

PRINCE GEORGE'S COUNTY COUNCIL

COMMITTEE REPORT

2022 Legislative Session

Reference No.: CB-015-2022

Draft No.: 2

Committee: COMMITTEE OF THE WHOLE

Date: 4/25/2022

Action: FAV(A)

REPORT:

Committee Vote: Favorable as amended, 10-0 (In favor: Council Members Hawkins, Burroughs, Dernoga, Franklin, Glaros, Harrison, Ivey, Streeter, Taveras, and Turner)

The County Council convened as the Committee of the Whole (COW) on April 5, 2022, and April 25, 2022, to consider CB-15-2022. The legislation creates “Division 3. Electric Vehicle Charging Infrastructure” under the County Building Code and adds definitions for “Electric Vehicle,” “Electric Vehicle Supply Equipment,” “Level 2 Electric Vehicle Charging Station Ready Outlet,” “Level 2 Charging,” and “Dedicated Level 2 Charging Device.” The Bill would impose a requirement that each newly constructed residential dwelling unit be built with electrical wiring in place to support a Level 2 charging station. The requirement would apply to a dwelling unit with a building permit approved after July 1, 2023. The bill applies to single-family detached dwellings, townhouses and duplexes, two- and three-family dwellings, and conversions of single-family detached dwellings.

At the April 5, 2022 meeting, Council Member Dernoga, the bill’s sponsor, informed the Committee that the legislation implements a recommendation in the County’s Climate Action Plan and is similar to laws that have been enacted in Howard and Frederick Counties. Mr. Dernoga commented on meetings held with County agencies, the Maryland Building Industry Association (MBIA) and PEPCO during preparation of the legislation.

The Committee reviewed a Proposed Draft-2 (DR-2) containing amendments requested by the bill sponsor to address comments received subsequent to presentation of the bill. Proposed DR-2 included amendments as follows:

DIVISION 3. ELECTRIC VEHICLE CHARGING INFRASTRUCTURE

Sec. 4-270. Electric Vehicle Charging Infrastructure

(aA) Definitions

- (1) “Electric Vehicle” is a vehicle, whether hybrid or not, that uses electricity for propulsion IS POWERED BY AN ELECTRIC MOTOR DRAWING CURRENT FROM RECHARGEABLE STORAGE BATTERIES, FUEL CELLS, OR OTHER PORTABLE SOURCES OF ELECTRICAL CURRENT, AND WHICH

MAY INCLUDE A NONELECTRICAL SOURCE OF POWER DESIGNED TO CHARGE BATTERIES AND COMPONENTS.

(2) "ELECTRIC VEHICLE SUPPLY EQUIPMENT" IS A DEVICE THAT SUPPLIES ELECTRICITY TO AN ELECTRIC VEHICLE, COMMONLY CALLED CHARGING STATIONS OR CHARGING DOCKS, IT PROVIDES ELECTRIC POWER TO THE VEHICLE AND USE THAT TO RECHARGE THE VEHICLE'S BATTERIES.

(23) "LEVEL 2 "Electric Vehicle Charging Station READY OUTLET" is a connected point in an electrical system which current is taken to charge an electric vehicle AN OUTLET/RECEPTABLE WITH A 50 AMP, 240 VOLT RATING, FOR PURPOSES OF CONNECTING A LEVEL 2 ELECTRIC VEHICLE CHARGING STATION.

(34) "Level 2 Charging" means that the charging capability of the electric vehicle charging outlet includes the ability to charge a battery or any other storage device in an electric vehicle through means of an alternating current electrical service with a minimum of 208 volts and meets applicable industry safety standards. THAT MEETS APPLICABLE INDUSTRY SAFETY STANDARDS AND FUTURE CHANGES TO THE NATIONAL ELECTRICAL CODE AS ADOPTED IN SUBTITLE 9 OF THIS CODE.

(5) "DEDICATED LEVEL 2 CHARGING DEVICE" MEANS ELECTRIC VEHICLE SUPPLY EQUIPMENT, FOR EXAMPLE A CHARGING STATION OR SIMILAR DEVICE, HARDWIRED INTO AN APPROPRIATE DEDICATED CIRCUIT THAT IS CAPABLE OF PRODUCING 7KW OR MORE OF ELECTRICITY FOR THE PURPOSES OF LEVEL ELECTRIC VEHICLE CHARGING.

(b) Scope.

(1) This section applies only to the construction of new dwelling units WITH A GARAGE, CARPORT OR DRIVEWAY including:

(2) This section does not apply to:

(a) Manufactured homes (mobile homes) and industrialized dwellings (modular homes); and

(b) New dwelling units that do not have electric utility available.

(c) Dwelling units with building permits approved prior to ~~JULY 1, 2023~~ December 31, 2022.

(c) Provision of LEVEL 2 Electric Vehicle STATION READY OUTLET, OR DEDICATED LEVEL 2 CHARGING DEVICE. charging outlet.

