STATE OF NEW YORK

1736--D

2023-2024 Regular Sessions

IN SENATE

January 13, 2023

Introduced by Sens. KRUEGER, CHU, GOUNARDES, HOYLMAN-SIGAL, JACKSON, KENNEDY, MAY, MYRIE, RAMOS, RIVERA, SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development -- reported favorably from said committee and committed to the Committee on Energy and Telecommunications -- 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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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 -- recommitted to the Committee on Housing, Construction and Community Development in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee and committed to the Committee on Energy and Telecommunications -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to requiring new construction that includes dedicated off-street parking to provide electric vehicle charging stations and electric vehicle ready 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:

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

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(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 ready parking spaces.

b. For the purposes of this subdivision:

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

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

(iii) "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;

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

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

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

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

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

(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 ready parking space at not less than 20-ampere for each dwelling unit up to the total number of parking spaces;

(ii) a multi-unit residential building with off-street parking shall have one hundred percent of available parking spaces be at least electric vehicle ready parking spaces at not less than 20-ampere, which shall include at least twenty percent of available parking spaces equipped with level 2 electric vehicle charging stations at not less than 20-ampere. 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 greater than zero. For two adjacent electric vehicle ready parking spaces or level 2 electric vehicle charging stations required by this subparagraph, a single branch circuit of not less than 40-ampere shall be permitted. For buildings with individually metered residential units and parking spaces specifically designated for the use

of individual units, electric vehicle ready parking spaces and level 2 electric vehicle charging stations installed in such parking spaces shall be wired to the individual unit's electrical meter, unless deemed infeasible by the local department of buildings or similar entity having jurisdiction;

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

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

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

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

d. Requirements for installation of electric vehicle charging stations and electric vehicle ready parking spaces under this subdivision may be met by installing multiple electric vehicle charging stations or electric vehicle ready parking spaces on a single branch circuit, when used in conjunction with an electric vehicle energy management system to control charging station loads.

e. The owner of a building subject to paragraph c 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.

f. The requirements of this subdivision shall not apply to one hundred percent affordable housing. For the purposes of this subdivision, the term "one hundred percent affordable housing" shall mean a multi-unit residential building in which one hundred percent of dwelling units are required, pursuant to a federal, state, or local law, rule, or program, to be affordable for tenants or owners where the occupant's household income relative to the area median income does not exceed a fixed percentage or percentages, and that is subject to an actual or antic-

ipated agreement with a local, state, or federal governmental entity for the purposes of providing affordable housing in a given locality or region.

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

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

§ 2. This act shall take effect April 1, 2025 and shall apply to contracts for new construction entered into on and after such date.