S T A T E O F N E W Y O R K

7375

I N S E N A T E

April 22, 2016

Introduced by Sen. AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Cities

AN ACT to amend the general city law, in relation to authorizing owners of certain residential real property, in cities of the first class, to opt out of tree planting conducted by such cities on adjacent city property

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The general city law is amended by adding a new section 28-b to read as follows:

S 28-B. LIMITATION ON PLANNED MUNICIPAL TREE PLANTING ON CITY PROPERTY; CITIES OF THE FIRST CLASS. ANY OWNER OF RESIDENTIAL REAL PROPERTY, THAT IS IN WHOLE OR IN PART OWNER OCCUPIED AND USED EXCLUSIVELY FOR RESIDENTIAL PURPOSES, ANY COOPERATIVE CORPORATION OF A RESIDENTIAL COOPERATIVE THAT IS USED EXCLUSIVELY FOR RESIDENTIAL PURPOSES, AND ANY BOARD OF MANAGERS OF A CONDOMINIUM THAT IS USED EXCLUSIVELY FOR RESIDENTIAL PURPOSES MAY ELECT TO OPT-OUT OF A PLAN TO PLANT A TREE OR TREES PURSUANT TO A SYSTEMATIC STREET TREE PLANTING PROGRAM ADOPTED BY A CITY OF THE FIRST CLASS, AS DEFINED IN SUBDIVISION (A) OF SECTION ONE HUNDRED SEVEN OF THE VEHICLE AND TRAFFIC LAW, ON PROPERTY OWNED BY SUCH CITY THAT IS BETWEEN THE SIDEWALK AND THE CURB OF THE ROADWAY, ADJACENT TO THE PROPERTY LINE OF SUCH RESIDENTIAL REAL PROPERTY. SUCH CITY SHALL PROVIDE NOTICE TO SUCH PROPERTY OWNERS, COOPERATIVE CORPORATION OR BOARD OF MANAGERS OF A PLANNED TREE PLANTING AND SHALL GRANT THE PROPERTY OWNERS, COOPERATIVE CORPORATION OR BOARD OF MANAGERS THIRTY DAYS WITHIN WHICH TO NOTIFY THE CITY OF THEIR DESIRE TO OPT-OUT OF THE PLANNED TREE PLANTING.

S 2. This act shall take effect on the one hundred twentieth day after it shall have become a law.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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