

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2024**

No. 55

Introduced by Council Members Brannan, Louis, Restler, Stevens, Gennaro, Brewer, Hudson, Dinowitz, Bottcher, Won, Schulman, Avilés and Mealy (by request of the Queens Borough President).

A LOCAL LAW

To amend the administrative code of the city of New York and the New York city building code, in relation to electric vehicle supply equipment in open parking lots and parking garages

Be it enacted by the Council as follows:

Section 1. Exception 18 of section 28-101.4.3 of the administrative code of the city of New York, as amended by local law number 126 for the year 2021, is amended to read as follows:

18. Parking garages and open parking lots. [Where an alteration of a parking garage or an open parking lot includes an increase in the size of the electric service such alteration shall include provisions for the installation of electric vehicle charging stations in accordance] Parking garages and open parking lots shall comply with section 406.4.10 or 406.9.8 of the New York city building code, as applicable.

§ 2. Article 315 of chapter 3 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-315.12 to read as follows:

§ 28-315.12 Electric vehicle supply equipment (EVSE). Parking garages and open parking lots shall be capable of supporting and equipped with EVSE as set forth in sections 28-315.12.1 and 28-315.12.2, and in accordance with the New York city electrical code.

§ 28-315.12.1 EVSE requirements for department of consumer and worker protection licensed parking garages and open parking lots. Parking garages and open parking lots with 10 or more parking spaces that are required to be licensed by the department of consumer and worker protection or successor agency in accordance with section 20-321 shall ensure that no less than 20 percent of parking spaces in existing parking garages and open parking lots shall be equipped with level 2 charging stations and 40 percent of parking spaces be capable of

supporting level 2 charging stations by January 1, 2035. For purposes of compliance with this section, the installation of 1 direct current fast charging station shall be considered to be the equivalent of 10 level 2 charging stations, provided the installation of direct current fast charging stations shall not be used to satisfy more than 50 percent of the level 2 charging stations required. Owners of such parking garages and open parking lots shall submit a report of compliance with this section to the department within 60 days after final inspection of such installation in a form and manner specified by the department.

Exceptions. The commissioner may grant an adjustment to or waiver of any of the provisions of this section with respect to a parking garage or open parking lot where:

1. The project costs exceed the baseline costs for EVSE installation as determined by the department in accordance with recommendations of the department of transportation, and the owner is complying with the requirements of this section to the maximum extent practicable and has availed itself of all available federal, state, city, private, and utility incentive programs related to EVSE for which it reasonably could participate;
2. For a parking garage or open parking lot that utilizes equipment that enables vehicles to be parked vertically and the owner demonstrates that such vertical parking would make the use of EVSE infeasible, an adjustment may be granted so that only spaces where EVSE could feasibly be used will be required to do so to the maximum extent practicable to meet the requirements under this section;
3. The owner demonstrates that compliance with this section would compromise the structural integrity of the parking structure; or
4. The owner demonstrates that compliance with this section is not feasible for other reasons as established by the department by rule.

§ 28-315.12.2 EVSE requirements for unlicensed parking garages and open parking lots. Parking garages and open parking lots with 10 or more spaces that are not required to be licensed by the department of consumer and worker protection or successor agency shall be equipped with EVSE and be capable of supporting EVSE in accordance with a schedule established by the department by rule. Such schedule shall be based on recommendations of the department of transportation pursuant to the report published by such department pursuant to section 5 of the local law that added this section and may include such exceptions as the commissioner determines to be appropriate or necessary, including the exceptions set forth in section 28-315.12.1 and any exceptions determined by the commissioner to be appropriate pursuant to the report required by section 5 of the local law that added this section. No later than January 1, 2027, the department shall promulgate rules as required to implement this section.

§ 28-315.12.3 Annual EVSE installation report. No later than March 31, 2027, and no later than March 31 of every year thereafter, the department shall submit a report to the mayor and

the speaker of the council on compliance with this section. Such report shall include, but not be limited to, data on the number of parking garages and open parking lots complying with the requirements of this section, along with the number of EVSE installed for the preceding calendar year.

§ 3. The definitions in section 202 of the New York city building code are amended by adding the following definitions in alphabetical order to read as follows:

DIRECT CURRENT FAST CHARGING STATION. An EVSE with a minimum charging capacity as established by the department by rule.

ELECTRIC VEHICLE LOAD MANAGEMENT SYSTEM. An electronic system designed to allocate charging capacity among EVSE.

ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE). See Article 625.2 of the *New York City Electrical Code*.

LEVEL 2 CHARGING STATION. An EVSE with a minimum charging capacity as established by the department by rule.

§ 4. Sections 406.2, 406.4.10, and 406.9.8 of the New York city building code, as renumbered and amended by local law number 126 for the year 2021, are amended to read as follows:

406.2 Definitions. The following terms are defined in Chapter 2:

CARPORT.

