

[Second Reprint]

**SENATE, No. 3490**

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**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

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INTRODUCED JANUARY 19, 2023

**Sponsored by:**

**Senator BOB SMITH**

**District 17 (Middlesex and Somerset)**

**Assemblyman STERLEY S. STANLEY**

**District 18 (Middlesex)**

**Assemblyman CLINTON CALABRESE**

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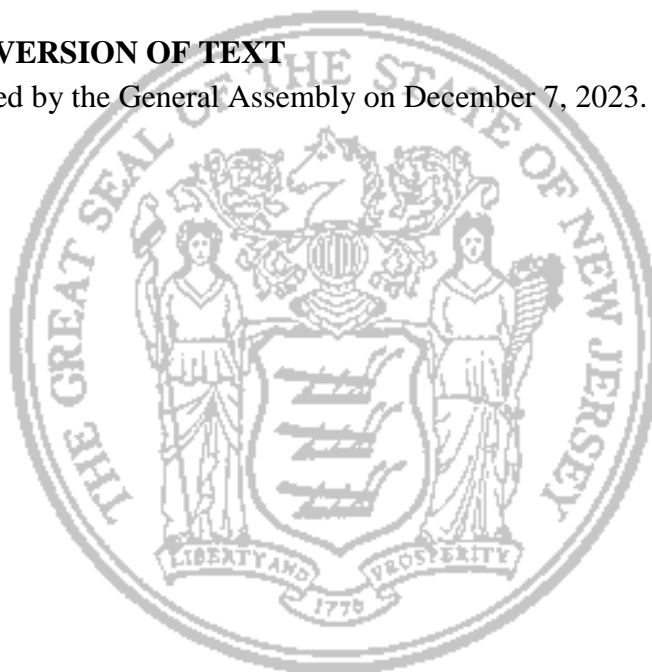
**Senator Greenstein, Assemblymen Spearman and McKeon**

**SYNOPSIS**

Amends certain requirements for installation of electric vehicle supply equipment and Make-Ready parking spaces.

**CURRENT VERSION OF TEXT**

As amended by the General Assembly on December 7, 2023.



**(Sponsorship Updated As Of: 12/21/2023)**

1 AN ACT concerning electric vehicle supply equipment and Make-  
2 Ready parking spaces and amending P.L.2021, c.171.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. Section 3 of P.L.2021, c.171 (C.40:55D-66.20) is amended  
8 to read as follows:

9 3. a. (1) As a condition of preliminary site plan approval, for  
10 each application **involving a** <sup>2</sup>**for the construction of a new, or**  
11 **“reconstruction,” as defined in the State Uniform Construction**  
12 **Code, adopted pursuant to P.L.1975, c.217 (C.52:27D-119 et seq.),**  
13 **of an existing,** involving a<sup>2</sup> multiple dwelling with five or more  
14 units of dwelling space, which shall include a multiple dwelling that  
15 is a building held under a condominium or cooperative form of  
16 ownership, a mutual housing corporation, or a mixed use  
17 development, the developer or owner, as applicable, shall:

18 (a) prepare as Make-Ready parking spaces at least 15 percent of  
19 the required off-street parking spaces, and install electric vehicle  
20 supply equipment in at least one-third of the 15 percent of Make-  
21 Ready parking spaces;

22 (b) within three years following the date of the issuance of the  
23 certificate of occupancy, install electric vehicle supply equipment in  
24 an additional one-third of the original 15 percent of Make-Ready  
25 parking spaces; and

26 (c) within six years following the date of the issuance of the  
27 certificate of occupancy, install electric vehicle supply equipment in  
28 the final one-third of the original 15 percent of Make-Ready  
29 parking spaces.

30 (2) Throughout the installation of electric vehicle supply  
31 equipment in the Make-Ready parking spaces, at least five percent  
32 of the electric vehicle supply equipment shall be accessible for  
33 people with disabilities.

34 (3) Nothing in this subsection shall be construed to restrict the  
35 ability to install electric vehicle supply equipment or Make-Ready  
36 parking spaces at a faster or more expansive rate than as required by  
37 this subsection.

