After the Mess is Gone: A Guide to Insurance, Liability, and Property Damage

Who Pays When a Tree Falls? Understanding Insurance, Liability, and Your Next Steps

I've spent the last 15 years of my career assessing trees across the American west, from the towering coastal Redwoods in Santa Cruz to the bigleaf maples that shade Craftsman bungalows in Wallingford. In that time, I've stood on more properties than I can count, next to a homeowner or property manager staring at a fallen limb or a split trunk, asking me the same question in a dozen different ways: "Is this type of stuff covered by my insurance?"

Tree failures are stressful, expensive, and often deeply misunderstood. Most people assume insurance either covers everything automatically or nothing at all. The truth sits in the middle. Every policy is different, and the details of your specific coverage matter, but there are common principles that apply almost everywhere, and especially here in the Pacific Northwest, where wet winters, saturated soils, and windstorms make tree failure a genuine seasonal risk. This guide walks through what I've learned working alongside insurance adjusters, attorneys, and property managers, so you know what to expect before an emergency happens, not during one.

Does Homeowners Insurance Cover Tree Damage?

Short answer: yes, but only under specific conditions. Most standard homeowners policies (the common HO-3 form) cover sudden, accidental damage to your home and other insured structures when a tree falls due to a covered peril: wind, snow, ice, lightning, or a similar storm event. What the policy does not do is pay out simply because a tree fell, or fell on you specifically.

Here's how it typically breaks down:

Covered perils — Windstorms, snow load, ice accumulation, and lightning strikes are the classic triggers. If a healthy tree comes down in a windstorm and lands on your house, garage, fence, or a covered structure, your policy generally pays for the repair.
Insured structures — Coverage extends to the dwelling, detached structures like garages and sheds, and fences, but usually with a lower "other structures" limit than your main dwelling coverage.
Vehicles — Damage to a car from a falling tree is typically handled by comprehensive auto coverage, not your homeowners policy.
Deductibles and limits — You'll pay your standard deductible before coverage kicks in, and "other structures" or debris removal coverage often has a separate, smaller sub-limit — sometimes just a few hundred to a couple thousand dollars.
Debris removal — Many policies will pay to remove tree debris that's on your covered property or blocking access, but only up to a stated sub-limit, and often only if the tree caused covered damage in the first place.

Common misconception: homeowners assume that if a tree falls anywhere on their property, insurance pays. It doesn't work that way. If a tree falls in the yard and hits nothing but grass, that's a maintenance issue, not an insurance claim.

Key takeaway: Insurance generally covers sudden, accidental damage to insured property caused by a covered peril, not simply because a tree fell.

Who Pays if My Neighbor's Tree Falls on My House?

In most cases, your own homeowners insurance pays first, regardless of whose tree it was. Ownership of the tree usually isn't what determines who pays for the initial repair. What matters is whose property was damaged. If your neighbor's healthy maple falls onto your roof during a windstorm, generally you file a claim with your own insurer, not theirs, a principle echoed by state insurance regulators across the country.

Here's why that structure exists, and when it changes:

- **Your policy responds first.** It's faster and simpler for you to file with your own carrier than to try to prove fault against a neighbor's insurer, especially while you need repairs done quickly.
- **Subrogation may follow.** If your insurer later determines your neighbor was negligent, for example, the tree was visibly dead or previously flagged as hazardous, your carrier can pursue subrogation, going after your neighbor's insurance company to recover what it paid out, including your deductible in some cases.
- **Negligence changes everything.** This is one of the points I can’t emphasize enough. If the tree was healthy and simply came down in a storm, this is treated as an "act of God," and neither neighbor's policy pays the other. But if there's evidence of neglect, the negligent party's liability coverage can end up footing the bill instead of your own claim history taking the hit.
- **Notice matters.** If you'd previously warned a neighbor in writing that their tree looked hazardous and they did nothing, that notice becomes powerful evidence in a subrogation or liability claim.

The practical upshot: don't wait to find out whose "fault" it was before filing. Call your own insurer first. Sort out liability later.

When Is a Tree Owner Actually Liable?

Owning a tree that falls doesn't automatically make you liable for the damage it causes. In Washington, and in most states, liability turns on negligence, not simple ownership.

Under general negligence principles (courts often cite the Restatement of Torts framework here), a property owner can be held liable when they knew or reasonably should have known a tree posed a hazard and failed to act. Examples I see in the field that tend to support a negligence finding:

- **Dead or clearly dying trees** left standing near a home, driveway, or property line
- **Significant decay or cavities** that a reasonable inspection would have caught
- **Ignored arborist recommendations:** a written report flagged the tree, and the owner did nothing

- **Known structural defects:** codominant stems, included bark, cracks, or lean that had been previously observed
- **Obvious hazard conditions** that any reasonable homeowner would have noticed, even without professional training

What negligence is not: simply owning a large, old, or tall tree that could theoretically fall. Washington courts don't treat tree ownership as an inherently hazardous activity. A tree failing does not, by itself, prove someone was negligent, there has to be evidence the owner knew (or should have known) about a specific defect and failed to address it.

