

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia Stone Creem

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act establishing the Municipal Reforestation Program.

PETITION OF:

NAME:

Cynthia Stone Creem

DISTRICT/ADDRESS:

Norfolk and Middlesex

SENATE No.

[Pin Slip]

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 452 OF 2023-2024.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act establishing the Municipal Reforestation Program.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 21A of the General Laws, as appearing in the 2020 Official
2 Edition, is hereby amended by adding the following section:-

3 Section 28. (a) There shall be established an advisory council under the executive office
4 of energy and environmental affairs, known as the urban forest advisory council. Members shall
5 be appointed by the secretary from public, private, and nongovernmental organizations with
6 expertise in urban forestry, ecology, arboriculture, landscape architecture, green infrastructure,
7 demand-side energy efficiency management, public health, and climate change resilience and
8 mitigation. Such members may include representatives from the following: (i) municipal
9 arboriculture or tree warden associations; (ii) arboriculture or nursery industry associations; (iii)
10 urban landscape architecture associations; (iv) demand-side energy efficiency management
11 organizations; (v) green infrastructure and climate change resilience and mitigation

12 organizations; (vi) nonprofit organizations with experience in planting or maintaining trees; (vii)
13 environmental organizations with expertise in energy conservation, energy efficiency, or green
14 infrastructure building practices; (viii) local affordable housing or community development
15 organizations; (ix) workforce development programs; (x) municipal departments of public works
16 responsible for roads, water mains, sewers, and utility infrastructure; (xi) researchers with
17 expertise in data collection related to natural resources, energy management, and climate change
18 indicators; (xii) gas companies; (xiii) electric distribution companies; (xiv) nonprofit
19 transportation organizations with expertise in clean transportation; (xv) nonprofit organizations
20 with expertise in municipal finance; (xvi) the Metropolitan Area Planning Council, other
21 regional planning agencies, and the Massachusetts Municipal Association; (xvii) small business
22 associations; (xviii) organized labor associations; (ix) municipal tree committees; (xx) officials
23 from the department of conservation and recreation, the department of environmental protection,
24 and the department of transportation; (xxi) agricultural high schools; (xxii) federally recognized
25 and state acknowledged tribes within the commonwealth; (xxiii) environmental justice or
26 community-based organizations; and (xxiv) the University of Massachusetts Amherst Center for
27 Agriculture, Food, and the Environment. At least one member of the advisory council shall have
28 a background in ecology and knowledge of native trees in urban settings.

29 (b) (1) The secretary shall convene the council to provide advice and technical assistance
30 to participating municipalities, tree-planting organizations, municipal arborists, state foresters,
31 gas and electric companies, and the department of transportation to ensure sufficient technical
32 and ecological expertise and oversight in the implementation of the municipal reforestation
33 program, pursuant to chapter 21P. The council shall use science-based guidelines to determine
34 urban tree canopy cover, for siting trees and to determine optimum native tree species to ensure

35 adequate root development and to achieve maximum reduction in consumer energy demand and
36 removal of greenhouse gas emissions while causing minimal disruption to public infrastructure.
37 The council shall develop guidelines to the secretary for approving plans submitted by
38 municipalities pursuant to chapter 21P, and shall advise the secretary on the merits of such plans,
39 including recommendations for improvement and approval. The council shall develop and
40 disseminate model tree retention ordinances and by-laws and other model ordinances and by-
41 laws that result in the preservation and expansion of tree canopy and make them available to
42 public on the website of the executive office of energy and environmental affairs. The secretary
43 shall provide such resources, expertise, and administrative support as necessary for the advisory
44 council to carry out its duties and responsibilities.

