

Judiciary Committee JOINT FAVORABLE REPORT

Bill No.: HB-5598

AN ACT CONCERNING A PROPERTY OWNER'S LIABILITY FOR THE

Title: EXPENSES OF REMOVING A FALLEN TREE OR LIMB.

Vote Date: 3/29/2021

Vote Action: Joint Favorable

PH Date: 3/3/2021

File No.:

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SPONSORS OF BILL:

Rep. Gary A. Turco, 27th Dist.,
Rep. Craig C. Fishbein, 90th Dist.,
Rep. Robin Green, 55th Dist.,

Rep. Laura M. Devlin, 134th Dist.,
Rep. Devin R. Carney, 23rd Dist.,
Sen. Saud Anwar, 3rd Dist.

REASONS FOR BILL:

The bill would change certain conditions of liability when a tree or parts of a tree fall onto private property from the property of the neighbor. This bill outlines a process for advanced notice and inspection by professional arborists for property owners worried about neighboring trees. The current law holds the owner of the property onto which the tree fell liable for related costs and not the owner of the property where the tree is located, often resulting in long and costly civil legal disputes. Provisions are included in the bill language to protect conservation lands, water companies, municipalities, and private land owners enrolled in the Public Act 490 Program.

RESPONSE FROM ADMINISTRATION/AGENCY:

State of Connecticut Department of Transportation, Commissioner, Joe Giulietti; opposes this bill stating that it will increase costs imposed on the agency stating it does not provide exemption of liability for CTDOT property. It is stated that it would make the department responsible for the removal of trees which fall from private property onto CTDOT property, as well as for the costs of removing CTDOT trees which fall onto private property.

NATURE AND SOURCES OF SUPPORT:

Connecticut General Assembly, State Representative, Gary Turco supports this bill stating that it would allow due process and provide a definitive statutory deadline for property owners, like his constituents who incur significant clean-up costs from their neighbors' fallen

trees. It is also stated that the bill focuses on decayed, diseased, or damaged trees and in no way advocates for the removal of healthy trees. It is stated that he is advocating for his constituent Lisa St. Germain and many others who have received hundreds or thousands of dollars in damage to their property from a tree falling onto their property from the property of a neighbor.

Connecticut General Assembly, State Representative, Laura Devlin supports this bill stating that it will incentivize private property owners to employ good management of their trees while helping settle disputes between neighbors on this topic.

Connecticut Forest and Park Association, Executive Director, Eric Hammerling supports this bill stating the language of the bill should be clarified to exempt all state-owned lands. crediting several years of work by the committee to exempt certain properties which are protected for their natural resource values.

Connecticut Land Conservation Council, Executive Director, Amy Blaymore Paterson supports Section 1(e) of this bill and states that clarifying language should extend to the State of Connecticut with respect to potential liability associated with state-owned lands.

Greenwich, First Selectman, Fred Camillo supports this bill, stating that it protects property owners from damage caused by trees not belonging to them, so long as they have followed the process of certification and notification.

Newington, Connecticut, Resident, Lisa St. Germain supports this bill stating that the current law puts the onus on property owners to prevent damage from any trees abutting their properties, and leaves none of the responsibility with the owner of the trees. Her personal story was shared of the last 14 years of paying out more than \$5,000 in maintenance of removal of trees from 5 properties abutting her property despite her property only having 1 tree.

NATURE AND SOURCES OF OPPOSITION:

None stated.

Reported by: Rose Hirschl

Date: April 5, 2021