This is also where boundary trees get complicated. Under Washington law, ownership follows the location of the trunk — a tree with its entire trunk on one property belongs to that owner, while a trunk that straddles the line is jointly owned by both neighbors. Joint ownership means joint responsibility if negligence is found — and neither owner can remove or destroy a shared tree without the other's consent.

Key takeaway: A tree failing does not automatically mean someone was negligent. Liability requires evidence of a known, ignored hazard, not just the fact that a tree came down.

What Happens if the Tree Was Healthy?

Seattle's weather is exactly the kind of environment that produces "nobody's fault" tree failures. I've walked plenty of storm sites where a perfectly healthy-looking conifer went down with no warning, and the cause wasn't disease or decay, it was the weather itself.

The common culprits I see after Puget Sound storms:

- **Windstorms:** Western Washington's windstorms, including the November 2024 bomb cyclone that knocked out power to more than half a million customers across the region, generate gusts strong enough to topple even structurally sound trees.
- **Ice loading:** Ice accumulation on branches adds enormous weight that healthy wood simply wasn't built to bear.
- **Saturated soils:** This is a big one locally. After weeks of Pacific Northwest rain and atmospheric river events, soil loses cohesion and grip strength, which lets root systems shift even when the roots themselves are healthy, a dynamic well documented after the January 2021 Puget Sound windstorm and explained further by regional arborists.
- **Hidden root failures:** Many of our native conifers naturally grow shallow, wide-spreading root systems adapted to our wet climate, which can make them vulnerable to windthrow even with no visible defect above ground.
- **Lightning:** Less common here than in other regions, but it still happens, and it's classified the same way as wind or ice for insurance purposes.

When a healthy tree fails due to one of these natural, sudden forces, the law generally treats it as an "act of God", legal shorthand for a natural event so severe and unpredictable that no reasonable person could have prevented it. In plain terms: if nobody could have seen it coming and nobody ignored a known hazard, nobody is legally liable, and the loss shifts to each property owner's own insurance rather than to a neighbor.

Why Documentation Matters

If I had to give homeowners and property managers one piece of advice that would save them the most money and stress down the line, it's this: document your trees before something happens, not after.

Here's what carries weight when liability or coverage gets questioned:

- **ISA Certified Arborist inspections:** The International Society of Arboriculture certifies arborists who've passed a comprehensive exam and logged years of hands-on field experience. A report from a certified arborist carries real weight with insurers, adjusters, and courts because it's an objective, professional assessment, not just an opinion.
- **Written reports:** A dated report describing a tree's condition, any defects observed, and recommendations made is your best evidence of due diligence, or conversely, of prior notice if a hazard was flagged and ignored.
- **Photos:** Time-stamped photos of a tree's canopy, trunk, root crown, and any visible defects create a record that's hard to dispute later.
- **Maintenance records:** Invoices and service records showing routine pruning, cabling, or monitoring demonstrate you were actively managing risk, not ignoring it.
- **Previous pruning history:** Knowing what work was done, and when, helps explain how a tree's structure evolved and whether prior work created or reduced risk.

When a claim gets disputed or a subrogation case gets filed, this paper trail is often what separates "act of God, no one's fault" from "known hazard, ignored." I've seen documentation single-handedly resolve disputes that would have otherwise dragged into litigation.

What To Do Immediately After a Tree Failure

When a tree comes down, adrenaline takes over and people either freeze or start cleaning up too fast. I also wrote an article on precisely how to respond to this type of event. Here's the sequence I recommend, in order:

1. **Make sure everyone is safe.** Check for injuries and get people, kids, and pets away from the area — especially away from any tree still standing under stress or leaning.
2. **Call emergency services if necessary.** If there's a person trapped, downed power lines, gas leaks, or active danger, call 911 first, before anything else.
3. **Photograph everything before cleanup.** Wide shots, close-ups of the break point, the root ball, and all resulting damage. This is your primary evidence for the claim.
4. **Prevent additional damage if it's safe to do so.** Tarping a roof breach or shutting off water to a damaged line can prevent the loss from growing, and most insurers want you to mitigate further damage.
5. **Contact your insurance company.** Don't wait to figure out fault first. Start the claim, even if you're not sure the tree was yours or your neighbor's.
6. **Contact a qualified arborist.** You want a professional assessment of what failed, why, and whether related trees nearby pose ongoing risk, especially if storm conditions persist.
7. **Don't remove evidence until the insurer has documented the loss, unless it's necessary for safety.** Once your claim is filed and photographed, an adjuster will often want to see the site before major cleanup, so hold off on moving debris or cutting up the trunk unless it's blocking emergency access or posing an active hazard.

