



## Q & A: Private Tree Condemnation and Removal by the Minneapolis Park and Recreation Board Prepared 12/8/2022

The Minneapolis Park and Recreation Board (MPRB) has inspected, condemned, removed and assessed diseased or infested trees on private property at the property owner's expense for more than 50 years. Recently, members of the public have asked questions about the MPRB's authority to do this work; its process for condemning trees; and its communication with property owners about options for removing condemned trees and payment of removal costs that may be assessed.

### Authorization

#### Q: What law, statute or ordinance allows the Park Board to condemn trees on private property?

**A:** The MPRB's authority to condemn and remove diseased or infested trees from private property within the City of Minneapolis is provided for in Minnesota Statute [Chapter 18G.13 Local Pest Control](#), Minnesota Statute [Chapter 429.101 Unpaid Special Charges may be Special Assessments](#), and MPRB [Code of Ordinances Chapter 10 – Trees and Vegetation](#).

#### Q: How long have these laws and statutes been in place?

**A:** Since the Park Board was founded in 1883, it has had authority – either by law or by Minneapolis City charter – over parks and trees in Minneapolis. In 1969, the State legislature specifically enacted a law which stated that the Park Board had the responsibility of the surveillance and control of pests and disease. MPRB ordinances were updated in 2009 in preparation for private trees being infested with Emerald Ash Borer.

### History

Since the control of invasive tree pests began, the MPRB has removed more than 200,000 diseased or infested trees on both public and private land.

#### Q: Why does the MPRB condemn and remove trees?

**A:** Public and private trees are condemned and removed for a variety of reasons, including that the tree is:

- Dead or dying
- Structurally hazardous
- Infested with an invasive species like Emerald Ash Borer (EAB)
- Infected with a disease like Dutch Elm Disease (DED)

Historically, infestations and disease have caused the largest number of tree condemnations in Minneapolis. Since EAB was first discovered in Minneapolis in 2010, more than 50,000 public and private ash trees have been removed to combat the infestation, which is fatal to all ash trees. MPRB's Forestry Department has been working to systematically replace all public ash trees in Minneapolis with a diverse range of other tree types to establish a resilient urban forest and prevent future generations from going through a similar canopy loss.



## Process for Tree Inspection, Removal and Payment

MPRB Forestry Department staff regularly inspect public and private trees throughout Minneapolis. They mark diseased or infested trees on private property that require removal and notify property owners / taxpayers by leaving an informational door hanger on the property and sending a notification letter through the U.S. Postal Service to the property owner's address. (Note: all property owner / taxpayer information is obtained from the Hennepin County property information database.)

The notice includes information about the options and timeline for tree removal. Property owners have 20 days to remove diseased elms and 60 days to remove infested ash trees. Property owners may contact Forestry customer service with questions about their specific removal deadline.

Options for tree removal are for the property owner to remove it themselves, hire their own contractor or have the MPRB contract for the tree removal. If the property owner doesn't remove the tree by the given deadline or they choose to have the tree removed by the MPRB, the MPRB contracts for the removal of the tree.

If MPRB contracts for a tree's removal, it pays the contractor once the removal has been verified. At that point, the MPRB Finance Department mails a billing notice with payment options to the property owner. The property owner can pay for the tree removal in full at that time, make partial payments, or have the unpaid balance levied as a special assessment against their property over a period of five or ten years.

Special assessments are levied (or billed) annually to the property owner through property tax statements and collected by Hennepin County. They may be levied over a five-year or ten-year period with an interest factor added. Interest is based on the special assessment bond rates. For those that qualify, assessments may be deferred until the property is sold.

## Tree Inspection, Removal Costs, Treatment Options

### Q: Who determines that a tree is diseased or infested and needs to be condemned? What are their qualifications?

**A:** MPRB Tree Inspectors make the determination that a tree must be removed. Tree Inspectors are licensed through the Minnesota Department of Natural Resources and are certified through the International Society of Arboriculture.

### Q: What factors determine the cost for removing a tree?

**A:** The primary cost factor is the time it will take to remove a tree. Several things determine the time to remove a tree, including tree location, size, and access to the tree. Trees may be estimated to be a "regular bid" or "special bid" tree.

Property owners should not assume that a tree removed by a MPRB contractor will be less expensive. Depending on the tree, it may be more cost-efficient for homeowners to remove the tree themselves or hire their own contractor to remove it.

### Q: What is a Regular Bid tree and a Special Bid tree?

**A:** Regular Bid trees are easily accessible to the equipment needed for removal. Special Bid trees are those that are not easily accessible to the equipment needed for removal. Examples of special bid private trees are those that require a crane because there is no other way to access the tree, a tree with a deck around it or a tree that is near conflicting overhead utility wires.

### Q: Does the MPRB inflate the contractor's cost for tree removal when it bills property owners?

**A:** No. The property owner is billed what the MPRB is charged for tree removal, with an \$80 fee added to cover MPRB administrative costs.



