

Dannel P. Malloy

GOVERNOR
STATE OF CONNECTICUT

June 6, 2014

The Honorable Denise Merrill
Secretary of State
30 Trinity Street
Hartford, CT 06106

Dear Madam Secretary:

I hereby return, without my signature, substitute House Bill 5220, An Act Concerning a Property Owner's Liability for the Expenses of Removing a Fallen Tree or Limb. This legislation attempts to address a legitimate issue and I would be happy to work with proponents of the bill in the next legislative session. However, I am concerned that the bill, as drafted, could lead to the unnecessary removal of healthy trees.

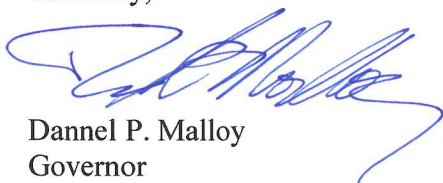
Under this bill, a tree owner would be liable for the costs of removal of a tree that falls onto a neighbor's private property if (1) that neighbor had previously notified the tree owner that the tree or branch was diseased or likely to fall, and (2) the tree owner failed to remove or prune the tree or branch within thirty calendar days after receiving that notice.

I am concerned that this bill is weighted too heavily in favor of neighbors who want branches and trees taken down and provides no avenue for a tree owner to contest a neighbor's assertion that their tree or branch is "likely to fall." Without such a provision, there is a strong possibility that tree owners will feel compelled to remove a tree upon merely receiving a letter from a neighbor, even when the tree may in fact be healthy.

It is also worth noting that, under current law, property owners have the right to cut branches or limbs extending across their property line, and property owners can and should exercise that right where a tree limb may be diseased or likely to fall. The bill, as drafted, would allow property owners to shift the burden of caring for the trees exclusively onto the shoulders of the property owner on whose property the tree trunk is located.

For these reasons, I disapprove of substitute House Bill 5220, An Act Concerning a Property Owner's Liability for the Expenses of Removing a Fallen Tree or Limb. Pursuant to Section 15 of Article Fourth of the Constitution of the State of Connecticut, I am returning substitute House Bill 5220 without my signature.

Sincerely,



Dannel P. Malloy
Governor