



## **Frequently Asked Questions: Fallen Trees on Private Property**

### **A tree or parts of a tree fell on my property - Who is responsible?**

In Virginia and Maryland, the general rule for fallen trees, or similar accidents that may be qualified as an "Act of God," is that the affected owner is responsible for the damages to their own property, including clean up, removal and similar expenses. Such accidents are normally covered by the affected owner's insurance, and are usually resolved by reporting the claim. As a result, the association should encourage the affected owner to contact his or her insurance company before submitting the claim under the association's policy, if the damages exceed the policy deductible.

Please note, however, that the exception to the general rule is that the owner of the property where the tree originated will be responsible for damage to a neighbor's property if the owner knew or had reason to know that the tree presented a danger to adjoining properties. For example, if a tree was diseased and had been weakened by previous storms, it may be fair to say that the owner had reason to believe that the tree would fall and, judging by its size, damage a neighbor's property. Otherwise, the accident is considered an "Act of God" and the affected owner is therefore responsible for the damage to his or her property. (from <http://www.expertlaw.com/forums/showthread.php?t=51948>)

### **I want branches removed that are overhanging my property but the tree belongs to my neighbor – Who is responsible?**

Maryland follows the "Massachusetts Self-Help Rule". This rule states that a property owner can cut off branches which are intruding over his property as long as he doesn't kill the tree.

### **If the tree is already down on the ground, does the person need to be MD Licensed Tree Expert to remove the tree?**

No, if the tree is already on the ground the person removing the tree does not need to be a MD Licensed Tree Expert. If the tree is being cut into firewood to sell, the person doing the work needs to be a licensed forest product operator.

For additional information and a listing of Licensed Forest Product Operators:

[http://www.dnr.state.md.us/forests/fpo\\_search.asp](http://www.dnr.state.md.us/forests/fpo_search.asp)

### **Who should I hire to do tree work on my trees? Should I ask about insurance?**

In order to do tree work in Maryland, the tree care professional must be a Maryland Licensed Tree Expert. The Maryland Tree Expert Law addresses tree care work done for compensation on private or public property in Maryland. The purpose of the law is to provide a layer of consumer protection by licensing qualified and insured tree care companies and individuals. Maryland Licensed Tree Experts must maintain insurance that covers the tree work not just "bonded and insured" as stated in business advertisements.

For additional information: <http://www.dnr.state.md.us/forests/programapps/newtreeexpert.asp>

To locate a MD Licensed Tree Expert: [http://www.dnr.state.md.us/forests/tree\\_expert\\_search.asp](http://www.dnr.state.md.us/forests/tree_expert_search.asp)

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