

# HOUSE BILL 219

M1, C5, L6

4lr1130

(PRE-FILED)

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By: **Delegates Guyton and Ruth**

Requested: October 24, 2023

Introduced and read first time: January 10, 2024

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – Removal of Trees or Shrubs – Notice and Objection**

3 FOR the purpose of authorizing a utility or local government to remove a tree or shrub on  
4 certain private property only under certain circumstances, including requiring the  
5 utility or local government to provide a certain notice to the owner of the property on  
6 which the tree or shrub is located; establishing a process for a private property owner  
7 who receives a certain notice to file an objection with the Department of Natural  
8 Resources in accordance with certain requirements; requiring the Department to  
9 take certain actions on receipt of an objection; and generally relating to the removal  
10 of trees or shrubs on private property.

11 BY adding to

12 Article – Natural Resources

13 Section 5–2101 through 5–2105 to be under the new subtitle “Subtitle 21. Removal  
14 of Trees or Shrubs”

15 Annotated Code of Maryland

16 (2023 Replacement Volume and 2023 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
18 That the Laws of Maryland read as follows:

19 **Article – Natural Resources**

20 **SUBTITLE 21. REMOVAL OF TREES OR SHRUBS.**

21 **5–2101.**

22 **(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A UTILITY**  
23 **OR LOCAL GOVERNMENT MAY REMOVE A TREE OR SHRUB LOCATED ON THE PRIVATE**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 PROPERTY OF ANOTHER PERSON OR ON AN EASEMENT LOCATED ON THE PRIVATE  
2 PROPERTY OF ANOTHER PERSON ONLY IF:

3 (1) THE UTILITY OR LOCAL GOVERNMENT THAT PROPOSES TO  
4 REMOVE A TREE OR SHRUB HAS PROVIDED NOTICE TO THE PRIVATE PROPERTY  
5 OWNER IN ACCORDANCE WITH THIS SUBTITLE; AND

6 (2) (I) THE TIME PERIOD IDENTIFIED BY THE DEPARTMENT IN  
7 REGULATION HAS LAPSED; OR

8 (II) THE DEPARTMENT HAS NOTIFIED THE UTILITY OR LOCAL  
9 GOVERNMENT THAT PROPOSES TO REMOVE THE TREE OR SHRUB THAT THE TREE  
10 OR SHRUB MAY BE REMOVED.

11 (B) SUBSECTION (A) OF THIS SECTION DOES NOT APPLY IF THE REMOVAL  
12 OF A TREE OR SHRUB IS NECESSARY TO ADDRESS A SUDDEN OR UNEXPECTED  
13 OCCURRENCE INVOLVING A CLEAR AND IMMINENT DANGER DEMANDING  
14 IMMEDIATE ACTION TO PREVENT OR MITIGATE LOSS OF, OR INJURY TO, LIFE,  
15 HEALTH, PROPERTY, OR AN ESSENTIAL PUBLIC SERVICE.

16 **5-2102.**

17 (A) BEFORE REMOVING A TREE OR SHRUB UNDER § 5-2101 OF THIS  
18 SUBTITLE, A UTILITY OR LOCAL GOVERNMENT SHALL PROVIDE NOTICE:

19 (1) TO THE OWNER OF THE PRIVATE PROPERTY ON WHICH THE TREE  
20 OR SHRUB IS LOCATED;

21 (2) IN THE MANNER REQUIRED BY THE DEPARTMENT IN  
22 REGULATION; AND

23 (3) ON A FORM PROVIDED BY THE DEPARTMENT.

24 (B) THE NOTICE SHALL:

25 (1) IDENTIFY THE TREE OR SHRUB PROPOSED FOR REMOVAL; AND

26 (2) INCLUDE INFORMATION ON HOW THE PRIVATE PROPERTY OWNER  
27 MAY FILE AN OBJECTION TO THE REMOVAL OF THE TREE OR SHRUB.

