ASSEMBLY TRANSPORTATION AND INDEPENDENT AUTHORITIES COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 2108 and 5302

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 12, 2021

The Assembly Transportation and Independent Authorities Committee reports favorably and with committee amendments the Assembly Committee Substitute for Assembly Bill Nos. 2108 and 5302.

As amended, this substitute establishes numerical requirements and zoning standards for the installation of electric vehicle supply equipment (EVSE) and Make-Ready parking spaces.

Specifically, section 1 of the bill provides that an application for development submitted solely for the installation of EVSE or Make-Ready parking spaces cannot be considered a permitted accessory use and permitted accessory structure in all zoning or use districts of a municipality and cannot require a "d." variance.

Section 2 provides that an application for development for the installation of EVSE or Make-Ready parking spaces at an existing gasoline service station, an existing retail establishment, or any other existing building cannot be subject to site plan or other land use board review, cannot require variance relief or any other law, rule, or regulation, and would be approved through the issuance of a zoning permit by the administrative officer, provided the application meets the requirements outlined in the bill.

Section 3 provides that, as a condition of preliminary site plan approval, each application involving a multiple dwelling with five or more units of dwelling space, which also includes a multiple dwelling that is building held under a condominium or cooperative form of ownership, a mutual housing corporation, or a mixed use development, the developer or owner, as applicable would be required to follow specific installation requirements for EVSE and Make-Ready parking spaces outlined in the bill. Specifically, 15 percent of required off-street parking spaces would be prepared as Make-Ready parking spaces upon preliminary site plan approval, and all of which would gradually transition to EVSE parking spaces within six years following the date of the issuance of the certificate of occupancy. At least five

percent of the EVSE parking spaces would be accessible for people with disabilities.

Section 3 further provides that, as a condition of preliminary site plan approval, each application involving a parking lot or garage not covered above would be subject to install progressively more Make-Ready parking spaces dependent upon the total number of off-street parking spaces. The bill provides parking lots and garages with 100 or more parking spaces with specific accessible parking space requirements for people with disabilities.

Section 3 also provides that a retailer that provides 25 or fewer off-street parking spaces or the developer or owner of a single-family home is not required to provide or install any electric vehicle supply equipment or Make-Ready parking spaces.

Finally, section 3 includes provisions allowing for the installation of EVSE parking spaces in lieu of Make-Ready parking spaces; allowing for the Commissioner of Community Affairs to update accessible parking space requirements for people with disabilities as specified in the bill; requiring the Site Improvement Advisory Board and the "State Uniform Construction Code" to be consistent with the model land use ordinance established pursuant to section 4 of the bill; providing guidance on the counting of certain parking spaces; and other provisions.

Section 4 of the bill requires the commissioner, within 30 days of the bill's enactment, to publish a model land use ordinance to address installation, sightline, and setback requirements and other health- and safety-related specifications for electric vehicle supply equipment and Make-Ready parking spaces. The model land use ordinance would not require the rulemaking process pursuant to the "Administrative Procedure Act." The ordinance is also required to include the land use and EVSE and Make-Ready parking spaces provisions in sections 1 through 3 of the bill. The commissioner is permitted to periodically update the ordinance through the "Administrative Procedure Act" process. The model land use ordinance would be effective in all municipalities, however, by ordinance, a municipality may deviate from the model land use ordinance through adoption of reasonable standards to address installation, sightline, and setback requirements or other health- and safety-related specifications for electric vehicle supply equipment and Make-Ready parking spaces. A municipality may encourage, but cannot require, more EVSE or Make-Ready parking spaces than the requirements published in the model land use ordinance.

Sections 5 and 6 of the bill amend the "Municipal Land Use Law" to define "EVSE" and "Make-Ready." Section 7 of the bill implements the provisions of the bill immediately upon enactment.

As amended and reported, this substitute is identical to Senate Bill No. 3223, as also amended and reported by the committee on this date.

COMMITTEE AMENDMENTS:

The committee amendments:

- Define "electric vehicle supply equipment" (EVSE) and "Make-Ready" parking spaces to conform these definitions with existing electric vehicle technology, codes, and standards;
- Clarify that an application for EVSE and Make-Ready parking spaces are permitted accessory uses and structures and do not require a "d." variance;
- Clarify that an application for development of EVSE or Make-Ready parking spaces at an existing gasoline service station, an existing retail establishment, or any other existing building would be approved through the issuance of a zoning permit by the administrative officer;
- Clarify that, as a condition of preliminary site plan approval, the specific: (1) EVSE and Make-Ready parking space requirements for certain multiple dwellings; (2) Make-Ready parking space requirements for parking lots and garages; and (3) prohibition on EVSE and Make-Ready parking space requirements for a retailer that provides 25 or fewer off-street parking spaces or the developer or owner of a single-family home;
- Modify the provisions of the model land use ordinance to be published by the Commissioner of Community Affairs, and effective in all municipalities, to include the land use and EVSE and Make-Ready parking space requirements and to address installation, sightline, and setback requirements and other health- and safety-related specifications. The amendments permit a municipality to deviate from the model land use ordinance, except for the EVSE and Make-Ready parking space requirements; and
- Include other provisions to further the purposes of installing electric vehicle supply equipment and Make-Ready parking spaces throughout the State.