DIRECT CURRENT FAST CHARGING STATION.

ELECTRIC VEHICLE LOAD MANAGEMENT SYSTEM.

ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE).

LEVEL 2 CHARGING STATION.

MECHANICAL-ACCESS OPEN PARKING GARAGE.

OPEN PARKING GARAGE.

PRIVATE GARAGE.

RAMP-ACCESS OPEN PARKING GARAGE.

406.4.10 Electric vehicle [charging stations] supply equipment (EVSE). [Parking garages] A new parking garage and a parking garage in an existing structure undergoing such significant alterations as established by the department by rule shall be capable of supporting [electrical vehicle charging stations] EVSE in accordance with this section. [Electrical raceway to the electrical supply panel serving the garage shall be capable of providing a minimum of 3.1 kw of electrical capacity to at] At least 20 percent of the parking spaces of the garage shall be equipped with level 2 charging stations. At least 60 percent of the parking spaces of the garage shall be capable of supporting EVSE. The installation of 1 direct current fast charging station shall be considered the equivalent of 10 level 2 charging stations, and the installation of direct current fast charging stations shall not be used to satisfy more than 50 percent of the level 2 charging stations required for purposes of compliance with this section. This amount of electrical capacity may be coupled with an electric vehicle load management system to distribute power to a greater percentage of spaces at lower amperage as EVSE penetration increases above 40 percent of parking spaces. [The electrical room supplying the garage must have the physical space for an electrical supply panel sufficient to provide 3.1 kW of electrical capacity to at least 20 percent of the parking spaces of the garage. Such raceway and all] All components and work appurtenant thereto, including ventilation system(s), shall be in accordance with the *New York City Electrical Code* and the *New York City Mechanical Code*.

Exceptions: 1. [The provisions of this section shall not apply to parking garages for buildings of occupancy group M (Mercantile).

2.] The commissioner may waive compliance with this section if the commissioner determines that the parking garage is a temporary facility that will be in service no longer than [three] 3 years.

[3. The provisions of this section shall not apply to parking garages for buildings in which not less than fifty percent of the residential units are for households earning up to sixty percent of the area median income as determined by the United States Department of Housing and Urban Development]

2. The commissioner, upon consultation with the commissioner of housing preservation and development, shall grant a waiver of the requirements of this section for a parking garage within or appurtenant to a multiple dwelling in which 100 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 income relative to the area median income does not exceed a fixed percentage or percentages, and that is subject to an actual or anticipated agreement with a federal, state, or local governmental entity for the purposes of providing affordable housing in a given locality or region.

3. The commissioner of citywide administrative services may waive or adjust compliance with this section for parking garages on city owned or leased real property or the

New York city housing authority may waive or adjust compliance with respect to real property owned or leased by such authority where such commissioner or authority, as applicable, determines that the installation of EVSE to the extent required by this section is not feasible for budgetary, operational, or programmatic reasons with respect to the ongoing citywide installation of EVSE or with respect to the issuance of a license or lease to a private person or entity to operate a parking garage.

4. The commissioner may waive or adjust compliance with this section if the commissioner finds that, upon submission of evidence from the owner, the provisions present an undue hardship resulting from technical infeasibility, including but not limited to:

4.1 The parking garage utilizes equipment that enables vehicles to be parked vertically and the owner demonstrates that such vertical parking would make the use of EVSE infeasible, provided an adjustment may be granted so that only spaces where EVSE could feasibly be used will be required to do so to the maximum extent practicable to meet the requirements under this section; or

4.2 The owner provides evidence that compliance with this section would compromise the structural integrity of the parking garage.

406.9.8 Electric vehicle [charging stations] supply equipment (EVSE). [Open parking lots] A new open parking lot and an existing open parking lot on the same tax lot or appurtenant to a building owned by the same owner of such open parking lot undergoing such significant alterations as established by the department by rule shall be capable of supporting [electric vehicle charging stations] and be equipped with EVSE in accordance with this section. A minimum of 20 percent of the parking spaces in such an open parking lot shall be equipped with level 2 charging stations. At least 60 percent of the parking spaces of the lot shall be capable of supporting EVSE. The installation of 1 direct current fast charging station shall be considered the equivalent of 10 level 2 charging stations, and the installation of direct current fast charging stations shall not be used to satisfy more than 50 percent of the level 2 charging stations required for purposes of compliance with this section. This amount of electrical capacity may be coupled with an electric vehicle load management system to distribute power to a greater percentage of spaces at lower amperage as EVSE penetration increases above 40 percent of parking spaces. [electrical raceway shall be capable of providing a minimum supply of 11.5 kVA to an EVSE from an electrical supply panel. The raceway shall be no smaller than 1 inch. The electrical supply panel serving such parking spaces must have at least 3.1 kW of available capacity for each stall connected to it with raceway. Such raceway and all] All components and work appurtenant thereto, including ventilation system(s), shall be in accordance with the New York City Electrical Code and the New York City Mechanical Code.

