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Chairman Phil Mendelson


Councilmember Robert C. White, Jr.


Councilmember Anita Bonds


Councilmember Mary M. Cheh


Councilmember Brianne K. Nadeau


Councilmember Elissa Silverman


Councilmember Charles Allen

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Urban Forest Preservation Act of 2002 to provide additional protections for trees located on public space and expand the District of Columbia's tree canopy.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Public Tree Protection and Canopy Expansion Amendment Act of 2020".

42 Sec. 2. Section 13(c) of the Advisory Neighborhood Commissions Act of 1975, effective
43 October 10, 1975 (D.C. Law 1-21; D.C. Official Code § 1-309.10(c)) is amended by adding a
44 new paragraph (5) to read as follows:

45 “(5) Agencies, as defined in section 301(1) of the District of Columbia
46 Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-
47 139; D.C. Official Code § 1-603.01(1)), boards and commissions, as defined in section 301(2) of
48 the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective
49 March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-603.01(1)), or public utility companies
50 shall give 30-days written notice, excluding Saturdays, Sundays, and legal holidays, of the intent
51 to remove a Heritage Tree, as that term is defined in section 102(3A) of the Urban Forest
52 Preservation Act of 2002, effective June 12, 2003 (D.C. Law 14-309; D.C. Official Code § 8-
53 651.02(3A)), and the reason for the proposed removal to the OANC, the affected Advisory
54 Neighborhood Commission, the Advisory Neighborhood Commissioner representing the single-
55 member district containing the impacted Heritage Tree, and the affected Ward Councilmember,
56 and the notice shall be published in the District of Columbia Register.”.

57 Sec. 3. The Urban Forest Preservation Act of 2002, effective June 12, 2003 (D.C. Law
58 14-309; D.C. Official Code § 8-651.01, *et seq.*) is amended as follows:

59 (a) Section 102 (D.C. Official Code § 9-651.02) is amended as follows:

60 (1) Paragraph (1) is redesignated as paragraph (1B)

61 (2) New paragraphs (1) and (1A) are added to read as follows:

62 “(1) “Agency” shall have the same meaning as provided in section 301(1) of the
63 District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March
64 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-603.01(1)).

65 “(1A) “Boards and commissions” shall have the same meaning as provided in
66 section 301(2) of the District of Columbia Government Comprehensive Merit Personnel Act of
67 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-603.01(1)).”.

68 (b) Section 104 (D.C. Official Code § 8–651.04) is amended by adding a new subsection
69 (c-1) to read as follows:

70 “(c-1) Agencies, boards and commissions, or public utility companies that top, cut down,
71 remove, girdle, break, or destroy a Special Tree on public space must either:

72 “(1) Plant at least two trees for each tree impacted within the same Advisory
73 Neighborhood Commission single-member district of the affected Special Tree; or

74 “(2) Pay into the Tree Fund an amount determined by the Mayor to be sufficient
75 for the purpose of planting two trees for each tree impacted.”.

76 (b) Section 104a (D.C. Official Code § 8–651.04a) is amended as follows:

77 (1) Subsection (b) is amended by adding a new paragraph (3) to read as follows:

78 “(3) Agencies, boards and commissions, or public utility companies that cut
79 down, top, girdle, break, or destroy a Heritage Tree on public space must either:

80 “(A) Plant at least four trees for each tree impacted within the same
81 Advisory Neighborhood Commission single-member district of the affected Heritage Tree; or

82 “(B) Pay into the Tree Fund an amount determined by the Mayor to be
83 sufficient for the purpose of planting four trees for each tree impacted.”.

84 (2) A new subsection (b-1) is added to read as follows:

85 “(b-1) Agencies, boards and commissions, and public utility companies may not cut
86 down or remove a Heritage Tree on public space unless either:

87 (1) The Heritage Tree meets one of the following criteria:

88 (A) The Heritage Tree is determined to be a Hazardous Tree, by a certified
89 nongovernment arborist; or

90 (B) A certified nongovernment arborist confirms that the Heritage Tree in
91 question is shown to be of a species that has been identified, by regulation, as appropriate for
92 removal; or

93 (2) The agency, board, commission, or public utility company provides the notice
94 required by Section 13(c)(5) of the Advisory Neighborhood Commissions Act of 1975, effective
95 October 10, 1975 (D.C. Law 1-21; D.C. Official Code § 1-309.10(c)(5)).”.

96 (c) Section 105 (D.C. Official Code § 8-651.05) is amended as follows:

97 (1) Subsection (a) is amended as follows:

98 (A) Strike the phrase “Hazardous Tree,” and insert the phrase “Hazardous
99 Tree, or Heritage Tree subject to the notification requirement in section 104a(b-1)(2),” in its
100 place.

101 (B) Strike the number “15” and insert the number “30” in its place.

102 (2) Subsection (b) is amended by striking the number “20” and inserting the
103 number “30” in its place.

104 (d) Section 107 (D.C. Official Code §8-651.07) is amended to add a new subsection (b-2)
105 to read as follows:

106 “(b-2)(1) With any funds paid into the Tree Fund pursuant to section 104(c-1)(2), the
107 Mayor shall for each Special Tree topped, cut down, girdled, broken, or destroyed, plant at least
108 two trees within the same Advisory Neighborhood Commission single-member district of the
109 affected Special Tree.

110 “(2) With any funds paid into the Tree Fund pursuant to section 104a(b)(3)(B) of
111 this act, the Mayor shall for each Heritage Tree topped, cut down, girdled, broken, or destroyed,
112 plant at least four trees within the same Advisory Neighborhood Commission single-member
113 district of the affected Heritage Tree.”.

114 Sec. 4. Fiscal impact statement.

115 The Council adopts the fiscal impact statement in the committee report as the fiscal
116 impact statement required by 4a of the General Legislative Procedures Act of 1975, approved
117 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

118 Sec. 5. Effective date.

119 This act shall take effect following approval by the Mayor (or in the event of veto by the
120 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
121 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
122 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
123 Columbia Register.