

# STATE OF NEW YORK

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5094

2021-2022 Regular Sessions

## IN SENATE

February 23, 2021

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Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the general municipal law, in relation to biodiversity in planting projects

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 96-b of the general municipal law, as added by  
2 chapter 686 of the laws of 1978, is amended to read as follows:

3 § 96-b. Tree conservation. 1. The legislature hereby finds that there  
4 is a direct relationship between the planting of trees, shrubs and asso-  
5 ciated vegetation in sufficient number in populated areas and the  
6 health, safety, and welfare of communities, and as related to the  
7 natural, scenic, and aesthetic values of trees and the physical and  
8 visual qualities of the environment which municipalities are authorized  
9 to protect. Trees and such vegetation abate noise, provide welcome shade  
10 to people, preserve the balance of oxygen in the air by removing carbon  
11 dioxide and fostering air quality, and add color and verdure to human  
12 construction. They also stabilize the soil and control water pollution  
13 by preventing soil erosion and flooding, yield advantageous microclimat-  
14 ic effects, and provide a natural habitat for wildlife. The destructive  
15 and indiscriminate removal of trees and related vegetation causes  
16 increased municipal costs for proper drainage control, impairs the bene-  
17 fits of occupancy of existing residential properties and impairs the  
18 stability and value of both improved and unimproved real property in the  
19 area of destruction, and adversely affects the health, safety, and  
20 general welfare of the inhabitants of the state. However, when tree  
21 removal is necessary to stop the spread of invasive species it is  
22 crucial that municipalities replant lost trees and vegetation, while  
23 maintaining biodiversity in planting projects to avoid future loss.  
24 Biodiversity ensures resistance against mass susceptibility to invasive  
25 species.

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

LBD06971-01-1

1     2. In addition to any power or authority of a municipal corporation to  
2 regulate by planning or zoning laws or regulations or by local laws and  
3 regulations, the local legislative body of any county, city, town or  
4 village is hereby empowered to provide for the protection and conserva-  
5 tion of trees and related vegetation. Such legislative body may require  
6 appropriate conditions applicable to any activity involving the removal  
7 or destruction of trees or the substantial alteration of grade level  
8 around trees may include, where appropriate, requirements that the  
9 activity be done as specified in an approved landscape plan and that the  
10 removed trees be replaced by the planting of the same or alternate  
11 species of trees, and may provide, in connection therewith, required  
12 plantings for screening purposes. Such regulations, special conditions  
13 and restrictions, adopted in the exercise of the police power, shall be  
14 reasonable and appropriate to the purpose. The municipality may require  
15 the posting of a performance bond to assure compliance with this  
16 section. All charges and expenses incurred under this section by a town  
17 shall be a charge upon the taxable property of that part of the town  
18 outside any incorporated village.

19     3. When a municipality, parks department, highway department, or other  
20 local entity undertakes a tree planting project in public locations,  
21 they shall select and plant biologically diverse types of trees. To  
22 satisfy sufficient biodiversity, the municipality shall follow the  
23 10-20-30 principle when the municipality is planting new trees or  
24 replanting in an area. The 10-20-30 principle states that a tree popu-  
25 lation shall include no more than ten percent of any one species, twenty  
26 percent of any one genus, or thirty percent of any one family. This  
27 percentage shall be measured by the tree population as a whole, not by  
28 any one planting project solely.

29     § 2. This act shall take effect January 1, 2024 or on the two hundred  
30 seventieth day after it shall have become a law, whichever is later.