3 § 201-b. Electric vehicle charging stations. 1. For the purposes of
4 this section, the term "parking facility" shall mean a parking garage,
5 parking structure, or open parking lot that is paved and striped to
6 designate individual parking spaces for vehicles and which has fifty
7 parking spaces or more.

8 2. Any parking facility owned and operated by the state of New York,
9 that offers between fifty and two hundred parking spaces for the
10 purposes of public use, state employee use and pay-per-usage, is hereby
11 required to install electric charging stations in at least ten percent
12 of the total number of parking spaces offered by such facility.

13 3. Any parking facility owned and operated by the state of New York,
14 that offers more than two hundred parking spaces for the purposes of
15 public use, state employee use and pay-per-usage, is hereby required to
16 install electric charging stations in at least twenty percent of the
17 total number of parking spaces offered by such facility.

18 4. Each electric vehicle charging station required pursuant to this
19 section shall support electric vehicle charging with a minimum of forty
20 amperes and two hundred eight volts of electrical capacity. Such elec-
21 tric vehicle charging stations and all other components and work appur-
22 tenant thereto shall be in accordance with all applicable state, county,
23 city, town, or village electrical codes.

24 5. The office of general services shall be responsible for the instal-
25 lation of any electric vehicle supply equipment and charging stations.
26 If such installation shall require the state to make upgrades to any
27 electrical supply equipment to safely and sufficiently power and operate

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

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1 such charging stations, the office of general services shall increase
2 the electrical capacity of the existing system by installing new compo-
3 nents as necessary. If the office of general services is unable to make
4 such technical upgrades to a facility, the office may contract with a
5 licensed electrician or similar service provider to upgrade the elec-
6 trical capacity of said facility. Such contracted work shall comply with
7 the provisions of article eight of the labor law, including the payment
8 of a wage of not less than the prevailing wage in the locality where
9 such parking facility is located.

10 6. The office of general services shall be responsible for the mainte-
11 nance, general upkeep and repair of any electric vehicle supply equip-
12 ment and charging stations. If the office of general services is unable
13 to complete such maintenance or repairs, the office may contract with a
14 licensed electrician or similar repair service to complete the necessary
15 work on said equipment.

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

18 17-a. a. Standards to require new construction that includes dedicated
19 off-street parking involving a garage, driveway, parking lot or other
20 off-street parking, to have:

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

24 (ii) electric vehicle ready parking spaces.

25 b. For the purposes of this subdivision:

26 (i) "electric vehicle ready parking space" shall mean a parking space
27 with a dedicated branch circuit that is not less than 208/240-volt and
28 equipped with circuit breakers and other necessary electrical compo-
29 nents, terminating in a receptacle, or outlet, as necessary to enable
30 electric vehicle charging;

31 (ii) "level 2 electric vehicle charging station" shall mean an elec-
32 tric vehicle charging station that provides an alternating current power
33 source at a minimum of 208/240 volts;

34 (iii) "new construction" shall mean the erection of an entirely new
35 structure not attached or affiliated with any existing construction on
36 the property. "New construction" shall not include a new addition or
37 capital improvement to existing construction nor shall it constitute an
38 addition to the property;

39 (iv) "mixed-use building" shall mean a building or structure used for
40 both residential and commercial purposes; provided that a mixed-use
41 building shall be considered residential if fifty per centum or less of
42 the aggregate floor area of such building is used or held out for use as
43 commercial space, community facility, or accessory use space and a
44 mixed-use building shall be considered commercial if more than fifty per
45 centum of the aggregate floor area of such building is used or held out
46 for use as commercial space, community facility, or accessory use space;

47 (v) "direct current fast charging station" shall mean an electric
48 vehicle charging station that is capable of providing a direct current
49 power source at a minimum of 150 kilowatts;

50 (vi) "electric vehicle energy management system" shall mean a system
51 to control electric vehicle charging station loads comprised of a moni-
52 tor or monitors, communications equipment, a controller or controllers,
53 a timer or timers and other applicable devices; and

54 (vii) "automobile parking lift" shall mean a mechanical device
55 designed to vertically lift automobiles and store them on a mobile
56 elevated platform for the purpose of parking.

