

What can I do about my neighbor's tree branch or roots entering my property?

26 October 2017

Answer: Try and work it out with your neighbor, but if you have to, you can prune it back to the property line under Massachusetts law.

Some rules never change, at least they haven't yet. This one is known as the "Massachusetts Rule" and goes way, way back. The idea stemmed from the concept that shade cast from a tree on an adjacent property is no violation in the law. Bliss v. Ball, 99 Mass. 597, 598 (1868). The law by further reasoning extrapolated this further, ensuring the other property owner's common law right to employ self-help to cut back branches and roots that extend onto his property to the property line. Ponte v. DaSilva, 388 Mass. 1008 (1983); Michalson v. Nutting, 275 Mass. 232, 233-34 (1931). This law was acknowledged as recently as August 2017 as controlling in Massachusetts. Shiel v. Rowell, 2017 Mass. App. Div. 115.

However, like most application of the law to facts, it pays to have the situation reviewed by a competent attorney. So, before you cut, consult.

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