Legislation Details (With Text)

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Title: 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 charging stations in open parking lots and parking garages

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Indexes: Agency Rule-making Required, Report Required

Attachments: 1. Summary of Int. No. 150, 2. Int. No. 150, 3. April 14, 2022 - Stated Meeting Agenda, 4. Hearing Transcript - Stated Meeting 4-14-22, 5. Minutes of the Stated Meeting - April 14, 2022, 6. Committee Report 1/24/23, 7. Hearing Testimony 1/24/23, 8. Hearing Transcript 1/24/23

Date	Ver.	Action By	Action	Result
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4/14/2022	*	City Council	Referred to Comm by Council	
1/24/2023	*	Committee on Housing and Buildings	Hearing Held by Committee	
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Int. No. 150

By Council Members Brannan, Cabán, Stevens, Dinowitz, Restler, Nurse, Bottcher, Williams, Avilés, Gutiérrez, Schulman, Sanchez, Brewer, Riley, Brooks-Powers, Gennaro, Joseph, Hudson, Abreu, Hanif, Krishnan, De La Rosa, Ayala, Velázquez, Powers, Rivera, Marte, Ung, Won, Narcisse, Salamanca, Farías, Hanks, Holden, Lee, Richardson Jordan, Barron, Ossé, Louis, Feliz and Menin (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 charging stations 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. Section 28-315.3 of the administrative code of the city of New York is amended by adding a new section 28-315.3.3 to read as follows:

§ 28-315.3.3 Electric vehicle supply equipment (EVSE). Open parking lots and parking garages with 10 or more parking spaces shall be capable of supporting and equipped with EVSE by the dates set forth in sections 28-315.3.3.1 through 28-315.3.3.3 and owners of such parking lots and parking garages shall report compliance with such sections by the dates indicated.

Exceptions:

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

1.1 the building is subject to financial hardship and the owner is complying with the requirements of this section to the maximum extent practicable and has availed itself of all available city, state, federal, private and utility incentive programs related to EVSE for which it reasonably could participate; or

1.2 the project costs exceed the baseline costs for EVSE installation in the program identified in the Public Service Commission order that authorized the PowerReady program administered by Con Edison, any successor program or a subsequent baseline cost for EVSE installation as determined by rule by the department, and the owner is complying with the requirements of this section to the maximum extent practicable and has availed itself of all available city, state, federal, private and utility incentive programs related to EVSE for which it reasonably could participate.

2. The commissioner may waive compliance with this section for municipal open parking lots or parking garages within the jurisdiction of the department of transportation where the commissioner of transportation determines compliance with this section is not feasible for operational or budgetary reasons.

3. The commissioner may grant an adjustment to, or waiver of, this section for a building owned by a limited-profit housing company organized pursuant to article 2 of the private housing finance law, provided that documentation from such building's supervising agency certifying to such infeasibility has been provided to the department. Such building will need to comply only to the extent determined to be feasible as documented by the building's supervising agency.

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4. The commissioner may waive compliance with this section for occupancy group E facilities within the jurisdiction of the department of education where the department of education or the New York city school construction authority determines compliance with this section is not feasible for operational or budgetary reasons.

§ 28-315.3.3.1 No less than 10 percent of parking spaces in existing open parking lots and parking garages with 10 or more parking spaces shall be equipped with EVSE in accordance with section 406.4.10 or 406.9.8 of the New York city building code, as applicable, by January 1, 2030. A report of compliance with this section shall be submitted to the department within 60 days after final inspection of such installation in a form and manner specified by the department.

Exceptions:

1. Existing open parking lots and parking garages of buildings where 50 percent or more of the dwelling units are subject to a regulatory agreement with a federal, state, or local governmental entity or instrumentality for the creation or preservation of affordable housing shall be equipped with such EVSE by January 1, 2035. A report of such compliance and evidence of such regulatory agreement shall be provided to the department within 60 days after final inspection in a form and manner specified by the department.

2. Existing open parking lots and parking garages for buildings in which not less than 50 percent of the dwelling units are for households earning up to 60 percent of the area median income as determined by the United States department of housing and urban development shall be equipped with such EVSE by January 1, 2035. A report of such compliance, and evidence of such earnings and income status, shall be provided to the department within 60 days after final inspection in a form and manner specified by the department.

