LFC Requester:	

AGENCY BILL ANALYSIS
2025 REGULAR SESSION

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original x **Amendment** ____

Correction ___ **Substitute** ____

Date 1/15/25

Bill No: HB88

Sponsor: Rep Dayan Hochman-Vigil

Short Title: Electric Vehicle Charging Station Zoning Act

Agency Name and Code Number: EMNRD - 521

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	**FY25**		

(Parenthesis ( ) Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	**FY25**	**FY26**		

(Parenthesis ( ) Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected

Total						

(Parenthesis ( ) Indicate Expenditure Decreases)

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:
HB 88 designates electric vehicle (EV) charging stations as a permitted use and a permitted accessory use in all county and municipal zoning codes, meaning they do not require a variance application. Additionally, HB 88 states that county and municipal authorities must create an expedited administrative process for reviewing and approving applications, with only the necessary code compliance requirements based on the standards set by the Construction Industries Commission under Section 60-13-44 NMSA 1978.

HB 88 also specifies the review criteria: how parking spaces for EV charging stations will count toward parking requirements and which design specifications that may not apply to these stations, such as setbacks, signage, screening, aesthetics, and parking impacts. The bill states that the applicant must receive an explanation of any missing documentation within 15 days of application or else the application will automatically be considered complete on the 16th day.

Effective Date:
This bill would go into effect July 1, 2025.

FISCAL IMPLICATIONS
No fiscal implications for EMNRD.

SIGNIFICANT ISSUES

Quickly installing charging units is key to EV deployment because it reduces fears of "range anxiety" for prospective EV consumers. The availability (or not) of public chargers ranks among the top reasons why drivers hesitate to purchase EVs, especially in rural areas.[1]

Local permitting processes have been identified as a key obstacle to the rapid installation of EV chargers.[2] This major roadblock for rapid EV installation was identified by a working group comprised of members from the Sustainable Energy Action Committee (SEAC), the Interstate Renewable Energy Council (IREC) and Rocky Mountain Institute (RMI). According to the SEAC, survey respondents reported that the permitting process for EV chargers can take up to six months (or longer) for approval. The guide highlights how streamlined zoning can facilitate the adoption of electric vehicles by expanding the network of publicly available chargers.

[1] https://apnorc.org/wp-content/uploads/2024/06/EPIC-Climate-Change-2024-Topline-0523.pdf
[2] SEAC, "SEAC Resource EV Charger Planning Zoning Guidance Exec Summary," Sustainable Energy Action Committee, October 2023, Accessed on January 15, 2025, https://sustainableenergyaction.org/wp-content/uploads/2023/10/SEAC_Resource_EV-Charger-Planning-Zoning-Guidance-exec-summ.pdf.

While tax credits, rebates, and public funding opportunities increased plans for installing chargers, the rate of installation has been slower than expected. This is in large part due to disparate zoning laws throughout the state. In New Mexico alone, 33 counties and 106 municipalities each have their own zoning regulations, which can vary significantly. Many local zoning officials are unfamiliar with EV chargers and the specific technical and financial considerations involved in their installation. Some localities have adopted zoning requirements for EV chargers without fully understanding these aspects. Misunderstanding fiscal and technical elements of EV charging installation can lead to chargers being underutilized and exacerbate the timeline to install them.

To ensure a more predictable and efficient deployment of charging stations, there must be greater transparency and consistency in the process. HB 88 addresses this by establishing a uniform process, relieving local municipal zoning staff from the burden of amending zoning codes. This bill benefits both the transportation electrification initiative and local jurisdictions by adopting best practices that support the widespread installation of EV chargers.

PERFORMANCE IMPLICATIONS

None for EMNRD

ADMINISTRATIVE IMPLICATIONS

None for EMNRD

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None

TECHNICAL ISSUES

Definitions in HB88 do not currently align with existing statutory definitions in sections 7-2A-19.1 NMSA 1978, the clean car corporate income tax credit; 7-2-18.36 NMSA 1978, the clean car income tax credit; 7-2A-19.2 NMSA 1978, the clean car charging unit corporate income tax credit; and 7-2-18.37 NMSA 1978, the clean car charging unit income tax credit.

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Without this bill, local jurisdictions will continue to struggle with researching and implementing new review processes or code updates that may conflict with the practical needs and technical requirements of EV charger installations, leading to longer timelines and higher costs.

AMENDMENTS