



*For Immediate Release*

## Practical Tree Care Makes Good Neighbors

CHAMPAIGN, IL (March 2013) – If a tree is situated between two property lines, whose responsibility is it? Can you be held responsible if “an act of God” causes a tree to fall on a neighbor’s property? What right does your neighbor have to prune a tree that has branches or roots crossing property lines? How can you best protect your arboreal assets?

Trees add value to our property. Their beauty is something to admire as the seasons change. However, it is important to exercise sensible efforts in preserving the vigor of our trees. It creates a safe environment for our families and our neighbors.

### **Whose Tree Is It Anyway?**

A book published by the International Society of Arboriculture (ISA), *Arboriculture and the Law*, states that, generally, courts find that a tree positioned on a property line between two residences is common property, and thus, the responsibility of both property owners. This typically means the tree cannot be pruned, destroyed, or altered without both parties agreeing to the changes. Sometimes this requires the two parties to have a written agreement on the terms of care for the tree.

If a tree is securely on your property, in the eyes of the law you are responsible for the maintenance and upkeep of that tree. You could be found negligent for not attending to the pruning of trees that might block visibility of streets, driveways, and sidewalks. The common rule of thumb is that a homeowner should consider themselves responsible for tending to any trees that could cause harm to a neighbor’s home or person.

### **A Dangerous Tree Needs a Proactive Approach**

Homeowners cannot simply plead ignorance to the condition of the trees on their property to escape liability in the case of tree failure. To understand a homeowner’s liability in this situation, one must first understand what an “act of God” is. “An act of God” might best be described by *Arboriculture and the Law* as an issue that occurred as a result of “totally natural causes, which could not be prevented against by the actions of any particular individual.” If the home owner could have prevented the damage through regular checks and maintenance of the trees on his property, it could be concluded that the property owner on which the tree was situated could be held liable.

### **When a Tree Comes Between Neighbors**

At times, a tree grows beyond the yard it was originally planted in, and limbs and root systems spread to an adjoining property. These can cause damage to sidewalks, driveways, garages, rooftops, and sewage and drainage pipes. Do neighbors have the right to take matters into their own hands and remove such nuisances? According to the law, they do.

In most cases, courts have decided in favor of a neighbor being able to remove portions of trees that may not be planted on their property but have limbs or roots that reach across property lines. Courts have determined that a landowner owns all the space above and below his property, and if something invades either of those areas, it is his right to remove it.

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### **Protect Your Trees**

If your trees or landscape are damaged, ISA recommends that you:

- Contact your homeowner's insurance company.
- Have the insurance company send a professional tree and landscaping appraiser out to your property immediately after the damage has occurred.
- Have the appraiser determine your financial loss, including the cost of removal and repair.
- Contact a local ISA Certified Arborist if repair or replacement is needed.

Just as you would with any other valuable asset, document your investment in landscaping to help establish its worth. ISA suggests taking pictures of trees and plants while they are healthy to make insurance processing simpler with "before and after" examples.

### **Consulting an Arborist**

While there are generalities in the law concerning trees, statutes vary from state to state. There are some regulations that are more relevant to urban settings than to rural ones. It is important to be sure what your state dictates as proper practice. ISA Certified Arborists are tested extensively on proper tree care and can be a useful source when deciding what course should be taken with problematic trees.

For more information on the legal issues trees present homeowners or on proper tree maintenance, contact an ISA Certified Arborist or visit [www.treesaregood.org](http://www.treesaregood.org)

### *About ISA*

*The International Society of Arboriculture (ISA), headquartered in Champaign, Ill., is a nonprofit organization supporting tree care research and education around the world. To promote the importance of arboriculture, ISA manages the consumer education web site, [www.treesaregood.org](http://www.treesaregood.org), which fulfills the association's mission to help educate the public about the importance and value of proper tree care. Also, as part of ISA's dedication to the care and preservation of shade and ornamental trees, it offers the only internationally-recognized certification program in the industry. For more information on ISA and Certified Arborists, visit [isa-arbor.com](http://isa-arbor.com).*



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