§ 28-315.3.3.2 No less than 20 percent of parking spaces in existing open parking lots and parking garages with more than 10 parking spaces shall be equipped with EVSE in accordance with section 406.4.10 or 406.9.8 of the New York city building code, as applicable, by January 1, 2035 and a report of such compliance shall be submitted to the the department within 60 days after final inspection of such installation in a form and manner specified by the department.

§ 28-315.3.3.3 Existing open parking lots and parking garages with more than 10 parking spaces shall be capable of supporting EVSE in accordance with section 406.4.10 or 406.9.8 of the New York city building code, as applicable, for at least 40 percent of the parking spaces in such open parking lots and parking garages by January 1, 2030. A report of such compliance shall be provided to the department within 60 days after final inspection in a form and manner specified by the department.

§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:

ELECTRIC VEHICLE COUPLER. A mating electric vehicle inlet and electric vehicle connector set.

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ELECTRIC VEHICLE INLET. The device on the electric vehicle into which the electric vehicle connector is inserted for power transfer and information exchange. This device is part of the electric vehicle coupler. For the purposes of this code, the electric vehicle inlet is considered to be part of the electric vehicle and not part of the electric vehicle supply equipment.

ELECTRIC VEHICLE LOAD MANAGEMENT SYSTEM. An electronic system designed to allocate charging capacity among electric vehicle supply equipment.

ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE). The conductors, including the ungrounded, grounded and equipment grounding conductors, and the electric vehicle connectors, attachment plugs and all other fittings, devices, power outlets or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.

FINANCIAL HARDSHIP (OF A BUILDING). The term "financial hardship (of a building)" means a building that for the combined two years prior to the application for an adjustment pursuant to sections 406.4.10(2) and 406.9.8(2) of the New York city building code:

1. Had arrears of property taxes or water or wastewater charges that resulted in the property's inclusion on the department of finance's annual New York city tax lien sale list;

2. Had been exempt from real property taxes pursuant to sections 420-a, 420-b, 446 or 462 of the real property tax law and applicable local law and the owner had negative revenue less expenses as certified to the department by a certified public accountant, or by affidavit under penalties of perjury; or

3. Had outstanding balances under the department of housing preservation and development's emergency repair program that resulted in the property's inclusion on the department of finance's annual New York city tax lien sale list.

§4. Sections 406.4.10, 406.9.1, 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:

406.4.10 Electric vehicle [charging stations] supply equipment (EVSE). Parking garages shall be capable of supporting [electrical vehicle charging stations] and shall be equipped with EVSE in accordance with this section. [Electrical]

406.4.10.1 Electrical raceway. In new parking garages electrical raceway to the electrical supply panel serving the parking garage shall be capable of providing a minimum of [3.1 kw] 208 volts and a 40-ampere circuit capable of providing 32 amperes of electrical capacity to [at least 20 percent] EVSE for at least 60 percent of the parking spaces of the garage. [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] Where an alteration of an existing parking garage includes an increase in the size of the electric service or additional parking spaces, electrical raceway to the electrical supply panel serving such existing parking garage shall be capable of providing a minimum of 208 volts and a 40-ampere circuit capable of providing 32 amperes of electrical capacity to an EVSE for at least 40 percent of the parking spaces of the garage. The raceway and all components and work appurtenant thereto shall be in accordance with the *New York City Electrical*

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Code, and a ventilation system shall be provided for three-phase charging in accordance with the *New York City Electrical Code* and the *New York City Mechanical Code*.

406.4.10.2 Electrical room. In a new parking garage the electrical room supplying the parking garage must have the electrical capacity and physical space for an electrical supply panel sufficient to provide 208 volts and a 40-ampere circuit capable of providing 32 amperes of electrical capacity to an EVSE for at least 60 percent of the parking spaces of the garage. Where an alteration to an existing parking garage includes an increase in the electric service or additional parking spaces, the electrical room supplying the garage must have the electrical capacity and physical space for an electrical supply panel sufficient to provide 208 volts and a 40-ampere circuit capable of providing 32 amperes of electrical capacity to an EVSE for at least 40 percent of the parking spaces of the garage. Existing parking garages that cannot supply the required capacity to 40 percent of spaces based on electrical service availability shall provide capacity to the extent feasible without requiring new electrical service or an electrical service upgrade. 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.

