

STATE OF NEW YORK

3780--C

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, SIMONE -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, 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 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 208/240-volt and
13 equipped with circuit breakers and other necessary electrical compo-
14 nents, terminating in a receptacle, or outlet, as necessary to enable
15 electric vehicle charging;

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

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

LBD03756-13-3

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

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

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

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

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

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

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

32 (ii) a multi-unit residential building with off-street parking shall
33 have one hundred percent of available parking spaces be at least elec-
34 tric vehicle ready parking spaces at not less than 20-ampere, which
35 shall include at least twenty percent of available parking spaces
36 equipped with level 2 electric vehicle charging stations at not less
37 than 20-ampere. If there is a decimal in the calculation of the
38 percentage of parking spaces, such decimal shall be rounded to the next
39 largest whole number greater than zero. For two adjacent electric vehi-
40 cle ready parking spaces or level 2 electric vehicle charging stations
41 required by this subparagraph, a single branch circuit of not less than
42 40-ampere shall be permitted. For buildings with individually metered
43 residential units and parking spaces specifically designated for the use
44 of individual units, electric vehicle ready parking spaces and level 2
45 electric vehicle charging stations installed in such parking spaces
46 shall be wired to the individual unit's electrical meter, unless deemed
47 infeasible by the local department of buildings or similar entity having
48 jurisdiction;

49 (iii) a commercial building with between one and ten parking spaces
50 shall have at least one available parking space be an electric vehicle
51 ready parking space at not less than 40-ampere or equipped with a level
52 2 electric vehicle charging station at not less than 40-ampere or direct
53 current fast charging station;

54 (iv) a commercial building with eleven or more parking spaces shall
55 have at least twenty percent of available parking spaces be at least
56 electric vehicle ready parking spaces at not less than 40-ampere, which

1 shall include at least ten percent of available parking spaces equipped
2 with level 2 electric vehicle charging stations at not less than 40-am-
3 perere or direct current fast charging stations. If there is a decimal in
4 the calculation of the percentage of parking spaces, such decimal shall
5 be rounded to the nearest whole number greater than zero. For every
6 additional electric vehicle ready parking space or level 2 electric
7 vehicle charging station beyond the number required by this subpara-
8 graph, two electric vehicle ready parking spaces or level 2 electric
9 vehicle charging stations required by this subparagraph may be served by
10 a single branch circuit of not less than 40-ampere;

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

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

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

28 e. The owner of a building subject to paragraph c of this subdivision
29 may apply to the local department of buildings or similar entity for a
30 waiver of the requirements of this subdivision, which such local depart-
31 ment of buildings or similar entity may grant if such owner can demon-
32 strate that the provisions present an undue hardship due to limitations
33 of the local utility provider, or that the geographic location of the
34 site is such that compliance would result in a significant burden on the
35 owner.

36 f. The requirements of this subdivision shall not apply to one hundred
37 percent affordable housing. For the purposes of this subdivision, the
38 term "one hundred percent affordable housing" shall mean a multi-unit
39 residential building in which one hundred percent of dwelling units are
40 required, pursuant to a federal, state, or local law, rule, or program,
41 to be affordable for tenants or owners where the occupant's household
42 income relative to the area median income does not exceed a fixed
43 percentage or percentages, and that is subject to an actual or antic-
44 ipated agreement with a local, state, or federal governmental entity for
45 the purposes of providing affordable housing in a given locality or
46 region.

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

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

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