

What Do You Do When Your Tree Falls onto Your Neighbor's Property?

We residents of Lloyd Harbor share a love for the area's natural beauty, which has been successfully preserved through the Village's zoning ordinances. Though the area's stately and mature trees are desirable, storms and disease can make those trees hazardous, and disputes between neighbors can arise when trees fall. What do you do when your tree falls onto your neighbor's property?

In many cases, when a homeowner's tree falls onto a neighbor's property due to an act of nature, that neighbor's insurance company may help cover the cost of tree removal and damage repair. However, depending on several factors and the type of insurance policy, that may not be the case. Even if the neighbor's

insurance pays for the damage, the insurance company may seek to recover its costs from you or your homeowner's insurance policy. Accordingly, you should notify your homeowner's insurance of the loss to protect yourself from any claims or suits by your neighbor and/or your neighbor's insurance company.

Additionally, homeowner's insurance usually will not cover loss or damage caused by negligence. Property owners may avoid being held responsible for damage or injury caused when their tree falls onto an adjacent property due to natural causes if the tree appeared to be healthy and defect-free. The homeowner may be found to be liable for the damage, however, if a reasonable inspection would have revealed the dangerous condition of the tree. When a homeowner is aware that there is a dying or diseased tree on their property, they must take reasonable steps to prevent any damage and/or injuries that could result if the tree were to fall. Withering or dead leaves, barren branches, cracks in the trunk, peeling bark, mushrooms growing near the tree's roots, or discoloration may indicate a tree is diseased and should alert a homeowner to the possibility that their tree or one of its branches is decaying or defective.

If you are unsure about the health of your trees, it's wise to consult with a certified arborist annually. It is also important to note that, according to Lloyd Harbor Village Code § 183-9, a permit is not required to remove a tree that is "an imminent peril to life or property." If you have any questions, the Code is available online.

If there is a liability or litigation topic that you would like to know more about, please feel free to email me at christina.bezas@rivkin.com and I will try to cover it in a future column.



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