
OLR Bill Analysis

sHB 5220

AN ACT CONCERNING A PROPERTY OWNER'S LIABILITY FOR THE EXPENSES OF REMOVING A FALLEN TREE OR LIMB.

SUMMARY:

This bill makes the owner of real property from which a tree or branch falls onto adjoining private property (tree owner) liable for the expense of removing the tree or branch if (1) the adjoining property owner had previously notified the tree owner that the tree or branch was diseased or likely to fall and (2) the tree owner failed to remove or prune the tree or branch within 30 calendar days after receiving this notice.

Under the bill, the adjoining property owner must (1) send the written notice to the tree owner by certified mail and (2) ask the tree owner (apparently in the written notice) to prune or remove the tree or branch. Any notice given a tree owner before October 1, 2014 that meets the bill's requirements is valid for its purposes.

The bill does not (1) limit anyone's right to pursue a civil remedy as allowed by law or (2) affect any rights a policyholder may have under an insurance policy, although an insurer may deduct from any amount it owes the insured the amount the policyholder recovered from the tree owner, to the extent the policy would have covered the loss.

EFFECTIVE DATE: October 1, 2014

BACKGROUND

Related Bill

HB 5408 (File 406), favorably reported by the Energy and Technology Committee, requires utility's to notify to abutting property owners to inform them that they can, in writing, consent, object, or offer modifications to the utility's proposed vegetation management.

For trees on private property, the notice must also state that an owner who objects will not be billed for any damage caused by trees falling on any utility infrastructure.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 40 Nay 0 (04/02/2014)