STATE OF NEW YORK

1736--A

2023-2024 Regular Sessions

IN SENATE

January 13, 2023

Introduced by Sens. KRUEGER, GOUNARDES, HOYLMAN-SIGAL, JACKSON, KENNEDY, 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

AN ACT to amend the executive law, in relation to requiring electric vehicle charging stations and level 2 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) level 2 electric vehicle capable parking spaces. For the purposes of this subdivision, level 2 electric vehicle capable parking space shall mean a parking space with electrical panel capacity and space for a branch circuit that is not less than 40-ampere and 208/240-volt and equipped with raceways, both underground and surface mounted, as necessary to enable future installation of a level 2 electric vehicle charging station. For two adjacent electric vehicle capable parking spaces, a single branch circuit is permitted.

b. Such standards shall require that the number of electric vehicle charging stations and level 2 electric vehicle capable parking spaces

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

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pursuant to subparagraph (ii) of 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 level 2 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 one and ten parking spaces shall have at least seventy-five percent of available parking spaces be level 2 electric vehicle capable parking spaces, which shall include at least twenty percent of available parking spaces as electric vehicle charging stations of any level. 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 level 2 electric vehicle capable parking spaces, which shall include at least forty percent of available parking spaces as electric vehicle charging stations of any level. 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 one and ten parking spaces shall have one hundred percent of available parking spaces be level 2 electric vehicle capable parking spaces, which shall include at least twenty percent of available parking spaces as level 2 electric vehicle charging stations or direct current fast charging stations. For the purposes of this subdivision, 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 and 40-ampere, and 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 50 kilowatts;

(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 level 2 electric vehicle charging stations or direct current fast charging stations; and

(vi) a privately-owned commercial building subject to the requirements of subparagraph (iv) or (v) of this paragraph, the installation of one direct current fast charging station shall be considered equivalent to five level 2 electric vehicle charging stations.

c. Requirements for installation of electric vehicle charging stations under this subdivision may be met by installing multiple electric vehicle charging stations on a single branch circuit, when used in conjunction with an electric vehicle energy management system to control charging station loads. For the purposes of this subdivision, 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.

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 depart-

ment 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, 2024 and shall apply to contracts for new construction entered into on and after such date.