STATE OF NEW YORK

5123

2023-2024 Regular Sessions

IN SENATE

February 23, 2023

Introduced by Sen. LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Cities 1

AN ACT to amend the general municipal law and the administrative code of the city of New York, in relation to the regulation of fifth generation (5G) telecommunications towers in cities with a population of one million or more

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

Section 1. The general municipal law is amended by adding a new section 137 to read as follows:

§ 137. Regulation of fifth generation (5G) telecommunications towers in cities with a population of one million or more. 1. For purposes of this section, "fifth generation (5G) telecommunications tower" means any freestanding tower, monopole or similar structure used for the provision of fifth generation wireless services including ancillary telecommunications equipment required to integrate such tower, monopole or similar structure into an existing or proposed wireless network.

2. In cities with a population of one million or more, it shall be prohibited for any 5G telecommunications tower to be located within two hundred fifty feet of a business or personal residence, unless written consent is provided by the owner of such business or personal residence permitting the placement of such tower.

3. In cities with a population of one million or more, no 5G telecommunications tower may be placed without the approval of the local community board. In addition to such requirement, before the placement of any 5G telecommunications tower may be approved, a city environmental quality review shall be conducted to determine if the placement of such tower will have any deteriorating impact on the environment. The results of such review shall be provided to the applicable local community board once completed.

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

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§ 2. The administrative code of the city of New York is amended by adding a new section 10-124 to read as follows:

§ 10-124 Regulation of fifth generation (5G) telecommunications towers. a. For purposes of this section, "fifth generation (5G) telecommunications tower" means any freestanding tower, monopole or similar structure used for the provision of fifth generation wireless services including ancillary telecommunications equipment required to integrate such tower, monopole or similar structure into an existing or proposed wireless network.

b. In accordance with section one hundred thirty-seven of the general municipal law, it shall be prohibited for any 5G telecommunications tower to be located within two hundred fifty feet of a business or personal residence, unless written consent is provided by the owner of such business or personal residence permitting the placement of such tower.

c. No 5G telecommunications tower may be placed without the approval of the local community board. In addition to such requirement, before the placement of any 5G telecommunications tower may be approved, a city environmental quality review shall be conducted to determine if the placement of such tower will have any deteriorating impact on the environment. The results of such review shall be provided to the applicable local community board once completed.

§ 3. This act shall take effect immediately.