406.4.10.3 Installation of EVSE. EVSE shall be installed in accordance with Items 1 through 6 below.

1. No fewer than 20 percent of all parking spaces in a new parking garage shall be equipped with EVSE capable of providing a minimum supply of 208 volts and 32 amperes to an electric vehicle. Where an alteration to an existing parking garage includes an increase in the electric service or additional parking spaces, no fewer than 10 percent of all parking spaces in such parking garage shall be equipped with EVSE capable of providing a minimum supply of 208 volts and 32 amperes to an electric vehicle.

2. Where an EVSE is provided to parking spaces that are deeded or leased to residential or commercial occupants, parking spaces shall be located at least 100 feet (30 480 mm) from a supporting electrical supply panel.

3. The electrical supply panel shall have electrical capacity to support the total garage supply allocated to EVSE or 208 volts and a 40-ampere circuit capable of providing 32 amperes to an EVSE per parking space supported by that panel, whichever is lower, and physical breaker space to support all parking spaces supported by that panel.

4. Each installed EVSE shall be located within 150 feet (45 720 mm) of a standpipe hose connection calculated along the clear path.

5. At least one shut off switch shall be provided in a remote location to de-energize all EVSE. The switches and their locations must be clearly marked. An indicator light shall be provided and visible at each charging station to indicate if the station is energized.

6. For garages within the 1 percent annual chance floodplain, as defined by the "Preliminary Flood Insurance Rate Maps 2015" layer on the Department of City Planning's Flood Hazard Mapper, or any subsequent flood insurance rate map issued by such department, all electrical equipment must be installed above building design flood elevation as defined in Section G201.2 of Appendix G.

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 [3] three years.

[3]2. The provisions of this section shall not apply to parking garages for new buildings in which not less than [fifty] 50 percent of the residential units are for households earning up to [sixty] 80 percent of the area median income as determined by the United States [Department of Housing and Urban Development] department of housing and urban development where the application for construction document approval for the building is filed prior to January 1, 2035 and evidence of earnings and income status is provided in a form and manner specified by the department.

3. For new parking garages in or accessory to buildings in which the owner can demonstrate that 50 percent or more of the dwelling units in such buildings are subject to a regulatory agreement, restrictive declaration, or similar instrument with a federal, state, or local governmental entity or instrumentality for the creation or preservation of affordable housing, no fewer than 10 percent of all parking spaces in new parking garages shall be equipped with EVSE, and for applications submitted to the department on or after January 01, 2030 no fewer than 20 percent of all parking spaces shall be equipped with EVSE.

4. The commissioner may waive compliance with this section for occupancy group E facilities within the jurisdiction of the department of education where the department of education or the New York city school construction authority determines compliance with this section is not feasible for operational or budgetary reasons.

406.9.1 Definitions. The following [term] terms are defined in chapter 2.

ELECTRIC VEHICLE CONNECTOR.

ELECTRIC VEHICLE COUPLER.

ELECTRIC VEHICLE INLET.

ELECTRIC VEHICLE LOAD MANAGEMENT SYSTEM.

ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE).

FINANCIAL HARDSHIP (OF A BUILDING).

OPEN PARKING LOT.

406.9.8 Electric vehicle [charging stations] supply equipment (EVSE). Open parking lots shall be capable of supporting and shall be equipped with [electric vehicle charging stations] EVSE in accordance with [this section. A minimum of 20 percent] Sections 406.9.8.1 through 406.9.8.3.

406.9.8.1 Electrical raceway. In a new open parking lot at least 60 percent of the parking spaces [in an open parking lot] shall be equipped with electrical raceway capable of providing a

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minimum supply of [11.5 kVA] 208 volts and a 40-ampere circuit capable of providing 32 amperes to an EVSE from an electrical supply panel. The raceway shall be no smaller than 1 inch (25.4 mm). Where the alteration of an existing open parking lot includes an increase in the electric service or additional parking spaces, a minimum of 40 percent of the parking spaces in the open parking lot shall be equipped with electrical raceway capable of providing a minimum supply of 208 volts and a 40-ampere circuit capable of providing 32 amperes to an EVSE from an electrical supply panel. The raceway shall be no smaller than 1 inch (25.4 mm). Such raceway and all components and work appurtenant thereto shall be in accordance with the *New York City Electrical Code*.