### **Q: Why do you have to remove a diseased tree? Why can't a property owner just leave it be?**

**A:** Managing diseased and infested trees on private properties benefits the health and safety of all Minneapolis residents. Health benefits including improved air quality and reduced exposure to cancer-causing UV radiation from the sun are found in the canopy cover, which is preserved by slowing the spread of pests. Waiting to remove diseased and infested trees allows them to decline to the point of becoming hazardous. Additionally, by condemning infested private ash trees as soon as an infestation is discovered, the tree can be removed before it has reached a state of structural deterioration, which dramatically increases the cost of removal.

### **Q: What about property owners that have a condemned ash tree on their property and want to chemically treat it? Is that an option?**

**A:** Property owners may choose to chemically treat a private ash tree. If a contractor is hired to do the treatment, a City of Minneapolis-approved licensed tree contractor must be used at the property owner's expense. It is important to inform the MPRB in case the removal deadline needs to be extended. Tree inspectors will return periodically for inspection and if the infestation has not improved, the condemnation process would resume.

## **Payment Options and Financial Hardship**

Once the property owner has received billing notice from the MPRB Finance Department the property owner can pay for the tree removal in full, make partial payments, or have the unpaid balance levied as a special assessment against their property over a period of five or ten years.

MPRB leadership has heard from the community that the cost to remove a condemned tree (or trees) may cause a financial hardship for some homeowners. That is why the MPRB now offers two financial hardship options for property owners.

### **Option #1 - Special Assessment Deferral Program and Criteria**

Homestead property owners experiencing hardship who meet one of the criteria listed below can defer or postpone the payment of the tree-removal assessment. The assessment is not forgiven. The assessment is levied, a lien is placed against the property and the unpaid balance accrues interest until paid. Full payment is required when the property is either sold, is no longer "homestead" status, or the hardship disappears.

Hennepin County Criteria for participation in the Special Assessment Deferral Program:

- Persons aged 65 or older
- Persons retired due to a permanent and total disability
- Military reservists on active duty

### **Option #2 Levy the assessment over a 10-year period (Available to all homestead property owners)**

Any homestead property Owner experiencing hardship can choose to levy the assessment over a 10-year period rather than the standard 5-year period.

The amount is levied against the property and is collected through Hennepin County as a special assessment on the property tax statement. The annual amount due will be lower, however, the total interest paid will be higher. Along with these two options, the \$80 Administrative Fee charged for this work can also be waived.

### **Q: Why can't the Park Board just pay for the removal of the private trees it condemns?**

**A:** [MN Statute 18G.13](#) directs that the private property owner is the responsible party for the costs associated with the diseased or infested tree removal.

### **Q: How does a property owner find out about the two financial hardship options?**

**A:** Reference to the financial hardship options has been added to the MPRB website ([www.minneapolisparke.org/trees](http://www.minneapolisparke.org/trees)) and are included in the billing notices sent by the MPRB Finance Department.



## How Minneapolis' tree condemnation process compares to surrounding cities

St. Paul, Robbinsdale, Golden Valley, St. Louis Park, Edina and Richfield all operate a private property tree removal program very similar to MPRB. However, all those cities would have a more rigorous private tree process (inspection/condemnation/assessment) if they had the budget and staffing to do so.

Several of the cities only offer 1, 3, and 5- year levy terms. **The MPRB is the only agency offering a 10-year option.** St. Paul offers the same deferment option as the MPRB for qualified property owners, they also have an option for any property owner to attend the legislative hearing, testify and prove financial hardship (making case to hearing officer) and defer to a later time, determined by the council, not to exceed 10 years.

## City-wide condemnation analysis

MPRB condemnation and removal of private property trees has been occurring for decades. Often, the condemnations follow the path of the disease or infestation. For example, EAB was first discovered in Southeast Minneapolis in 2010. Since then, it has decimated public and private trees in literally every one of the 83 neighborhoods in Minneapolis.

### Q: How many trees on private property have been condemned, assessed, and levied in the past 20 years?

**A:** Since 2001, there have been approximately 38,000 condemnations of private trees. Of those 38,000, more than 15,000 have not been removed by the owner. Of those 15,000 plus assessed and removed by the MPRB, approximately 8,000 assessments have been levied to the property owner.

### Q: In what areas of Minneapolis are those trees located?

**A:** Private trees have been condemned in all 83 neighborhoods across Minneapolis.

### Q: In 2022, are North Minneapolis homeowners having more private trees condemned than other parts of Minneapolis?

**A:** In 2022, MPRB tree inspectors condemned more diseased and infested trees in north Minneapolis neighborhoods than in other parts of the city. In previous years other neighborhoods have had higher numbers condemned. This is because condemnations are directly related to the number of private ash trees present and how the population of Emerald Ash Borer is spreading. Over the last five years, private tree condemnation has been spread throughout Minneapolis.

### Q: The MPRB has heard from the community that the private tree condemnation process is confusing, and that property owners are unaware of the financial hardship options. What process improvements are being planned?

**A:** Current work to be completed includes:

- Updating the MPRB website to be more user-friendly, with expanded information for property owners
- Adding language about the financial hardship options on all notifications and mailings to the property owner
- Providing language translation services for relevant information
- Develop a communication plan utilizing multiple media to get information out to communities impacted