45 (2) The technical advice provided by the advisory council shall include, but is not limited
46 to: (i) approved tree lists, prioritizing the use of hardy, noninvasive and native tree species that
47 can thrive in the urban environment and the changing climate, and native tree species and their
48 cultivars that are most beneficial to local pollinator and bird species; (ii) specifications for
49 planting, installation, and maintenance, including guidelines for planting trees, size and species
50 of trees, soil volume and supplements, and minimum distances between newly planted trees and
51 existing infrastructure, including utility infrastructure; (iii) instructions for sufficient watering
52 and for long-term maintenance to be provided by recipients of trees to ensure survival of such
53 trees; (iv) technical planning assistance to municipalities and tree-planting organizations; (v)
54 procedures for inspection and quality control, including inspection for pests and diseases; (vi)
55 procedures for monitoring and collecting data on tree health and survival; (vii) procedures for
56 collecting data on energy conservation and climate mitigation benefits from the municipal
57 reforestation program; (viii) recommendations for workforce development and job training

58 programs on planting, maintenance, and preservation of urban forests, including collaboration
59 with secondary and higher education vocational programs; and (ix) any other technical advice as
60 required by the secretary, in consultation with the department of environmental protection, the
61 department of conservation and recreation, the department of public utilities, and the department
62 of transportation.

63 (c) The secretary and the urban forest advisory council, in consultation with the
64 department of environmental protection shall develop quantitative and qualitative measures,
65 using the best available scientific metrics and technology for valuing the contribution that an
66 urban tree canopy cover makes to: mitigating climate change, including carbon sequestration and
67 other reductions of greenhouse gas emissions; energy conservation; mitigating extreme heat,
68 including reduction of the heat island effect; storm water management; drought mitigation; air
69 quality improvement; benefits to human health; and ecological benefits to local pollinator and
70 bird species. Such measures may be updated as necessary to reflect current scientific research.

71 SECTION 2. The General Laws are hereby amended by inserting after chapter 21O the
72 following chapter:-

73 CHAPTER 21P

74 MUNICIPAL REFORESTATION PROGRAM

75 Section 1. (a) As used in this chapter, the following words, unless the context clearly
76 requires otherwise, shall have the following meanings:-

77 “Participating municipality”, each municipality in the commonwealth except those with
78 both a population of fewer than 10,000 residents and tree canopy cover of at least 60 percent;

79 provided, that a municipality with both a population of fewer than 10,000 residents and tree
80 canopy cover of at least 60 percent shall have the option to become a participating municipality
81 by a majority vote of the city or town council, by a majority vote of the board of selectmen or by
82 resolution of its legislative body, as may be appropriate; and provided further, that a federally
83 recognized or state acknowledged tribe within the commonwealth shall have the option to be
84 considered a participating municipality by a majority vote of its tribal council or by resolution of
85 its legislative body, as may be appropriate.

86 “Plan”, the municipal reforestation plan.

87 “Program”, the municipal reforestation program.

88 “Secretary”, the secretary of energy and environmental affairs.

89 “Urban tree canopy cover”, the surface area of the land covered by the combined leaves,
90 branches, and trunks of all standing trees in a given area when viewed from above.

91 (b) (1) The secretary, in consultation with the secretary of transportation, shall establish a
92 municipal reforestation program to allow participating municipalities access to funding and
93 technical assistance to plant and replace trees as well as maintain and preserve healthy trees
94 within the borders of their communities.

95 (2) The purpose and goals of the program include, but are not limited to: (i) removing
96 carbon dioxide emissions from the transportation sector within the municipalities of the
97 commonwealth through carbon sequestration provided by trees; (ii) improving public health by
98 mitigating harmful effects of excessive heat and cold; (iii) improving air quality by reducing
99 levels of particulate pollution in neighborhoods with low urban tree canopy cover; (iv)

