

AN ACT

D.C. ACT 21-386

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 4, 2016

To amend the Urban Forestry Preservation Act of 2002 to decrease the size of a Special Tree, to increase the permit fees for Special Tree removal and the fines for unlawful removal of a Special Tree, to protect trees with a circumference of 100 inches or more, to expand the permissible uses of the Tree Fund, and to establish the Urban Forestry Advisory Council; and to amend the Department of Transportation Establishment Act of 2002 to expand the duties of the Operations Administration of the District Department of Transportation.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Tree Canopy Protection Amendment Act of 2016”.

Sec. 2. The Urban Forest Preservation Act of 2002, effective June 12, 2003 (D.C. Law 14-309; D.C. Official Code § 8-651.01 *et seq.*), is amended as follows:

(a) Section 102 (D.C. Official Code § 8-651.02) is amended as follows:

(1) A new paragraph (3A) is added to read as follows:

“(3A) “Heritage Tree” means a tree with a circumference of 100 inches or more.”.

(2) Paragraph (5) is amended by striking the phrase “of 55 inches or more” and inserting the phrase “between 44 inches and 100 inches” in its place.

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

(1) Subsection (b)(3) is amended by striking the phrase “equal to \$35 for each inch” and inserting the phrase “not less than \$55 for each inch” in its place.

(2) Subsection (d) is amended by striking the phrase “a fine of not less than \$100” and inserting the phrase “a fine of not less than \$300” in its place.

(3) A new subsection (e) is added to read as follows:

“(e) The Mayor may increase the fee described in subsection (b)(3) of this section or the fine described in subsection (d) of this section by regulation.”.

(c) A new section 104a is added to read as follows:

“Sec. 104a. Protection of Heritage Trees.

“(a) It shall be unlawful for any person or nongovernmental entity, without a Heritage Tree removal permit issued by the Mayor, to top, cut down, remove, girdle, break, or destroy any Heritage Tree.

“(b)(1) The Mayor shall issue a Heritage Tree removal permit under this section where the applicant has:

“(A) Shown that the Heritage Tree in question is a Hazardous Tree; or

“(B) Shown that the Heritage Tree in question is of a species that has been identified, by regulation, as appropriate for removal.

“(2) The Mayor may issue a Heritage Tree removal permit under this section where the applicant has averred in the Heritage Tree removal permit application that the applicant will relocate and replant, in compliance with any applicable regulations, the Heritage Tree to an identified new location within the District, without significant harm to the tree; provided, that it shall be a violation of subsection (a) of this section if a Heritage Tree that is relocated and replanted pursuant to this paragraph dies within 3 years of replanting.

“(c) A violation of subsection (a) of this section, or a failure to comply with the conditions contained in a Heritage Tree removal permit, shall constitute a violation subject to a fine of not less than \$300 per each inch of the circumference of the Heritage Tree in question.

“(d) The Mayor may increase the fine described in subsection (c) of this section by regulation.”.

(d) Section 107 (D.C. Official Code § 8-651.07) is amended as follows:

(1) Subsection (b) is amended to read as follows:

“(b)(1) The Fund shall be used to:

“(A) Plant trees on public space and on District-owned land, including parks and school property; and

“(B) Provide income-contingent subsidies to assist District residents with costs related to the removal and replacement of hazardous trees.

“(2) The Fund may be used:

“(A) In coordination with the District Department of the Environment, to support tree planting on private land;

“(B) To conduct survival checks of replacement trees planted on public or private land; and

“(C) For any associated costs incurred by the District in administering this title.”.

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

“(b-1) The Mayor shall ensure that trees planted pursuant to this section are checked for survival at appropriate intervals to evaluate canopy replacement and inform future planting decisions.”.

(e) A new section 109 is added to read as follows:

“Sec. 109. Urban Forestry Advisory Council.

“(a) There is established an Urban Forestry Advisory Council (“UFAC”).

“(b) The UFAC shall be composed of 12 members, as follows:

“(1) The Director of the District Department of Transportation, or the Director’s designee;

“(2) The Director of the District Department of the Environment, or the Director’s designee;

“(3) The Director of the Department of Parks and Recreation, or the Director’s designee;

“(4) The Director of the Department of General Services, or the Director’s designee;

“(5) The General Manager of District of Columbia Water and Sewer Authority, or the General Manager’s designee;

“(6) A representative of the U.S. National Park Service;

“(7) A representative of the U.S. General Services Administration;

“(8) A representative of the District’s electric utility;

“(9) Three community representatives appointed by the Mayor knowledgeable in the fields of urban forestry, public policy, environmental protection, public administration, or environmental justice and equity; and

“(10) One community representative appointed by the Chairperson of the Council committee with oversight of the District Department of the Environment.

