



Legislation Text

File #: Int 1217-2023, Version: *

Int. No. 1217

By Council Members Riley and Ung

A Local Law to amend the administrative code of the city of New York, in relation to structurally unsound privately-owned trees

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-160 to read as follows:

§ 18-160 Structurally unsound privately-owned trees. a. Definitions. As used in this section, the term "structurally unsound privately-owned tree" means a tree that: (i) poses a near-term danger of falling on persons or property outside of the property where it is located, (ii) is not under the jurisdiction of the department, and (iii) is not located within a special natural area district, as defined in chapter 5 of article 10 of the zoning resolution.

b. The department shall on its website provide a means for the submission of information regarding privately-owned trees that are suspected of posing a near-term danger to persons or property outside of the property where they are located. The department shall inspect any such trees within 4 days of receiving such information.

c. If the department determines that a tree is a structurally unsound privately-owned tree it shall issue a written order to the owner of the tree directing the owner to take corrective action to abate the danger posed by such tree. Such written order shall state the corrective action to be undertaken and shall fix a time for compliance, which shall be no longer than 21 days. If the owner does not comply with the order within the stated time for compliance, the department may, after the opportunity for a hearing, perform the corrective

action specified in the order.

d. If the department determines that a structurally unsound privately-owned tree poses an imminent danger to persons or property outside of the property wherein it is located, the department may perform the work necessary to abate such danger without first issuing an order or providing an opportunity for a hearing to the owner of the tree, or prior to the expiration of the time for compliance specified in an order issued pursuant to subdivision c of this section.

e. Whenever the department has incurred expenses for undertaking corrective action relating to a structurally unsound privately-owned tree pursuant to this section, the department shall send to the owner or the owner's designee a statement of account with the expense incurred and a demand for payment thereof. Any amount not paid within 60 days of receipt of the statement shall constitute a lien on the real property where the corrective action was undertaken. Such lien shall have priority over all other liens and encumbrances on the premises except for the lien of taxes and assessments.

f. Nothing in this section shall be construed to create a private right of action.

§ 2. This local law takes effect 120 days after it becomes law.

RL
LS #12512
07/28/2023