100 strengthening climate resilience by strategically incorporating trees into urban green
101 infrastructure projects; (v) promoting community, economic, and workforce development by
102 incorporating green infrastructure into municipal transportation infrastructure and community
103 planning; (vi) recognizing trees as a key state-wide investment in transportation infrastructure
104 and workforce development in order to meet the mandates pursuant to chapter 21N; (vii)
105 prioritizing the inclusion of green, sustainable infrastructure in the development of transportation
106 infrastructure; (viii) prioritizing the expansion and preservation of the urban tree canopy cover in
107 environmental justice neighborhoods, including expanding parks and open spaces; (ix) providing
108 equitable access to funding for rural and urban neighborhoods for opportunities to develop green
109 infrastructure; (x) maintaining the health of newly planted and existing trees in the urban
110 environment by providing funding for maintenance and for inspection for invasive pests and
111 diseases; (xi) reversing the local decline in biodiversity by planting native trees and their
112 cultivars that are essential to the survival and maintenance of local pollinator and bird species
113 (xii) prioritizing the expansion and preservation of the urban tree canopy cover in municipalities
114 to achieve a tree canopy cover of at least 60 percent, where feasible.

115 Section 2. (a) The urban forest advisory council, pursuant to section 28 of chapter 21A, in
116 consultation with the secretary of energy and environmental affairs, the secretary of
117 transportation, and the secretary of administration and finance, shall establish a formula for the
118 disbursement of funding for the program to each participating municipality in the
119 commonwealth. Variables and weighted proportions of the formula shall include, but not be
120 limited to: (i) the total number of road mileage within the participating municipality; (ii) the total
121 population of the participating municipality; (iii) the total number of employed individuals
122 within the borders of the participating municipality; (iv) the number of environmental justice

123 criteria the participating municipality meets, as determined by the executive office of energy and
124 environmental affairs' environmental justice policy; and (v) the percentage of urban tree canopy
125 cover with a greater weighted calculation provided for neighborhoods within a participating
126 municipality having a tree canopy cover of 20 percent or less.

127 (b) All costs incurred by the secretary and the participating municipalities for the
128 planning, implementation and maintenance of the program shall be covered by section 3 of this
129 act. Funds shall be annually distributed to each municipality, pursuant to said section 3, no later
130 than August 1st and shall take effect 3 years following enactment of this act.

131 (c) Each participating municipality shall report annually to the secretary on the status of
132 the plan and the projects that were completed within the fiscal year and the plans for the
133 following year.

134 Section 3. (a) (1) Each participating municipality shall develop a municipal reforestation
135 plan within 3 years following enactment of this of act, appropriate to the size and needs of the
136 municipality. In developing a plan, participating municipalities shall follow the guidelines
137 developed by the urban forest advisory council established under section 28 of chapter 21A and
138 any other guidelines as determined necessary by the secretary. Participating municipalities may
139 solicit the technical advice and assistance from: the urban forest advisory council; the department
140 of transportation; the department of conservation and recreation; the department of
141 environmental protection; nonprofit tree-planting organizations; local environmental,
142 sustainability, and pollinator pathway organizations with knowledge of native trees; and
143 nonprofit transportation organizations; provided, however that such technical advice and
144 assistance is consistent with the guidelines developed by the urban forest advisory council. The

145 secretary shall make available other resources as needed by a participating municipality to
146 facilitate the development of its plan at no additional cost to the participating municipality. The
147 plan created by a participating municipality shall be broken down into projects to be completed
148 by the participating municipality and shall follow the project completion prioritization
149 requirements of this section.

150 (2) The plan shall include, but not be limited to: (i) an inventory of the participating
151 municipality's existing tree canopy cover, using established scientific protocols for determining
152 tree canopy cover, such as geographical information systems; (ii) an analysis to determine the
153 optimal sites for planting trees to achieve the goals the program, using established scientific
154 protocols for site selection; (iii) the current condition of the tree canopy cover of the
155 neighborhood where the projects will be located; (iv) how the tree species proposed to be planted
156 are suitable for the specific sites taking into account local environmental conditions and the
157 preference for native tree species and their cultivars; (v) the expected benefits from expansion of
158 the tree canopy cover on energy consumption, the heat island effect, wind reduction, storm water
159 runoff, drought mitigation, and promoting resilience against other impacts of climate change; (vi)
160 the expected benefits from expansion of the tree canopy cover on public health; (vii) plans to
161 maintain and provide follow-up care following the planting of trees; (viii) plans to engage
162 community residents in the planting and maintenance of the trees, including workforce
163 development programs; (ix) the relationship of the project to any municipal vulnerability
164 preparedness program; (x) plans to promote the preservation of existing tree canopy; (xi) a
165 timeline for completion for each project within the plan while ensuring equitable project
166 prioritization of projects for environmental justice neighborhoods when attainable; (xii)
167 certification that tree pits are free of methane leaking from gas pipeline infrastructure; and (xiii)