“(c)(1) The community representatives shall be appointed for a term of 3 years, with initial staggered appointments of one community representative appointed for one year, 2 community representatives appointed for 2 years, and one community representative appointed for 3 years. The community representative to serve the one-year term, the community representatives to serve the 2-year term, and the community representative to serve the 3-year term shall be determined by lot at the first meeting of the UFAC.

“(2) Vacancies shall be filled in the same manner as the original appointment to the position that became vacant. Community representatives who are appointed to fill vacancies that occur before the expiration of a community representative’s full term shall serve only the unexpired portion of the community representative’s term.

“(d) The UFAC shall be co-chaired by the Director of the District Department of Transportation and the Director of the District Department of the Environment, or their designees. The UFAC may designate other officers and create temporary, ad-hoc committees as necessary.

“(e)(1) The UFAC shall hold at least 3 meetings per year.

“(2) The UFAC shall conduct its meetings in compliance with the Open Meetings Amendment Act of 2010, effective March 31, 2010 (D.C. Law 18-350; D.C. Official Code § 2-571 *et seq.*).

“(f) The purpose of the UFAC shall be to:

“(1) Ensure coordination between the District agencies responsible for achieving the District’s tree canopy goals and partners engaged in programs and activities geared toward achieving those goals.

“(2) Advise District agencies responsible for achieving the District’s tree canopy goals regarding policies, programs, and partnerships for the purpose of maintaining, protecting, and increasing the District’s tree canopy; and

“(3) Provide input on the 5-year urban forest report and master plan required by section 103(c).

“(g) The District Department of Transportation and the District Department of the Environment shall provide the UFAC with an annual operating budget, which shall include funds

to maintain a website where the UFAC shall provide a public listing of members, meeting notices, and meeting minutes.”.

Sec. 3. Section 5(a)(3) of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.04(a)(3)), is amended as follows:

(a) Subparagraph (D) is amended to read as follows:

“(D) Plant and maintain trees on public space and on District-owned land, including parks and school property;”.

(b) New subparagraphs (D-i) and (D-ii) are added to read as follows:

“(D-i) Remove and trim trees citywide;

“(D-ii) Review construction plans for the District of Columbia Public Schools, the Department of General Services, the Department of Parks and Recreation, and other District agencies to ensure the tree canopy is protected;”.

Sec. 4. Applicability.

(a) Section 2(a), (b)(1), and (c) shall not apply to a person or nongovernmental entity who has an application for a Special Tree removal permit pending as of the effective date of this act.

(b)(1) This act shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

(2) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan, and provide notice to the Budget Director of the Council of the certification.

(3)(A) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

(B) The date of publication of the notice of the certification shall not affect the applicability of this act.

Sec. 5. Fiscal impact statement.

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

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
May 4, 2016



COUNCIL OF THE DISTRICT OF COLUMBIA
WASHINGTON, D.C. 20004

Docket No. **B21-318**

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FIRST READING, 04/05/2016

VOICE VOTE

RECORDED VOTE ON REQUEST

APPROVED

ABSENT

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Mendelson	X				Evans	X				Orange	X			
Alexander	X				Grosso	X				Silverman	X			
Allen	X				May	X				Todd	X			
Bonds	X				McDuffie	X								
Cheh	X				Nadeau	X								

X - Indicate Vote

AB - Absent

NV - Present, Not Voting

CERTIFICATION RECORD

Secretary to the Council

4-25-16

Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FINAL READING, 04/19/2016

VOICE VOTE

RECORDED VOTE ON REQUEST

APPROVED

ABSENT

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Mendelson	X				Evans	X				Orange	X			
Alexander	X				Grosso	X				Silverman	X			
Allen	X				May	X				Todd	X			
Bonds	X				McDuffie	X								
Cheh	X				Nadeau	X								

X - Indicate Vote

AB - Absent

NV - Present, Not Voting

CERTIFICATION RECORD

Secretary to the Council

4-21-16

Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

VOICE VOTE

RECORDED VOTE ON REQUEST

ABSENT

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Mendelson					Evans					Orange				
Alexander					Grosso					Silverman				
Allen					May					Todd				
Bonds					McDuffie									
Cheh					Nadeau									

X - Indicate Vote

AB - Absent

NV - Present, Not Voting

CERTIFICATION RECORD

Secretary to the Council

Date