STATE OF NEW YORK

3383

2023-2024 Regular Sessions

IN ASSEMBLY

February 2, 2023

Introduced by M. of A. REILLY -- read once and referred to the Committee on Cities

AN ACT to amend the administrative code of the city of New York, in relation to permits required for the removal of trees

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

Section 1. Subdivisions b, c, and e of section 18-107 of the administrative code of the city of New York, subdivisions b and c as added by local law number 3 of the city of New York for the year 2010, subdivision e as amended by local law number 141 of the city of New York for the year 2021, are amended to read as follows:

b. The department shall charge a fee for each permit issued pursuant to this section, which shall [~~be sufficient to cover the cost of replacing any tree proposed to be removed~~] not exceed two dollars per square foot on all properties. In calculating such fee the department shall use parcel dimensions on file with the county clerk to determine the total square footage of the lot. In applying for a permit pursuant to this section, a person shall specify whether such person intends to plant replacement trees as directed by the department or have the department plant replacement trees. If replacement trees are to be planted by the person applying for the permit and are planted as directed by the department, then the department shall return such fee to such person upon completion of such planting. In all other cases, the department shall retain such fee for purposes of planting replacement trees.

c. Upon determining that a person may be issued a permit pursuant to this section, the department shall inform such person in writing of the fee required, the number and size of the replacement trees to be planted, [~~the method used in making these calculations,~~] and the period of time prescribed by subdivision d or f of this section during which replacement trees shall be planted. Such information shall be provided

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

LBD02021-02-3

to such person not more than ninety days following the filing of a completed application for such permit.

e. The department shall promulgate such rules as may be necessary to implement the provisions of this section, including but not limited to [~~rules governing the fee to be paid to the department and~~] any method used to calculate the number and size of the replacement trees required to be planted, provided that:

1. Such replacement trees shall, at a minimum, equal one caliper inch of replacement tree for each caliper inch of tree removed;

2. The number of caliper inches of replacement trees to be required in zoning districts R1, R2 and R3 shall be no greater than twice the number of caliper inches removed; and

3. In promulgating such rules, the department shall comply with guidelines set forth in the most recent version of the guide for plant appraisal, published by the council of tree and landscape appraisers on or before December 31, 2017, provided that the department shall review each update to such standards and guide to determine whether any new rules should be promulgated consistent with such updated standards and guide.

§ 2. This act shall take effect immediately.