Judiciary Committee

JOINT FAVORABLE REPORT

Bill No.: HB-7188
Title: AN ACT CONCERNING A PROPERTY OWNER’S LIABILITY FOR THE EXPENSES OF REMOVING A FALLEN TREE OR LIMB

Vote Date: 3/20/2019
Vote Action: Joint Favorable
PH Date: 2/22/2019

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REASONS FOR BILL:

This bill imposes liability on certain owners of real property for the expenses of removing a tree or limb that falls on an adjoining owner’s private real property. The bill sets forth three conditions under which an owner may be liable for removing a tree or limb that falls on an adjoining owner’s private real property, and two affirmative defenses – one of which exempts an act of God and other unforeseen acts. The bill also exempts certain pieces of real property, such as those subject to conservation easements or held as trust lands, and does not affect the rights of insurance policyholders.

SUBSTITUTE LANGUAGE:

There is no substitute language from the 2019 raised bill. However, this bill has been raised since 2014 and has several additions from previous iterations. Importantly, a licensed arborist must be hired by the party seeking action on the owner of the property where the diseased, dead, or hazardous tree is located; and several exemptions are carved out for “real property,” including property owned by political subdivision, water companies, and certain nonprofit and tax-exempt organizations.

RESPONSE FROM PUBLIC OFFICIALS (SUPPORT):

Representative Fred Camillo (151st)
This is an improved version of a bill first introduced in 2014 that was then vetoed by Governor Malloy. It has made it out of committee every year since 2014, but has not been voted on since then. This bill is the most improved version, requiring a licensed arborist be hired by the party seeking action on the owner of the property where the tree is located; and exempting certain pieces of real private property.
RESPONSE FROM THE PUBLIC:

Connecticut Land Conservation Council
   As the state’s umbrella organization for the land conservation community, including its 137 land trusts, the CLCC supports section (e), which provides exemptions to protect land trusts, water companies, municipalities, as well as private landowners enrolled in the Public Act 490 program.

Connecticut Forest and Park Association, Eric Hammerling, Executive Director
   The Connecticut Forest and Park Association supports the bill because it addresses past concerns of the CFPA. Specifically the bill exempts conservation lands and unavoidable situations like “acts of God,” it utilizes CT licensed arborists to determine tree health, and focuses on settling disputes between neighboring private landowners. It balances the removal of healthy trees with conservation objectives.

Reported by: Robert J. Anderson Date: March 28, 2019