38 (4) <sup>2</sup>**Nothing in this subsection shall apply to a multiple**  
39 **dwelling that is entirely restricted to occupancy as low- or**  
40 **moderate- income housing, as those terms are defined in section 4**  
41 **of P.L.1985, c.222 (C.52:27D-304).**

42 (5) **The number of required off-street parking spaces used in**  
43 **calculating the number of Make-Ready parking spaces required**  
44 **pursuant to this subsection shall not include parking spaces where**  
45 **unit owners or tenants are restricted from installing electric vehicle**

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined **thus** is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SEN committee amendments adopted January 30, 2023.

<sup>2</sup>Assembly floor amendments adopted December 7, 2023.

1 supply equipment.】<sup>2</sup> Parking spaces equipped with electric vehicle  
2 supply equipment installed in accordance with P.L.2020, c.80  
3 (C.52:27D-141.10 et seq.) and P.L.2020, c.108 (C.45:22A-48.4)  
4 shall count towards the total number of electric vehicle supply  
5 equipment required installations.

6 <sup>2</sup>【(6) In the case of the construction of a new, or  
7 reconstruction of an existing, multiple dwelling, pursuant this  
8 subsection, the number of Make-Ready off-street parking spaces  
9 required shall be in proportion to the new or reconstructed multiple  
10 dwelling and not the entire existing development, as applicable.】

11 (5) During the site plan application review for multiple dwelling  
12 units, the local land use board shall review the locations where the  
13 Make-Ready equipment or electric vehicle supply equipment will  
14 be installed.<sup>2</sup>

15 b. (1) As a condition of preliminary site plan approval,  
16 <sup>2</sup>【<sup>1</sup>for<sup>1</sup>】<sup>2</sup> each application 【involving a】 <sup>2</sup>【for the construction of a  
17 new, or “reconstruction,” as defined in the State Uniform  
18 Construction Code, adopted pursuant to P.L.1975, c.217 (C.52:27D-  
19 119 et seq.), of an existing,】 involving a<sup>2</sup> parking lot or garage not  
20 covered in <sup>2</sup>【a site plan application made pursuant to】<sup>2</sup> subsection  
21 a. of this section, a developer or owner, as applicable, shall:

22 (a) install at least one Make-Ready parking space if there will  
23 be 50 or fewer off-street parking spaces 【.】 ;

24 (b) install at least two Make-Ready parking spaces if there will  
25 be 51 to 75 off-street parking spaces 【.】 ;

26 (c) install at least three Make-Ready parking spaces if there will  
27 be 76 to 100 off-street parking spaces 【.】 ;

28 (d) install at least four Make-Ready parking spaces, at least one  
29 of which shall be accessible for people with disabilities, if there will  
30 be 101 to 150 off-street parking spaces 【.】 ;or

31 (e) install at least four percent of the total parking spaces as  
32 Make-Ready parking spaces, at least five percent of which shall be  
33 accessible for people with disabilities, if there will be more than  
34 150 off-street parking spaces.

35 (2) <sup>2</sup>【To calculate the total number of spaces in a parking lot or  
36 garage for the purpose of classifying the parking lot or garage  
37 pursuant to subparagraphs (a) through (e) of paragraph (1) of this  
38 subsection, a municipality shall use the total number of parking  
39 spaces that will actually be provided in the parking lot or garage,  
40 regardless of whether those spaces are pre-existing, new, or  
41 reconstructed spaces and, in the event that the applicant has  
42 requested a parking variance as part of the site plan application,  
43 regardless of the number of spaces required by ordinance.

44 (3)<sup>2</sup> In lieu of installing Make-Ready parking spaces, a  
45 parking lot or garage may install electric vehicle supply equipment  
46 to satisfy the requirements of this subsection.

1        ~~[(3)]~~ <sup>2</sup>~~[(4)]~~ (3)<sup>2</sup> Nothing in this subsection shall be construed  
 2 to restrict the ability to install electric vehicle supply equipment or  
 3 Make-Ready parking spaces at a faster or more expansive rate than  
 4 as required by this subsection.