168 any other information as may be required by the secretary. Plans shall be submitted to the
169 secretary to be certified ensuring the plans meet the required criteria of this section.

170 (3) Trees planted under a certified plan may be planted in public rights of way, public
171 parks, and on private residential and commercial property, provided that priority for project
172 completion shall be given to: (i) sites in neighborhoods with low tree canopy cover with first
173 priority given to sites with less than 20 percent tree canopy cover; (ii) sites in neighborhoods
174 with levels of particulate pollutants above the levels determined by the department of
175 environmental protection and the department of public health to be hazardous to human health;
176 (iii) sites in environmental justice neighborhoods; (iv) neighborhoods that are deemed to be heat
177 islands; and (v) locations where passengers wait at public transit stations and bus stops and
178 designated cool corridors for walking and bicycling. Second priority shall be given to sites with
179 less than 40 percent tree canopy cover. Third priority shall be given to sites with less than 60
180 percent tree canopy cover and to sites with any other criteria determined by the secretary, in
181 consultation with the department of environmental protection, the department of conservation
182 and recreation, and the department of transportation. To achieve optimal tree canopy cover, trees
183 may be planted by a participating municipality on private residential and commercial property
184 using funds allocated under sections 2 and 3 of this act, provided, however that the cost of
185 maintenance for such trees shall be the responsibility of the owner of such property, through
186 written agreement between the owner of the property and the participating municipality as a
187 condition of such owner receiving the trees.

188 (4) Participating municipalities shall update their plans for recertification every 5 years.
189 In order to revise a certified plan prior to the next recertification, a participating municipality
190 shall submit the proposed revisions to the executive office of energy and environmental affairs

191 for approval and recertification by the secretary. The secretary may seek technical advice for
192 reviewing such proposed revisions from the secretary of transportation and the urban forest
193 advisory council established under section 28 of chapter 21A.

194 Section 4. (a) Beginning 3 years following the enactment of this act, each participating
195 municipality shall annually submit to the secretary for approval a summary of the projects to be
196 completed from the participating municipality's reforestation plan within the next fiscal year and
197 a plan for the next 4 fiscal years.

198 (b) The total costs of the projects shall include: (i) the cost of purchasing trees
199 appropriate for the selected sites, including trees purchased as part of a purchasing agreement
200 pursuant to subsection (c) of this section; (ii) the cost of planting trees; (iii) the cost of preparing
201 the sites where trees are to be planted; (iv) the cost of infrastructure to create adequate tree pits
202 and planting conditions, including but not limited to, water collection and water retention
203 technologies; (v) the cost of making reasonable modifications to adjoining infrastructure; (vi) the
204 cost of labor; (vii) the cost of community outreach and recruitment of volunteers, including any
205 stipends provided to volunteers who agree to care for public shade trees in their neighborhoods;
206 (viii) the cost of necessary machinery used to plant and maintain trees; (ix) the cost of
207 maintaining trees planted under the plan, including sufficient watering and monitoring of trees
208 planted on public rights of way, public parks, and other public property; (x) the cost for
209 subcontractors to perform work that the applicant demonstrates to be beyond its capacity to
210 perform; (xi) reasonable administrative costs incurred by a participating municipality in planning
211 and implementing the project and in follow-up maintenance of the trees; (xii) the cost of
212 maintaining trees not planted under the plan in sites with less than 20 percent tree canopy cover;
213 and (xiii) other reasonable costs as determined by the secretary. Upon the request of a

214 participating municipality and where cost effective, the department of conservation and
215 recreation may provide oversight project management for a project.

