

Who is Liable When a Tree Falls on a Neighbor's Property?

Many people have one or more types of trees on their property. Trees provide shade and complement landscaping nicely, but they can also cause major disputes when they fall over. A tree may fall over if it is not properly maintained and diseased, or it may fall over during a storm. When a tree falls over onto a neighbor's property, a homeowner is often left to wonder if he or she is liable. Most people assume that they are liable since it is their tree. However, this is not always true.

When a tree falls over onto a neighbor's property, that neighbor should submit a claim to his or her insurance company immediately. The insurance company is usually responsible for taking care of the damages. This is true if the tree fell over due to an act of nature. For example, a healthy tree that falls over during a tornado, hurricane, wind storm or winter storm would not be the responsibility of the homeowner. Since the homeowner living on the property where the fallen tree was rooted did not intentionally push the tree over, nature is responsible. This means that the neighbor's insurance policy should cover it under perils.

However, there are some cases where a homeowner could be held liable. If the tree fell on the neighbor's home when the homeowner was trying to cut down the tree without professional help, the damage would be the homeowner's responsibility. Also, if the tree was dying, unstable or diseased and the homeowner knew about it, he or she could be liable if it falls over on its own. He or she could also be liable if it falls over during a very light storm that would not normally knock over a tree. When homeowners know they have dying, diseased or unstable trees, it is their responsibility to take steps to prevent them from causing severe damage.

In the event a homeowner is liable for the damages, his or her personal insurance company will have to pay the damages. The insurer will have to also investigate the claim and defend the homeowner if he or she is sued by the neighbor whose property the tree fell on. If the homeowner being sued loses, his or her insurer will pay up to the policy limit for damages. For any further damages beyond that, the homeowner is financially responsible. Neighbors can also submit liability claims against homeowner policies.

Most cases involve trees falling over due to storms or acts of nature, so many homeowners whose trees fall over do not have to worry about their insurers footing the bill. Also, they do not have to worry about premium increases if they are not found liable for the damages. In some cases, neighbors may still try to sue to recover their deductibles. The best way to avoid this scenario is to prevent it in the first place. Homeowners should check their trees regularly and have them inspected at the first sign of disease or any health issues.

A professional arborist can analyze the tree to see if it needs any special treatments, pruning or complete removal. This may seem like an unnecessary expense, but it is much less expensive than the potential cost of paying for a neighbor's home being destroyed and the legal costs that ensue. For those who plan to stay in their homes for any length of time, it is best to try to keep peace with neighbors, so this is also a good way to prevent quarrels or ongoing problems. To learn more about damage claims from fallen trees, discuss concerns with an agent.