



General Assembly

January Session, 2021

Raised Bill No. 5598

LCO No. 1575



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

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

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2021*) (a) If a tree located on
2 private real property, or a limb from such tree, falls on an adjoining
3 private property owner's land, the owner of the private real property
4 from which such tree or limb fell shall be presumed liable for the
5 expenses of removing such tree or limb from such adjoining private
6 property owner's land, if, prior to such tree or limb falling: (1) An
7 arborist inspected the tree and documented that the tree or limb was
8 diseased, decayed or damaged and likely to fall within five years of the
9 date of such inspection; (2) the adjoining private property owner
10 provided written notice by certified mail, return receipt requested, to
11 the owner of the real property from which such tree or limb fell that the
12 tree or limb was diseased, decayed or damaged and likely to fall within
13 five years of the date of such inspection and requested that the condition
14 be cured by removal, pruning, spraying or any other appropriate
15 method; and (3) the owner of the private real property from which such
16 tree or limb fell failed to cure the condition by removal, pruning,

17 spraying or any other appropriate method within ninety days of the
18 date of receiving such written notice. No property owner shall be
19 required to provide access to his or her property for inspection by an
20 arborist. An arborist's inability to access property for such inspection
21 shall not waive the requirement of this subsection that an arborist make
22 a determination that a tree or limb is diseased, decayed or damaged and
23 likely to fall within five years of the date of such inspection. Written
24 notice provided by a private property owner pursuant to this subsection
25 shall be deemed personal to the particular owner providing such notice
26 and shall not run with the land.

27 (b) The presumption in subsection (a) of this section may be rebutted
28 upon a showing that: (1) After notice was given as described in
29 subdivision (2) of subsection (a) of this section, an arborist inspected the
30 tree or limb and documented that the tree or limb was not diseased,
31 decayed or damaged and likely to fall; or (2) such tree or limb fell due
32 to a reason other than the condition described in such notice, including,
33 but not limited to, a motor vehicle collision, fire, lightning strike or other
34 act of God.

35 (c) The provisions of this section shall not affect any rights of a
36 policyholder under a liability insurance policy, except that the insurance
37 company that issued such insurance policy may deduct from any
38 amount owed to such insured for a covered loss arising from such tree
39 or limb falling, the amount recovered by the policyholder pursuant to
40 subsection (a) of this section, to the extent that such amount would have
41 been a covered loss under such insurance policy.

42 (d) The provisions of this section shall not be construed to limit any
43 person's right to pursue any additional civil remedy otherwise allowed
44 by law.

45 (e) As used in this section (1) "private real property" does not include:
46 (A) Real property owned by a political subdivision of the state, a water
47 company, as defined in section 25-32a of the general statutes, or a
48 nonprofit organization qualified as a tax-exempt organization under

49 Section 501(c)(3) of the Internal Revenue Code of 1986, or any
50 subsequent corresponding internal revenue code of the United States,
51 as amended from time to time; (B) real property that is subject to a
52 conservation easement held by such nonprofit organization; (C) timber
53 land, as described in section 12-97 of the general statutes; or (D) farm
54 land, forest land or open space land, as such terms are defined in section
55 12-107b of the general statutes; and (2) "arborist" has the same meaning
56 as provided in section 23-61a of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2021</i>	New section

Statement of Purpose:

To impose 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.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]