216 (c) Certified projects intending to use funding allocated under subsection (b) of section 2
217 of this chapter shall not exceed the participating municipality's total funding allocation for the
218 fiscal year.

219 (d) If a participating municipality submits projects for the fiscal year that exceed the
220 participating municipality's total funding allocation under subsection (b) of section 2 of this
221 chapter, the secretary may certify such projects if the participating municipality submits the
222 corresponding required financial forms, as determined by the secretary, indicating that the
223 participating municipality has the difference of the costs of the projects acquired through cash or
224 in-kind contributions from the participating municipality, individuals, nonprofit organizations,
225 corporations, or other entities.

226 (e) Funding from public or private sources as authorized by section 9 of chapter 21A may
227 be acquired by the secretary to finance projects to expand urban forests and the municipal
228 reforestation program. The secretary shall seek any federal funding that is available to support
229 urban forests and the municipal reforestation program and the urban forest advisory council shall
230 assist municipalities, nonprofit organizations, regional planning agencies, and other eligible
231 entities in identifying and applying for any federal funding that is available to support urban
232 forests and the municipal reforestation program.

233 (f) Participating municipalities, when feasible, shall prioritize purchasing trees that are
234 planted for projects financed under their municipal reforestation plans from nurseries located in
235 the commonwealth. A participating municipality may enter into a purchasing agreement with

236 another participating municipality, a regional group of participating municipalities, a regional
237 planning agency, or with the department of conservation and recreation to purchase in bulk trees
238 to be planted under their municipal reforestation plans and other tree planting programs under the
239 authority of the department of conservation and recreation; provided, however, that the trees
240 purchased through any agreement come at a reduced cost for all entities.

241 (g) A participating municipality may enter into an agreement with another participating
242 municipality, a regional group of participating municipalities, or a regional planning agency to
243 jointly develop and implement their municipal reforestation plans, including sharing personnel or
244 equipment or jointly contracting with another entity to perform work that the participating
245 municipalities demonstrate to be beyond their capacity to perform.

246 Section 5. The secretary shall report annually, no later than October 1, on the results
247 achieved by the municipal reforestation program to the governor and to the clerks of the house of
248 representatives and the senate, who shall forward such report to the president of the senate, the
249 speaker of the house of representatives, and the chairs of the house and senate committees on
250 ways and means.

251 Section 6. The secretary may promulgate such rules and regulations as are necessary to
252 administer this chapter.

253 SECTION 3. Chapter 29 of the General Laws, as appearing in the 2020 Official Edition,
254 is hereby amended by inserting after section 2QQQQQ the following section:-

255 Section 2RRRRR. There shall be established and set up on the books of the
256 commonwealth a separate fund, to be known as the Municipal Reforestation Trust Fund, to be
257 expended, without further appropriation, by the secretary of energy and environmental affairs for

258 the municipal reforestation program established in chapter 21P and the urban forest advisory
259 council established in section 28 of chapter 21A. The trust fund shall be credited with: (i) any
260 appropriations, bond proceeds or other monies authorized by the general court and specifically
261 designated to be credited thereto; (ii) funds from public and private sources and other gifts,
262 grants and donations; and (iii) any income derived from the investment of amounts credited to
263 the trust fund. All amounts credited to the trust fund shall be held in trust and used solely for
264 activities and expenditures consistent with the public purpose of the trust fund and the ordinary
265 and necessary expenses of administration and operation associated with the trust fund. All
266 available monies in the trust fund that are unexpended at the end of each fiscal year shall not
267 revert to the General Fund, shall be available for expenditure in the subsequent fiscal year, and
268 shall not be subject to section 5C.