

**Insurance Association of Connecticut**

**Judiciary Committee**

**March 4th, 2013**

**SB 987, An Act Concerning The Maintenance Of Trees By  
Homeowners**

The Insurance Association of Connecticut, IAC, is opposed to SB 987, An Act Concerning The Maintenance Of Trees By Homeowners.

SB 987 attempts to unnecessarily create absolute liability for damage caused by trees. SB 987 mandates that all tree owners visually inspect all trees on their property and remove any unhealthy or potentially dangerous trees or tree limbs. Failure to do so appears to result in absolute liability, should any such tree cause damage at anytime in the future. SB 987 ignores reality. Not all tree owners are arborists and therefore lack the expertise in determining the condition of a tree. Not all trees on one's property are assessable for inspection or removal. What one person may perceive as unhealthy or potentially dangerous, another person may not. Not all defective or diseased trees impose an immediate risk of harm, or the potential if such risk is de-minimus compared to the cost associated with removal of the questionable tree or tree limb.

Beyond creating absolute liability SB 987 improperly adopts a standard of law, regarding notice, not used anywhere else. SB 987 states that the refusal to accept a certified mailing of a letter imputes notice on the intended recipient of the content of the letter. Refusal of a letter, regardless of the type of mailing, is simply refusal of a letter. Mere refusal of a certified letter does not impute knowledge of the content of the letter on the intended recipient. Furthermore, the mere fact a letter is sent certified mail does not validate the content of the letter. The only constructive notice the letter required by

SB 987 imputes is that a person believes the recipient owns a tree that is either unhealthy or diseased. Refusal of such letter provides absolutely no notice of anything.

Simply because an individual perceives a tree to be unhealthy or diseased does not make it so. SB 987 merely requires that a letter be sent to a tree owner stating that a tree is diseased or defective. The letter does not have to come from an arborist or even be issued after an inspection. It does not have to provide any evidence supporting the statement made. SB 987 creates liability simply by someone looking at a tree on another person's property and thinks that it is defective. The person sends a letter to the owner and if subsequently the tree causes damage, at any time in the future, six months to six years later, the owner of the tree would be on the hook regardless if the tree was actually defective or not. The owner is given no opportunity to even refute the claim made in the letter.

Currently if there is showing that damage caused by a tree resulted from the negligence of the tree owner, the owner would more than likely be liable for the damage.

There is no need for SB 987 and the IAC respectfully requests your rejection of SB 987.