28 **5-2103.**

1           **(A) A PRIVATE PROPERTY OWNER WHO RECEIVES NOTICE UNDER § 5-2102**  
2 **OF THIS SUBTITLE:**

3                   **(1) MAY FILE WITH THE DEPARTMENT AN OBJECTION TO THE**  
4 **REMOVAL OF THE TREE OR SHRUB IDENTIFIED IN THE NOTICE; AND**

5                   **(2) SHALL FILE THE OBJECTION WITHIN THE TIME PERIOD**  
6 **INDICATED ON THE NOTICE.**

7           **(B) (1) AN OBJECTION FILED BY A PRIVATE PROPERTY OWNER SHALL**  
8 **INCLUDE:**

9                           **(I) INFORMATION ON THE TREE OR SHRUB IDENTIFIED FOR**  
10 **REMOVAL; AND**

11                           **(II) A REPORT OF A TREE EXPERT LICENSED UNDER SUBTITLE**  
12 **4 OF THIS TITLE.**

13                   **(2) INFORMATION PROVIDED UNDER PARAGRAPH (1) OF THIS**  
14 **SUBSECTION MAY INCLUDE:**

15                           **(I) THE AGE OF THE TREE OR SHRUB;**

16                           **(II) THE HISTORICAL SIGNIFICANCE OF THE TREE OR SHRUB;**

17                           **(III) THE ECOLOGICAL SIGNIFICANCE OF THE TREE OR SHRUB;**  
18 **AND**

19                           **(IV) A REASONABLE ALTERNATIVE TO THE REMOVAL OF THE**  
20 **TREE OR SHRUB.**

21                   **(3) THE REPORT REQUIRED UNDER PARAGRAPH (1)(II) OF THIS**  
22 **SUBSECTION SHALL:**

23                           **(I) INCLUDE AN ASSESSMENT OF THE ACCURACY OF THE**  
24 **INFORMATION PROVIDED BY THE PRIVATE PROPERTY OWNER UNDER PARAGRAPH**  
25 **(1)(I) OF THIS SUBSECTION; AND**

26                           **(II) BE PAID FOR BY THE PRIVATE PROPERTY OWNER WHO**  
27 **FILED THE OBJECTION.**

28 **5-2104.**

1 (A) ON RECEIPT OF AN OBJECTION FILED UNDER § 5-2103 OF THIS  
2 SUBTITLE, THE DEPARTMENT SHALL:

3 (1) NOTIFY THE UTILITY OR LOCAL GOVERNMENT THAT PROPOSES  
4 TO REMOVE A TREE OR SHRUB THAT THE TREE OR SHRUB MAY NOT BE REMOVED  
5 UNTIL A DETERMINATION IS MADE UNDER THIS SECTION; AND

6 (2) DETERMINE WHETHER THE TREE OR SHRUB MAY BE REMOVED.

7 (B) IN DETERMINING WHETHER A TREE OR SHRUB MAY BE REMOVED, THE  
8 DEPARTMENT SHALL CONSIDER ALL INFORMATION SUBMITTED IN THE OBJECTION  
9 FILED UNDER § 5-2103 OF THIS SUBTITLE.

10 (C) IF THE DEPARTMENT DETERMINES THAT A TREE OR SHRUB IS OF  
11 HISTORICAL OR ECOLOGICAL SIGNIFICANCE, THE DEPARTMENT SHALL REQUIRE  
12 THAT THE UTILITY OR LOCAL GOVERNMENT PROPOSING TO REMOVE THE TREE OR  
13 SHRUB USE A REASONABLE ALTERNATIVE AS IDENTIFIED BY THE DEPARTMENT.

14 (D) THE DEPARTMENT SHALL PROVIDE NOTICE OF THE DETERMINATION  
15 MADE UNDER THIS SECTION, INCLUDING WHETHER THE TREE OR SHRUB MAY BE  
16 REMOVED, TO:

17 (1) THE PRIVATE PROPERTY OWNER WHO FILED THE OBJECTION;  
18 AND

19 (2) THE UTILITY OR LOCAL GOVERNMENT PROPOSING TO REMOVE  
20 THE TREE OR SHRUB.

21 5-2105.

22 THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS  
23 SUBTITLE, INCLUDING REGULATIONS:

24 (1) ESTABLISHING A TIME PERIOD AFTER WHICH A UTILITY OR LOCAL  
25 GOVERNMENT THAT HAS PROVIDED NOTICE UNDER § 5-2101 OF THIS SUBTITLE MAY  
26 PROCEED WITH THE REMOVAL OF A TREE OR SHRUB;

27 (2) ESTABLISHING A PROCESS FOR PROVIDING NOTICE AS REQUIRED  
28 UNDER THIS SUBTITLE; AND

29 (3) IDENTIFYING REASONABLE ALTERNATIVES TO THE REMOVAL OF  
30 A TREE OR SHRUB UNDER THIS SUBTITLE.

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   October 1, 2024.