1 c. Standards promulgated pursuant to this subdivision shall require
2 that the number of electric vehicle charging stations, and electric
3 vehicle ready parking spaces pursuant to paragraph a of this subdivision
4 shall be as follows:

5 (i) a one, two or three-family home equipped with a garage, driveway
6 or parking lot, or other off-street parking, shall have at least one
7 electric vehicle ready parking space at not less than 20-ampere for each
8 dwelling unit up to the total number of parking spaces;

9 (ii) a multi-unit residential building with off-street parking shall
10 have one hundred percent of available parking spaces be at least elec-
11 tric vehicle ready parking spaces at not less than 20-ampere, which
12 shall include at least twenty percent of available parking spaces
13 equipped with level 2 electric vehicle charging stations at not less
14 than 20-ampere. If there is a decimal in the calculation of the
15 percentage of parking spaces, such decimal shall be rounded to the next
16 largest whole number greater than zero. For two adjacent electric vehi-
17 cle ready parking spaces or level 2 electric vehicle charging stations
18 required by this subparagraph, a single branch circuit of not less than
19 40-ampere shall be permitted. For buildings with individually metered
20 residential units and parking spaces specifically designated for the use
21 of individual units, electric vehicle ready parking spaces and level 2
22 electric vehicle charging stations installed in such parking spaces
23 shall be wired to the individual unit's electrical meter, unless deemed
24 infeasible by the local department of buildings or similar entity having
25 jurisdiction;

26 (iii) a commercial building with between one and ten parking spaces
27 shall have at least one available parking space be an electric vehicle
28 ready parking space at not less than 40-ampere or equipped with a level
29 2 electric vehicle charging station at not less than 40-ampere or direct
30 current fast charging station;

31 (iv) a commercial building with eleven or more parking spaces shall
32 have at least twenty percent of available parking spaces be at least
33 electric vehicle ready parking spaces at not less than 40-ampere, which
34 shall include at least ten percent of available parking spaces equipped
35 with level 2 electric vehicle charging stations at not less than 40-am-
36 pere or direct current fast charging stations. If there is a decimal in
37 the calculation of the percentage of parking spaces, such decimal shall
38 be rounded to the nearest whole number greater than zero. For every
39 additional electric vehicle ready parking space or level 2 electric
40 vehicle charging station beyond the number required by this subpara-
41 graph, two electric vehicle ready parking spaces or level 2 electric
42 vehicle charging stations required by this subparagraph may be served by
43 a single branch circuit of not less than 40-ampere;

44 (v) for a commercial building subject to the requirements of subpara-
45 graph (iv) of this paragraph, the installation of one direct current
46 fast charging station shall be considered equivalent to ten level 2
47 electric vehicle charging stations or electric vehicle ready parking
48 spaces; and

49 (vi) for a building subject to subparagraphs (ii) and (iv) of this
50 paragraph that includes an automobile parking lift, the number of park-
51 ing spaces used to determine the number of required electric vehicle
52 ready parking spaces and level 2 electric vehicle charging stations
53 shall equal the total number of parking spaces minus the number of
54 elevated parking spaces contained in the automobile parking lift.

55 d. Requirements for installation of electric vehicle charging stations
56 and electric vehicle ready parking spaces under this subdivision may be

1 met by installing multiple electric vehicle charging stations or elec-
2 tric vehicle ready parking spaces on a single branch circuit, when used
3 in conjunction with an electric vehicle energy management system to
4 control charging station loads.

5 e. The owner of a building subject to paragraph c of this subdivision
6 may apply to the local department of buildings or similar entity for a
7 waiver of the requirements of this subdivision, which such local depart-
8 ment of buildings or similar entity may grant if such owner can demon-
9 strate that the provisions present an undue hardship due to limitations
10 of the local utility provider, or that the geographic location of the
11 site is such that compliance would result in a significant burden on the
12 owner.

13 f. The requirements of this subdivision shall not apply to one hundred
14 percent affordable housing. For the purposes of this subdivision, the
15 term "one hundred percent affordable housing" shall mean a multi-unit
16 residential building in which one hundred percent of dwelling units are
17 required, pursuant to a federal, state, or local law, rule, or program,
18 to be affordable for tenants or owners where the occupant's household
19 income relative to the area median income does not exceed a fixed
20 percentage or percentages, and that is subject to an actual or antic-
21 ipated agreement with a local, state, or federal governmental entity for
22 the purposes of providing affordable housing in a given locality or
23 region.

24 g. Standards promulgated pursuant to this subdivision shall include
25 requirements for clear and prominent signage denoting the availability
26 and location of electric vehicle ready parking spaces and electric vehi-
27 cle charging stations.

28 h. Nothing in this subdivision shall be interpreted or otherwise
29 construed as preempting a municipality from adopting standards, codes,
30 rules, or regulations that are more strict than those contained in this
31 subdivision.

32 § 3. This act shall take effect on the first of April next succeeding
33 the date on which it shall have become a law. Effective immediately, the
34 addition, amendment and/or repeal of any rule or regulation necessary
35 for the implementation of this act on its effective date are authorized
36 to be made and completed on or before such effective date.