

# STATE OF NEW YORK

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1736--B

2023-2024 Regular Sessions

## IN SENATE

January 13, 2023

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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 -- 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

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

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

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1 electric vehicle ready parking spaces, a single branch circuit of 40-am-  
2 pere or greater is permitted;

3 (ii) "level 2 electric vehicle charging station" shall mean an elec-  
4 tric vehicle charging station that provides an alternating current power  
5 source at a minimum of 208/240 volts and 20-ampere. For two adjacent  
6 level 2 electric vehicle charging stations, a single branch circuit of  
7 40-ampere or greater is permitted;

8 (iii) "new construction" shall mean the erection of an entirely new  
9 structure not attached or affiliated with any existing construction  
10 on the property. "New construction" shall not include a new addition or  
11 capital improvement to existing construction nor shall it constitute  
12 an addition to the property;

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

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

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

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

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

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

53 (iv) a commercial building with eleven or more parking spaces shall  
54 have at least twenty percent of available parking spaces be at least  
55 electric vehicle ready parking spaces, which shall include at least ten  
56 percent of available parking spaces equipped with level 2 electric vehi-

cle charging stations 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; and

(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.

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. 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.

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