

STATE OF NEW YORK

3780--A

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, McDONALD -- read once and referred to the Committee on Governmental Operations -- 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:

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 ready parking spaces.

10 b. For the purposes of this subdivision:

11 (i) "electric vehicle ready parking space" shall mean a parking space
12 with a dedicated branch circuit that is not less than 20-ampere and
13 208/240-volt and equipped with circuit breakers and other necessary
14 electrical components, terminating in a receptacle, or outlet, as neces-
15 sary to enable electric vehicle charging; provided that for two adjacent
16 electric vehicle ready parking spaces, a single branch circuit of 40-am-
17 pere or greater is permitted;

18 (ii) "level 2 electric vehicle charging station" shall mean an elec-
19 tric vehicle charging station that provides an alternating current power
20 source at a minimum of 208/240 volts and 20-ampere. For two adjacent

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

LBD03756-10-3

1 level 2 electric vehicle charging stations, a single branch circuit of
2 40-ampere or greater is permitted;

3 (iii) "new construction" shall mean the erection of an entirely new
4 structure not attached or affiliated with any existing construction
5 on the property. "New construction" shall not include a new addition or
6 capital improvement to existing construction nor shall it constitute
7 an addition to the property;

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

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

19 (vi) "electric vehicle energy management system" shall mean a
20 system to control electric vehicle charging station loads comprised of a
21 monitor or monitors, communications equipment, a controller or control-
22 lers, a timer or timers and other applicable devices.

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

27 (i) a one, two or three-family home equipped with a garage, driveway
28 or parking lot, or other off-street parking, shall have at least one
29 electric vehicle ready parking space for each dwelling unit up to the
30 total number of parking spaces;

31 (ii) a multi-unit residential building with off-street parking shall
32 have one hundred percent of available parking spaces be at least elec-
33 tric vehicle ready parking spaces, which shall include at least twenty
34 percent of available parking spaces equipped with level 2 electric vehi-
35 cle charging stations. If there is a decimal in the calculation of the
36 percentage of parking spaces, such decimal shall be rounded to the next
37 largest whole number greater than zero. For buildings with individually
38 metered residential units and parking spaces specifically designated for
39 the use of individual units, electric vehicle ready parking spaces and
40 level 2 electric vehicle charging stations installed in such parking
41 spaces shall be wired to the individual unit's electrical meter, unless
42 deemed infeasible by the local department of buildings or similar entity
43 having jurisdiction;

44 (iii) a commercial building with between one and ten parking spaces
45 shall have at least one available parking space be an electric vehicle
46 ready parking space or equipped with a level 2 electric vehicle charging
47 station or direct current fast charging station;

48 (iv) a commercial building with eleven or more parking spaces shall
49 have at least twenty percent of available parking spaces be at least
50 electric vehicle ready parking spaces, which shall include at least ten
51 percent of available parking spaces equipped with level 2 electric vehi-
52 cle charging stations or direct current fast charging stations. If there
53 is a decimal in the calculation of the percentage of parking spaces,
54 such decimal shall be rounded to the nearest whole number greater than
55 zero; and

1 (v) for a commercial building subject to the requirements of subpara-
2 graph (iv) of this paragraph, the installation of one direct current
3 fast charging station shall be considered equivalent to ten level 2
4 electric vehicle charging stations or electric vehicle ready parking
5 spaces.

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

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

20 f. Standards promulgated pursuant to this subdivision shall include
21 requirements for clear and prominent signage denoting the availability
22 and location of electric vehicle ready parking spaces and electric vehi-
23 cle charging stations.

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

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