What Insurance Usually Doesn't Cover

Insurance is built around sudden, accidental loss, not upkeep. Homeowners are frequently surprised by what falls outside coverage:

- **Removing a tree that didn't hit anything.** If a tree falls in your yard but damages no insured structure, most policies won't pay for its removal.
- **Deferred maintenance.** Damage traceable to years of neglected pruning or ignored decay is generally treated as a maintenance failure, not a covered loss.
- **Preventative removals.** Taking down a tree because it looks risky, before it fails, is a maintenance expense you pay for directly, not a claim.
- **Gradual deterioration.** Insurance covers sudden, accidental events. Slow decline from disease, pests, or age typically isn't a covered peril.
- **Rot that existed for years.** If an insurer's investigation turns up long-standing internal decay, that can be used to deny a claim or trigger subrogation against a negligent neighbor.

Every policy differs on the specifics, including debris removal sub-limits, "other structures" caps, and whether a separate tree/shrub endorsement exists, so read your actual policy declarations page, or ask your agent directly, rather than assuming.

Property Managers Have Additional Responsibilities

If you manage multifamily housing, HOA common areas, or commercial property in the Seattle area, your standard of care is higher than an individual homeowner's, and courts and insurers will judge you accordingly. Managing tree risk here is part of your broader property risk management program, not a separate line item.

That typically means:

- **Routine inspections** on a defined schedule, not just after a storm or a complaint
- **Formal risk assessments** for trees near buildings, parking areas, playgrounds, and walkways, using an ISA-consistent Tree Risk Assessment Qualification (TRAQ) approach where appropriate
- **Resident and tenant safety** communications, especially before forecasted windstorms
- **Documentation** of every inspection, finding, and corrective action, kept in a retrievable file
- **Maintenance planning** that budgets for pruning, cabling, or removal before conditions become emergencies
- **Working with qualified arborists** on a recurring basis, not just reactively

This matters because Seattle has also tightened its own rules around tree removal on private property under the 2023 tree protection ordinance, and permits are required for many removals depending on tree size and location. Property managers who skip inspections and permits expose themselves to both liability risk and municipal code violations at the same time.

Can Preventative Tree Care Lower Your Risk?

I'd rather not frame this as "insurance savings," because most homeowners policies don't offer a direct premium discount for tree maintenance. What preventative care actually buys you is something more valuable: **fewer failures in the first place, and a much stronger position if one still happens.**

In practice, regular tree care gets you:

- **Fewer failures —** Removing dead wood, correcting structural defects early, and monitoring known risk trees reduces the odds of a catastrophic failure during our windstorm season.
- **Lower likelihood of large claims —** Small, proactive maintenance costs are almost always cheaper than a major structural claim, a deductible, and the disruption of emergency repairs.
- **Better documentation —** A history of professional inspections is exactly the paper trail that protects you if liability is ever questioned, as covered above.
- **Reduced emergency costs —** Planned removals and pruning are billed at standard rates. Emergency storm response, after-hours crews, and crane work during a regional windstorm cost significantly more.
- **Longer tree life —** Trees that are properly pruned and structurally supported live longer and stay healthier, which protects both your property value and Seattle's tree canopy.
- **Better budgeting —** Scheduled tree care is predictable. Storm damage isn't. Spreading maintenance costs over years beats absorbing one large, unplanned expense.

Quick Answers: Tree Failure and Insurance FAQ

Does homeowners insurance cover a fallen tree in Seattle?

Yes, if the tree fell due to a covered peril like wind, snow, ice, or lightning and damaged an insured structure. It generally does not cover removal of a tree that fell without causing damage.

Who pays if my neighbor's tree falls on my house in Washington state?

Your own homeowners insurance typically pays first, regardless of whose tree it was. Your insurer may pursue subrogation against your neighbor's insurer only if negligence is proven.

Is a tree owner liable if a healthy tree falls in a storm?

Generally no. This is treated as an "act of God." Liability usually requires proof the owner knew about a specific hazard, such as visible decay or a prior arborist warning, and failed to act.

What should I do first after a tree falls on my property?

Ensure everyone's safety, call 911 if needed, photograph the damage before cleanup, and contact your insurance company, then a qualified arborist.

Does removing a healthy but risky-looking tree count as an insurance claim?

No. Preventative removal is a maintenance cost you pay out of pocket, not something covered by a standard homeowners policy.