



**Hidden Hills Community Association, Inc.
POLICY**

Policy Title:	Whose Tree is It?		
Effective Date:	June 27, 2014		Page 1 of 1

Background:

To outline the Hidden Hills Homeowner Association’s responsibilities related to trees on homeowner’s private property and on the HHCA’s community property.

- The tree and the land it sits on is the property owner’s responsibility.
- It is the property owner’s responsibility to maintain a healthy tree including inspection, trimming, removal of debris or moss, branch removal etc.
- Trees situated on the HOA’s common areas are the responsibility of the HHCA.
- Trees situated on the homeowner’s private property (lot) are the homeowner’s responsibility.
- If the owner of the tree knew or should have known that the tree or branch was diseased or posed a risk of falling and did nothing, the owner of the tree would be liable for any damage caused by the falling tree or branch and be responsible for the cost of any damage and removal of the tree or branch. (Florida law).
- If the tree owner maintained a healthy tree and otherwise did not know the tree or limb was diseased or dead, the falling tree or branch is considered an act of God and, generally, the owner of the property on which the tree fell would be responsible for the removal of the tree and damage. (Florida Law). Such an event is generally covered under the homeowner’s home insurance policy.
- During storms, hurricanes, tornados and other weather events (acts of God), trees, branches and other debris often fall from a tree owner’s property onto their neighbors. Generally the owner of the tree is not liable unless he or she was somehow negligent in caring for the tree. The owner of the property on which the tree, branches or debris fell would be responsible for removal and damage. Such an event is generally covered under the homeowner’s home insurance policy.
- The HHCA and its board are not responsible for acts of God.

Expectations:

- Trees, branches and debris falling from one HHCA member-homeowner’s property onto another’s is a circumstance to be handled between the respective member-homeowners. Such circumstance is not the responsibility of the HHCA or its board and the board has no obligation to be involved in member-homeowner disputes.
- If HHCA does not own the tree, does not have responsibility of trimming the tree and does not have property damaged by the tree, it is under no obligation to become involved in property owner disputes.
- If a tree, branch or other debris falls partially on HHCA community property including the roadway and on a private homeowner’s property, HHCA is responsible for the cost of the removal of that portion physically located on HHCA community property, common area or roadway. The property owners will be responsible for the removal from their private property.
- HHCA will arrange for the removal of fallen trees, branches and debris on HHCA community property, common areas and roadways through HHCA preferred vendors and pay for such costs. The property owner is responsible for making arrangements for such removal with their vendor under separate terms and conditions.
- HHCA will not pay for the removal of fallen trees, branches or debris on private property either directly or under a request for reimbursement from a property owner. The cost of private property tree removal is strictly to be borne by the private property owner.