



General Assembly

January Session, 2025

Raised Bill No. 7138

LCO No. 5796



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 TREE LIMB.***

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

1 Section 1. (NEW) (*Effective October 1, 2025*) (a) (1) 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 whose tree or tree limb fell shall be presumed liable for the expenses of
5 removing such tree or tree limb from such adjoining private property
6 owner's land, if, prior to such tree or tree limb falling: (A) An arborist
7 inspected the tree and documented that the tree or tree limb was
8 diseased, decayed or damaged and likely to fall within five years of the
9 date of such inspection; (B) the adjoining private property owner
10 provided written notice by certified mail, return receipt requested, to
11 the owner of the private real property whose tree or tree limb fell that
12 the tree or tree limb was diseased, decayed or damaged and likely to fall
13 within five years of the date of such inspection and requested that the
14 condition be cured by removal, pruning, spraying or any other
15 appropriate method; and (C) the owner of the private real property
16 whose tree or tree limb fell failed to cure the condition by removal,

17 pruning, spraying or any other appropriate method within ninety days
18 of the 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 subdivision that an arborist make
22 a determination that a tree or tree limb is diseased, decayed or damaged
23 and likely to fall within five years of the date of such inspection. Written
24 notice provided by a private property owner pursuant to this
25 subdivision shall be deemed personal to the particular owner providing
26 such notice and shall not run with the land.

27 (2) Notwithstanding the provisions of subdivision (1) of this
28 subsection, no liability shall be imposed on an owner of private real
29 property for expenses incurred to remove a fallen tree or tree limb, if (A)
30 such owner was sixty-four years of age or older on October 1, 2025, and
31 (B) such owner's median income on the date the tree or tree limb fell on
32 an adjoining property is below the median income determined by the
33 United States Department of Housing and Urban Development, for the
34 area in which the municipality containing the private real property is
35 located.

36 (b) The presumption of liability set forth in subdivision (1) of
37 subsection (a) of this section may be rebutted upon a showing that: (1)
38 After notice was given as described in subsection (a) of this section, an
39 arborist inspected the tree or tree limb and documented that the tree or
40 tree limb was not diseased, decayed or damaged and likely to fall; or (2)
41 such tree or tree limb fell due to a reason other than the condition
42 described in such notice, including, but not limited to, a motor vehicle
43 collision, fire, lightning strike or other act of God.

44 (c) The provisions of this section shall not affect any rights of a
45 policyholder under a liability insurance policy, except that the insurance
46 company that issued such insurance policy may deduct from any
47 amount owed to such insured for a covered loss arising from such tree
48 or tree limb falling, the amount recovered by the policyholder pursuant
49 to subsection (a) of this section, to the extent that such amount would

50 have been a covered loss under such insurance policy.

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

54 (e) As used in this section (1) "private real property" does not include:
55 (A) Real property owned by the state, a political subdivision of the state,
56 a water company, as defined in section 25-32a of the general statutes, or
57 a nonprofit organization qualified as a tax-exempt organization under
58 Section 501(c)(3) of the Internal Revenue Code of 1986, or any
59 subsequent corresponding internal revenue code of the United States,
60 as amended from time to time; (B) real property that is subject to a
61 conservation easement held by such nonprofit organization; (C) timber
62 land, as described in section 12-97 of the general statutes; or (D) farm
63 land, forest land or open space land, as such terms are defined in section
64 12-107b of the general statutes; and (2) "arborist" has the same meaning
65 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	October 1, 2025	New section

JUD *Joint Favorable*

INS *Joint Favorable*