

NYC Dead Tree Liability: When a Dying Tree Becomes Your Legal Problem

Quick reference guide by Dragonetti Tree Removal

New York legal standard

Owner liable if they knew or should have known the tree was dangerous and failed to act. Source: *Ivancic v. Olmstead* (1976).

Visible warning signs

Dead crown >1/3. Hollow or cavity in trunk. Conks/shelf fungi at base. Vertical trunk cracks. Recently increased lean. Soil heaving at root flare. Co-dominant stems with included bark.

What neighbor can do

Self-help prune to property line. Demand letter + 311 complaint. NYC DOB nuisance complaint. Civil suit for injunction. Civil suit after damage.

Documentation strategy

Get TRAQ-certified arborist hazard report. Dated photos. Schedule removal. Save contract, invoice, COI, completion photos.

Removal cost vs lawsuit

Removal: \$2.5k-\$15k. Neighbor car: \$5k-\$40k. Neighbor house: \$25k-\$250k+. Personal injury: \$100k-\$1M+. Wrongful death: 7 figures.

After receiving complaint

7 days: TRAQ assessment. 14 days: schedule removal if High/Extreme. 30 days: removal complete with photos sent to complainant.

Boundary trees

Co-owned by both owners. Removal without consent can trigger treble damages under NY statute.

Hazard report cost

\$300-\$750 from TRAQ-certified arborist. Some waive if you hire them for removal.

Insurance coverage

Personal liability portion of HO-3 covers tree-fall damage up to limit (\$100k-\$500k typical). Umbrella policy recommended for mature trees on tight lots.

dragonettitreeremoval.com