5        ~~[(4)]~~ <sup>2</sup>~~[(5)]~~ (4)<sup>2</sup> With respect to parking spaces for people with  
 6 disabilities, the model land use ordinance published pursuant to  
 7 section 4 of P.L.2021, c.171 (C.40:55D-66.21) shall include  
 8 standards that provide for the progression of accessible Make-  
 9 Ready parking spaces to accessible electric vehicle supply  
 10 equipment parking spaces, and shall conform to the requirements of  
 11 the most recent "International Building Code" and "International  
 12 Residential Code" published by the International Code Council  
 13 except as the Commissioner of Community Affairs deems  
 14 appropriate to deviate from those codes.

15        c. Notwithstanding the provisions of subsections a. and b. of  
 16 this section, a retailer that provides 25 or fewer off-street parking  
 17 spaces or the developer or owner of a single-family home shall not  
 18 be required to provide or install any electric vehicle supply  
 19 equipment or Make-Ready parking spaces.

20        d. (1) The Site Improvement Advisory Board, established  
 21 pursuant to section 3 of P.L.1993, c.32 (C.40:55D-40.3), shall, no  
 22 later than 90 days following enactment of P.L.2021, c.171  
 23 (C.40:55D-66.18 et al.), submit a recommendation to the  
 24 Commissioner of Community Affairs to amend the Statewide site  
 25 improvement standards for multifamily residential development to  
 26 include the requirements set forth in sections 1 through 3 of  
 27 P.L.2021, c.171 (C.40:55D-66.18 through C.40:55D-66.20) and to  
 28 include parking spaces with electric vehicle supply equipment in the  
 29 calculation of minimum required parking spaces. The  
 30 Commissioner of Community Affairs may review and promulgate  
 31 the recommendation in accordance with the procedure set forth in  
 32 subsection b. of section 4 of P.L.1993, c.32 (C.40:55D-40.4). ~~【The~~  
 33 ~~adopted criteria shall be consistent with the model land use~~  
 34 ~~ordinance published by the Commissioner of Community Affairs~~  
 35 ~~pursuant to section 4 of P.L.2021, c.171 (C.40:55D-66.21).】~~ <sup>2</sup>The  
 36 adopted criteria shall be consistent with the model land use  
 37 ordinance published by the Commissioner of Community Affairs  
 38 pursuant to section 4 of P.L.2021, c.171 (C.40:55D-66.21).<sup>2</sup>

39        (2) The "State Uniform Construction Code Act," P.L.1975, c.  
 40 217 (C.52:27D-119 et seq.), shall incorporate the requirements set  
 41 forth in sections 1 through 3 of P.L.2021, c.171 (C.40:55D-66.18  
 42 through C.40:55D-66.20) no later than 90 days following enactment  
 43 of P.L.2021, c.171 (C.40:55D-66.18 et al.). ~~【The adopted criteria~~  
 44 ~~shall be consistent with the model land use ordinance published by~~  
 45 ~~the Commissioner of Community Affairs pursuant to section 4 of~~  
 46 ~~P.L.2021, c.171 (C.40:55D-66.21).】~~ <sup>2</sup>The adopted criteria shall be  
 47 consistent with the model land use ordinance published by the

1 Commissioner of Community Affairs pursuant to section 4 of  
2 P.L.2021, c.171 (C.40:55D-66.21).<sup>2</sup>

3 e. A parking space prepared with electric vehicle supply  
4 equipment or Make-Ready equipment pursuant to this section shall  
5 count as at least two parking spaces for the purpose of complying  
6 with a minimum parking space requirement. This subsection shall  
7 result in a reduction of no more than 10 percent of the total required  
8 parking.

9 f. All parking space calculations for electric vehicle supply  
10 equipment and Make-Ready equipment pursuant to this section  
11 shall be rounded up to the next full parking space.

12 g. A permitting application solely for the installation of electric  
13 vehicle supply equipment permitted as an accessory use shall not be  
14 subject to review based on parking requirements.

15 h. A power company funding the installation of electric vehicle  
16 supply equipment or Make-Ready parking spaces shall collaborate  
17 with developers and owners, with consultation from the Board of  
18 Public Utilities, in implementing the provisions of P.L.2021, c.171  
19 (C.40:55D-66.18 et al.).

