When a Tree Falls on Your Property

WHO PAYS?

This is a question I receive often, usually after a stressful storm damage event. I’m going to break it down into a couple scenarios because tree location and situations can vary. First and foremost, defining property lines is important and it’s best not to guess. Get a survey!

SCENARIO #1: If the tree is clearly on your neighbor’s property and falls into your yard without causing property damage, it’s generally an expense shared by both neighbors. However, in certain situations — for example, when there is an unpleasant relationship — the impacted homeowner would typically clean the tree up to the property line. Most insurance companies do not assist in the cleanup cost because no damage has occurred and/or your deductible is higher than the cost of cleanup.

SCENARIO #2: If your neighbor’s tree falls and causes damage to your property, your homeowner’s insurance policy will pick up some of the expense of removing the tree. Certain aspects of the tree damage clean up are covered and others are not. Know what your policy will cover. Typically, most of the construction repairs (minus your deductible) are covered. I’ve seen situations where cooperative neighbors will sometimes pay the deductible and/or contribute to the cleanup costs of the impacted neighbor.

SCENARIO #3: If the property line bisects the tree trunk, then technically/legally either neighbor can choose what they want in regard to pruning or removal. However, written permission is strongly suggested before work is performed. In a storm event, property damage would trigger which insurance company would cover costs.

Protect Yourself From a Neighbor’s Tree: If a neighboring tree looks unsafe or seems threatening, TAKE ACTION! I have assisted many clients by being the mediator, letting the neighbor know of my client’s concerns. The next step is to follow up in writing, as it is the only way to be financially protected if the neighbor fails to address the situation and there is a future accident. Most often your neighbor is unaware of the condition, so it’s best to have a conversation prior to sending a letter.

We train our arborists to examine neighboring trees that are close to the property. If we recognize a potentially hazardous situation, we will point it out to our client so action can be taken before there’s a problem. It’s a good idea to review your homeowner’s policy and speak with your agent to better understand what’s covered and what’s not. Working on the cleanup together is always the best approach.

- Steve Shreiner, Arborist
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