(1) For new dwelling unit construction subject to this section:

(a) A residential dwelling unit with a garage, carport, parking pad or driveway shall include a MINIMUM OF ONE LEVEL 2 ELECTRIC CHARGING STATION

~~READY OUTLET, ON A DEDICATED CIRCUIT, WITHIN 15 FEET OF THE INTENDED VEHICLE PARKING LOCATION, THAT IS ABLE TO PROVIDE LEVEL 2 CHARGING WHEN APPROPRIATE ELECTRIC VEHICLE SUPPLY EQUIPMENT IS CONNECTED; or dedicated electric line of sufficient voltage.~~

~~(b) A RESIDENTIAL DWELLING UNIT WITH A GARAGE, CARPORT OR DRIVEWAY SHALL INCLUDE A MINIMUM OF ONE LEVEL 2 CHARGING DEVICE. For purposes of this section, an electric vehicle charging outlet shall be capable of providing level 2 charging or higher to the parking space.~~

~~(2) Electric Vehicle Charging STATION READY Outlets shall be labeled for their intended use for electric vehicle charging.~~

~~(3) The building official may specify performance standards for equipment that is installed to comply with this section.~~

The County Executive's Liaison to the County Council stated that the County Executive supports the legislation. The Office of Law reviewed CB-15-2022 and determined that it is in proper legislative form with no legal impediments to its enactment. The Office of Audits and Investigations submitted an April 4, 2022, Policy Analysis and Fiscal Impact Statement. The fiscal impact statement is as follows:

- Direct Impact CB-15-2022 is not expected to have any direct fiscal impact to the County as the bill only establishes definitions and future mandates in the County Code. The Department of Permitting, Inspections, and Enforcement (DPIE) noted that any additional requirements may be added to the "Use and Occupancy" inspection for no additional cost to County. DPIE also noted that the Department already maintains EV charging station guidelines for commercial buildings which may be easily converted for residential inspections.
- Indirect Impact CB-15-2022 could have a long-term positive indirect impact in furthering County regulations and allowing for controlled and scheduled growth of green infrastructure. The requirement that building permits for some new constructions contain built-in EV charging infrastructure would keep the County at pace with neighboring jurisdictions and ensure that Prince George's County receives its share of green infrastructure-related growth in the region. By maintaining a housing stock that conforms to the latest standards, the County can ensure that local housing prices are not negatively affected by outdated electric code.

MBIA provided comments in a March 14, 2022, letter to Council Chairman Hawkins as follows:

- We ask that the bill clearly state that ONE outlet is required per house, NOT an outlet both in the garage and at the driveway
 - o Issue of multiple electric plug in vehicles could require an increase in panel capacity

- 40-50amp charger standard for L2 – 200amp home
- C)1)A "garage, carport, parking pad or driveway" –
 - no definition of parking pad in the zoning code – would recommend saying “to only cover a space that is on the homeowner's lot, and exclude an assigned space in a common area parking lot”
 - Driveway is defined in the code as being “on lot,” would ask to drop "parking pad" altogether without changing the effect of this bill
 - "Carport" doesn't seem to be defined in code either, so would probably be good to have that defined as well in case carports ever come back in vogue
- C)3) appears to give building officials unchecked authority to specify any performance standards they want - Would ask it state “that the installation has to meet applicable building codes”

The letter requested “that Prince Georges County collect further data/study this type of mandate before enacting the proposed legislation. Focusing on the amount of EV plug in cars in the county and consumer demand. MBIA would be happy to work with the county on this initiative.”

Written correspondence in support of CB-15-2022 was received via electronic mail from the following individuals: Rhonda Billingsley, Michael McLaughlin, Milly Hall, Joseph Jakuta, Carol Hurwitch, Mary Cook, Janet Gingold (Chair, Prince George’s Sierra Club), Jon Robinson, and Margaret Boles.

The following individuals testified in support of the legislation during the April 5 COW meeting: Greg Smith, Michael McLaughlin, Jon Robinson, Janet Gingold, and Carol Hurwitch.

The Committee voted to hold the bill to provide time for the sponsor to have additional follow-up conversations with MBIA and PEPCO.

At the April 25, 2022, the Committee reviewed a Proposed Draft-2B (DR-2B) with clarifying amendments. Council Member Dernoga informed the Committee that in addition to the revision noted below, DR-2B corrects a typographical error that was dropped from the original DR-1 re-inserting the word “or” to a section that is voluntary. Mr. Dernoga stated that the revisions address MBIA, DPIE, Department of the Environment and PEPCO concerns, also noting that his staff reached out to Baltimore Gas and Electric but did not receive a response. Council Member Turner informed the Committee that he learned from conversation with Mr. Dwayne Mingo (Director of Government Affairs, Prince George’s County Association of Realtors (PGCAR)) that the PGCAR Legislative Committee is in support of the legislation.

Proposed DR-2B includes a revision to change “producing” to “delivering” as follows:

(5) “Dedicated Level 2 Charging Device” means electric vehicle supply equipment, for example a charging station or similar device, hardwired into an appropriate dedicated circuit that is capable of delivering 7 kilowatts or more of electricity for the purposes of level 2 electric vehicle charging.

As explained by Council Member Dernoga also clarified the typographical error in DR-2B by memorandum to the PHED Committee Director:

(c) Provision of Level 2 Electric Vehicle Station Ready Outlet, or Dedicated Level 2 Charging

Device.

(1) For new dwelling unit construction subject to this section:

(a) A residential dwelling unit with a garage, carport or driveway shall include a minimum of one Level 2 Electric Charging Station Ready Outlet, on a dedicated circuit, within 15 feet of the intended vehicle parking location, that is able to provide Level 2 Charging when appropriate Electric Vehicle Supply Equipment is connected; or

(b) a residential dwelling unit with a garage, carport or driveway shall include a minimum of one Level 2 Charging Device.

Subparagraph (c)(1)(a) is the minimum requirement that any builder must satisfy. This requirement is solely for the Level 2 Electric Charging Station infrastructure (i.e., the Ready Outlet).

Subparagraph (c)(1)(b) is intended to make clear that for a builder that voluntarily installs the actual Level 2 Charging Device (perhaps as an option), that such installation also meets the minimum requirement.

After discussion, on a motion by Council Member Glaros and second by Council Member Dernoga, the Committee of the Whole voted favorable, 10-0, on CB-15-2022 with amendments as contained in Proposed DR-2B.