20 <sup>2</sup>i. The requirements in subsection a. and b. of this section are  
21 based on the number of off-street parking spaces associated with  
22 new construction that are required as part of a site plan approval; or,  
23 in the case of an expansion to an existing development or an  
24 existing parking lot or garage, the number of new, off-street parking  
25 spaces created as part of a site plan approval. If a developer or  
26 owner has received a parking variance as part of the site plan  
27 approval, the requirements shall be based on the number of off-  
28 street parking spaces provided pursuant to the variance.<sup>2</sup>

29 (cf: P.L.2021, c.171, s.3)

30  
31 <sup>2</sup>[2. Section 4 of P.L.2021, c.171 (C.40:55D-66.21) is amended  
32 to read as follows:

33 4. a. (1) Within 30 days of enactment of P.L.2021, c.171  
34 (C.40:55D-66.18 et al.), the Commissioner of Community Affairs  
35 shall publish a model land use ordinance to address installation,  
36 sightline, and setback requirements and other health- and safety-  
37 related specifications for electric vehicle supply equipment and  
38 Make-Ready parking spaces and shall post the model land use  
39 ordinance on the department's Internet website. The model land use  
40 ordinance published by the commissioner shall not require the  
41 rulemaking process pursuant to the "Administrative Procedure Act,"  
42 P.L.1968, c.410 (C.52:14B-1 et seq.).

43 (2) The model land use ordinance shall include the requirements  
44 pursuant to sections 1 through 3 of P.L.2021, c.171 (C.40:55D-  
45 66.18 through C.40:55D-66.20).

46 (3) The Commissioner of Community Affairs may periodically  
47 update [the electric vehicle supply equipment and Make-Ready  
48 parking space requirements established pursuant to subsections a.

1 and b. of section 3 of P.L.2021, c.171 (C.40:55D-66.20) to reflect  
2 increased electric vehicle adoption levels and technological  
3 advances in the State】 elements of the model land use ordinance to  
4 address installation, sightline, and setback requirements and other  
5 health- and safety-related specifications for electric vehicle supply  
6 charging equipment. Any update made pursuant to 【such parking  
7 requirements】 this paragraph shall be adopted by the commissioner  
8 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
9 (C.52:14B-1 et seq.) and promulgated as amendments to the model  
10 land use ordinance published pursuant to this subsection.  
11 【Amendments to the model ordinance to address installation,  
12 sightline, or setback requirements or other health- and safety-related  
13 specifications shall not require the rulemaking process pursuant to  
14 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
15 seq.).】

16 b. (1) The model land use ordinance published by the  
17 Commissioner of Community Affairs pursuant to this section shall  
18 be effective in each municipality, except that a municipality may  
19 deviate from the reasonable standards set forth in the model land  
20 use ordinance by adoption of an ordinance pursuant to paragraph (2)  
21 of this subsection.

22 (2) A municipality may, by ordinance, adopt reasonable  
23 standards to address installation, sightline, and setback  
24 requirements or other health- and safety-related specifications for  
25 electric vehicle supply equipment and Make-Ready parking spaces.  
26 Nothing in this subsection shall be deemed to authorize a  
27 municipality to require site plan review by a municipal agency  
28 solely for the installation of electric vehicle supply equipment or  
29 Make-Ready parking spaces.

30 (3) A municipality may encourage additional installation of  
31 electric vehicle supply equipment and Make-Ready parking spaces  
32 in development projects, but shall not require more than the  
33 requirements in the model land use ordinance published by the  
34 Commissioner of Community Affairs. The requirements adopted  
35 by the Site Improvement Advisory Board established pursuant to  
36 section 3 of P.L.1993, c.32 (C.40:55D-40.3) and the requirements  
37 adopted through the "State Uniform Construction Code Act,"  
38 P.L.1975, c. 217 (C. 52:27D-119 et seq.) shall be consistent with  
39 the requirements set forth in the model ordinance and shall be  
40 updated if the model ordinance is updated pursuant to paragraph (3)  
41 of subsection a. of this section.

42 (cf: P.L.2021, c.171, s.4)】<sup>2</sup>

43  
44 <sup>2</sup>【3.】2. This act shall take effect immediately.