



TO: City of Santa Monica Property Owners

SUBJECT: Repairing Damage to Private Property Caused by City Street Trees

The following information has been prepared for property owners seeking guidance on how to pursue repairs to private property damaged by a City street tree and obtain reimbursement from the City for the cost of the repairs. Please note this is a two-step process that requires property owners to comply with procedures established by the Urban Forest Unit to ensure street trees are protected during the repair process and by the Risk Management Division to ensure compensable claims are investigated and paid in a timely manner. See below for details:

Step 1: Pursuing Repairs

- ❖ Property owners who suspect that damage to their private property was caused by a street tree (i.e., tree roots or branches damaged a private driveway, walkway, roof, retaining wall, etc.) must contact Urban Forest staff in the City's Public Works Department and arrange for an on-site evaluation **before attempting any property repairs that could interfere with the tree.** Property owners or their contractors cannot injure, trim, prune or cut any portion of a City tree (Municipal Code 7.40.110) without approval from Urban Forest staff. Urban Forest staff can be reached at 310.458.8974 during regular business hours or by submitting a Government Outreach (GO) request online (<https://www.smgov.net/santamonicaworks.aspx>).
- ❖ During the initial evaluation, Urban Forest staff will inspect the site and attempt to determine whether the street tree caused or contributed to the damage identified by the property owner. If this is not readily apparent, the property owner will be required (at their expense) to expose the area where the damage occurred, and once complete, make arrangements for Urban Forest staff to re-inspect the site.
- ❖ If, after completing the inspection, Urban Forest staff conclude that the street tree caused or contributed to the property damage, they will advise the property owner of any special conditions that will be imposed on the property repair process to ensure the street tree is protected and future tree-related damage is mitigated (to the extent possible). It is essential that property owners comply with these special conditions for their own safety, as well as the street tree's health.

Step 2: Filing a Claim to Recoup Repair Expenses

- ❖ Property owners can file a claim against the City to recoup their street tree-related property repair costs. This process (i.e., claim investigation, evaluation, and payment) is managed by the City's Risk Management Division of the Finance Department. **Therefore, please be advised that Urban Forest staff cannot approve claims or authorize claim payments; nor are they responsible for supplying property owners with photographs or other documentation to support their claims.**
- ❖ Payment of a claim is contingent on the property owner's ability to provide the City with proof of its responsibility for the damage presented in the claim and documentation supporting the repair expenses. Therefore, information on how to submit and properly document a street tree damage claim has been included on the reverse side of this memo. **Please review this information carefully and contact staff in Risk Management with any questions prior to initiating property repairs.** Risk Management staff can be reached at 310.458.8374 during regular business hours.

Filing Claims for Damage to Private Property Caused by City Street Trees

❖ Filing a Claim

- A copy of the claim form can be obtained by contacting Risk Management at 310.458.8374 or going to the City's website, smgov.net, and typing "file claim against City" into the search box.
- The claim form must be completed in its entirety; questions that do not apply should be noted with an "n/a." Failure to properly complete the claim form will delay the review process, and in some cases, result in the claim being returned as insufficient.

❖ Documenting Damages and Costs

Property owners are responsible for providing the City with proof that: 1) it is responsible for the street tree-related damage presented in their claim; and 2) the costs to repair the damage are reasonable, necessary, and appropriate. Therefore, the property owner's claim submittal package must include a completed claim form, as well as the following supporting documentation:

- Photographs documenting the property condition prior to repairs, while the repairs are underway and the area where the damage occurred is exposed (for visual evidence linking the street tree to the damage identified in the claim), and after the repairs are complete. **Property owners are encouraged to make arrangements for Risk Management staff to be present while the damaged area is exposed (and the visual evidence is available) to ensure the photographs adequately capture the street tree/damage link.**
- A detailed cost estimate for the repairs carried out, along with receipts confirming payment. Property owners are encouraged to obtain (and include in the claim package) multiple contractor estimates for repair projects expected to cost in excess of \$1,000; this will help to speed the claim evaluation process.

Claimants who desire to resolve their claim quickly and receive full compensation for their damages are encouraged to pay close attention to the requirements identified above, and contact Risk Management with any questions prior to initiating property damage repairs.

❖ Other Factors Property Owners Should Keep in Mind

- The California Tort Claims Act contains specified time periods for filing claims against a government entity. For property damage claims, this time period is generally one year from the date of incident (i.e., when the claimant was put on notice).
- The City will only reimburse claimants for the cost to restore their damaged property to its original condition; we will not pay for enhancements or upgrades (e.g., a claimant intends to replace a damaged conventional cement driveway with a decorative brick driveway).
- The City will only reimburse claimants for the costs to repair the property it is responsible for damaging. Therefore, claimants who intend to replace, for example, their entire retaining wall, when only a portion has been damaged, should contact Risk Management for guidance prior to initiating repairs.

If you have any questions regarding the claim process, please contact the City's Risk Management Division at 310.458.8374 and ask to speak with the Liability Adjuster or Risk Manager.