406.9.8.2 Electrical supply panel. [The] In a new open parking lot 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 components and work appurtenant thereto shall be in accordance with the *New York City Electrical Code*.] be capable of providing a minimum supply of 208 volts and 32 amperes to EVSE for at least 60 percent of the parking spaces in the open parking lot. Where the alteration of an existing open parking lot includes an increase in the electric service or additional parking spaces, the electrical supply panel serving such parking spaces must be capable of providing a minimum supply of 208 volts and 32 amperes to EVSE for 40 percent of the parking spaces in the open parking lot. Existing open parking lots that cannot supply capacity to 40 percent of spaces based on electrical service availability shall provide capacity to the extent feasible without requiring new electrical service or an electrical service upgrade. 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.

406.9.8.3 Installation of EVSE. EVSE shall be provided in accordance with items 1 through 5.

1. No fewer than 20 percent of all parking spaces in a new open parking lot shall be equipped with EVSE capable of providing a minimum supply of 208 volts and 32 amperes to an electric vehicle. Where an alteration of an existing open parking lot includes an increase in the electric service or additional parking spaces, no fewer than 10 percent of all parking spaces in such open parking lot shall be equipped with EVSE capable of providing a minimum supply of 208 volts and 32 amperes to an electric vehicle.

2. For new open parking lots with at least 50 parking spaces, a minimum of one location in the open parking lot shall be equipped with electrical raceway capable of providing a minimum supply of 208 volts and a 300-ampere circuit to EVSE from an electrical supply panel to support future installation of fast charging EVSE.

3. Where parking spaces are deeded to residential or commercial occupants, no parking space shall be located more than 100 feet from a supporting electrical supply panel.

4. Each panel shall have electrical capacity to support the total parking lot supply allocated to EVSE or 208 volts and a 40-ampere circuit capable of providing 32 amperes to an EVSE per parking space supported by that panel, whichever is lower, and physical breaker space to support all parking spaces supported by that panel.

5. All EVSE within the areas of special flood hazard in accordance with New York City

Building Code Appendix G should be designed in accordance with the New York city *Climate Resiliency Design Guidelines* as set forth in section 3-131 of the *Administrative Code*. All electrical equipment must be installed above building design flood elevation as defined in Section G201.2 of Appendix G.

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 3 years.

[3] 2. The provisions of this section shall not apply to new open parking lots for buildings in which not less than [fifty] 50 percent of the residential units are for households earning up to [sixty] 80 percent of the area median income as determined by the United States [Department of Housing and Urban Development] department of housing and urban development where the application for construction document approval is filed prior to January 1, 2035 and evidence of earnings and income status is provided in a form and manner specified by the department .

3. The provisions of this section shall not apply to open parking lots projected to be in the 2080s tidal floodplain, as depicted by the "High Tide 2080s" layer on the department of city planning's Flood Hazard Mapper.

4. For new open parking lots in or accessory to buildings in which the owner can demonstrate that 50 percent or more of the dwelling units in such building are subject to a regulatory agreement, restrictive declaration, or similar instrument with a federal, state, or local governmental entity or instrumentality for the creation or preservation of affordable housing, no fewer than 10 percent of all parking spaces in new open parking lots shall be equipped with EVSE, and for applications submitted to the department on or after January 1, 2030 no fewer than 20 percent of all parking spaces shall be equipped with EVSE.

5. The commissioner may waive compliance with this section for occupancy group E facilities within the jurisdiction of the department of education where the department of education or the New York city school construction authority determines compliance with this section is not feasible for operational or budgetary reasons.

§ 5. No later than March 31, 2023 and no later than March 31 of every year thereafter, the Department of Buildings shall submit a report to the mayor and the speaker of the council on compliance with this local law. Such report shall include, but not be limited to, data on the number of parking facilities complying with thise local law, along with the number of EVSE installed for the preceding calendar year.

§ 6. This local law takes effect on the same date as local law number 126 for the year 2021 takes effect and shall apply to applications for construction document approval filed on and after such effective date, except that with respect to buildings subject to a regulatory agreement, restrictive declaration, or similar instrument with a federal, state, or local governmental entity or instrumentality for the creation of affordable housing, it shall apply to applications for construction document approval filed eighteen months after such effective date, and except that prior to such effective date the department of buildings shall promulgate rules necessary to implement this local law.

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