Exceptions:

1. [The provisions of this section shall not apply to open parking lots for buildings of occupancy group M (Mercantile).
- 2.] The commissioner may waive compliance with this section if the commissioner determines that the open parking lot is a temporary facility that will be in service no longer than [three] 3 years.
- [3. The provisions of this section shall not apply to open parking lots for buildings in which not less than fifty percent of the residential units are for households earning up to sixty percent of the area median income as determined by the United States Department of Housing and Urban Development]
2. The commissioner, upon consultation with the commissioner of housing preservation and development, shall grant a waiver of the requirements of this section for a parking garage within or appurtenant to a multiple dwelling in which 100 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 income relative to the area median income does not exceed a fixed percentage or percentages, and that is subject to an actual or anticipated agreement with a federal, state, or local governmental entity for the purposes of providing affordable housing in a given locality or region.
3. The commissioner of citywide administrative services may waive or adjust compliance with this section for parking lots on city owned or leased real property or the New York city housing authority may waive or adjust compliance with respect to real property owned or leased by such authority where such commissioner or authority, as applicable, determines that the installation of EVSE to the extent required by this section is not feasible for budgetary, operational, or programmatic reasons with respect to the ongoing citywide installation of EVSE or with respect to the issuance of a license or lease to a private person or entity to operate a parking lot.
4. The commissioner may waive or adjust compliance with this section if the commissioner finds that, upon submission of evidence from the owner, the provisions present an undue hardship resulting from technical infeasibility, including but not limited to:
 - 4.1 The open parking lot utilizes equipment that enables vehicles to be parked vertically and the owner demonstrates that such vertical parking would make the use of EVSE infeasible, provided an adjustment may be granted so that only spaces where EVSE could feasibly be used will be required to do so to the maximum extent practicable to meet the requirements under this section; or
 - 4.2 The owner provides evidence that a waiver or adjustment is necessary in order to comply with Appendix G.

§ 5. Electrical vehicle charging station report. No later than 2 years after effective date of this local law, the commissioner of transportation, in consultation with the director of city planning, the commissioner of buildings, the commissioner of housing preservation and development, the commissioner of citywide administrative services, and the commissioner of consumer and worker protection, shall submit to the mayor and the speaker of the council and post on its website a report on off-street parking spaces in parking garages or open parking lots in the city that are not subject to regulation by the department of consumer and worker protection, including but not limited to:

a. The estimated number of such parking spaces that are not subject to regulation by the department of consumer and worker protection;

b. Any analysis of the estimated location and geographic distribution of such parking spaces, including the estimated number of parking spaces in each parking garage or open parking lot as such terms are defined in the New York city building code;

c. A categorization of the estimated number of parking garages and open parking lots by building occupancy type and affordability status;

d. The estimated number of such parking garages and open parking lots for buildings with dwelling units that are required by law or by an agreement with a governmental entity to be regulated in accordance with the New York state emergency tenant protection act of 1974, the New York city rent stabilization law of 1969, or the local emergency housing rent control act of 1962 and what possible waivers or adjustments could be applied to such parking garages and open parking lots to address potential financial constraints;

e. An analysis of the estimated predominant users of such parking garages or open parking lots, including but not limited to residents, employees, or customers, of the building to which such parking garage or open parking lot is attached, if any;

f. Structural considerations of such parking garages or open parking lots for the addition of electric vehicle supply equipment;

g. An analysis of how projected parking usage patterns relate to building occupancy type for such parking garages and open parking lots;

h. Other factors relevant to the ability to install electric vehicle supply equipment in such parking garages and open parking lots;

i. A review of the state of electric vehicle supply equipment technology, including costs of such equipment, and available federal, state, utility, and other incentives; and

j. Recommendations for the required level of electric vehicle supply equipment installation and allowable exceptions for such parking garages and open parking lots by building occupancy type consistent with their usage profile as reported in subdivisions b through i, including ownership by the city, the New York city housing authority, or an affordable housing development, and with meeting the greenhouse gas reduction set forth in article 75 of the environmental conservation law. Such recommendations shall include the level of alterations to an existing structure that will require the installation of such equipment.

§ 6. This local law takes effect on the same date as a local law of the city of New York for the year 2024 amending the administrative code of the city of New York, relating to the electrical code and repealing chapter 3 of title 27 of the administrative code of the city of New York in relation thereto, as proposed in introduction number 436 for the year 2024, takes effect.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on March 7, 2024 and returned unsigned by the Mayor on April 8, 2024.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 55 of 2024, Council Int. No. 17-B of 2024) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor, and neither approved nor disapproved within thirty days thereafter.

SPENCER FISHER, Acting Corporation Counsel.