

# Judiciary Committee JOINT FAVORABLE REPORT

**Bill No.:** SB-1061

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

**Vote Date:** 3/31/2023

**Vote Action:** Joint Favorable

**PH Date:** 3/3/2023

**File No.:**

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## **SPONSORS OF BILL:**

Judiciary Committee

## **REASONS FOR BILL:**

Connecticut sees storms hit year after year with a significant amount of damage done to properties. Under current law, if a tree falls on your property, it is your responsibility to clean it up. This bill would make property owners liable for their trees that fall on adjoining properties.

## **RESPONSE FROM ADMINISTRATION/AGENCY:**

None expressed.

## **NATURE AND SOURCES OF SUPPORT:**

**Jeri DeSantis:** She stated that her and her neighbor have experienced ash trees falling on their properties due to the lack of good stewardship on the part of their adjoining neighbor. They have talked to him in person and on the telephone without good results and his response is that he isn't liable for what trees have fallen or will fall. She believes that she is not the only citizen impacted by negligent property owners in the state. She testified that property owners are the ones who need to be held accountable for maintaining healthy trees and for any resulting damage as a result of not being good stewards of their land.

**Lisa St. Germain:** She testified in support of this bill as in the last 16 years, she has had to personally spend close to \$8,000 in both maintenance, removal, and damage of either fallen trees or trees that threaten her residence but aren't actually on her property. She stated that her property has one small tree in the front yard and on an annual basis, caps and prunes the

tree to ensure it is healthy and does not grow too tall. She explained that her property has five other residences abutting it on all sides, all of which have numerous overgrown trees that have not been properly cared for in the years that she has been there. She stated that seedlings have now begun grow new trees, which again, are not being addressed by the homeowner. She believes the bill does put the financial onus on the property owner of the tree but to pursue that financial liability, all the onus and expense is put on the property owner who feels that their property is threatened.

**NATURE AND SOURCES OF OPPOSITION:**

**Keith Ainsworth, Esq. LLC:** He stated that this bill will upend 300 years of legal precedent in Connecticut which holds that a property owner is not liable for trees which fall unless the owner takes some action to cause it to fall. He testified that in the past (and currently) bills like this have been supported only by one individual, Lisa St. Germain of Newington, who appears to work for Mass Mutual Insurance Co. He believes that the bill is motivated by the insurance industry's desire to avoid coverage for trees that fall by subrogating the claim against the tree owner. He stated that he has had clients who have said their neighbors threatened this very thing to the point that the only defense they had was to hire an attorney so that they could keep their healthy trees.

**Reported by:** George Marinelli

**Date:** April 3, 2023