

# What's the Financial Liability for Neighbor's Dead Tree?



By Gary M. Singer

When a neighbor's tree causes damage to your property, what's the neighbor's liability? Property owners need to care for their trees or possibly face a lawsuit.

**Question:** My neighbor has a large pine tree that died this summer. It is five feet from our shared property line and within range of damaging our home if it falls. How would the financial liability play out between us, them, and our respective insurance companies?

**Answer:** If a tree falls on your property because it is unhealthy or not maintained by the owner, the owner would be responsible for paying for the repairs to your property.

The law does not protect a tree owner who neglects the maintenance of their tree, which leads to damage to someone else's property.

However, the law will protect a tree owner who maintains their trees, even if a tree damages a neighbor's property through unexpected events, like a storm.

Therefore, it is crucial for tree owners to regularly maintain their trees to avoid liability for damage caused by their unhealthy trees. In your case, it seems clear your neighbor is not doing that.

Because the tree is dead, any damage it causes would be your neighbor's responsibility.

While your homeowner's insurance policy should protect against this damage, you should look over your coverage to confirm. If something happens and your insurance company pays for the repairs, it will want the right to seek reimbursement from your neighbor. This is called "subrogation" and is a right given to insurance companies in most, if not all, of the insurance policies.

Your insurance company will seek reimbursement from your neighbor and sue them if they or their insurance company do not step up.

That said, it is best to avoid this issue altogether.

Depending on your relationship with your neighbor, you should talk about this with them or write them a note.

If they are not cooperative and you live in a community association, you can seek assistance from the property manager. Another option may be to speak to code

enforcement or a similar department in your local municipality.

While it may be uncomfortable to take these steps, it is better than dealing with a damaged house. If nothing else, communicating the issue will document your neighbor's negligence in case there's an issue.