

# Neighbor vs Neighbor – Who is Responsible for the Retaining Wall?

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Normally, a retaining wall has been built to benefit one particular home. However, in an older neighborhood it can be difficult to decide which house is the main beneficiary, and thus responsible for its upkeep. There are circumstances where both homes benefit from the retaining wall. For example, if the retaining wall was built on your neighbor's property line, but holds back fill from your yard, then the responsibility line can be blurred. Other factors such as neighborhood covenants, city restrictions, and even the design of the wall can affect its ownership.

## **Elevation – Who is Higher?**

Typically, if you are the higher elevated home (uphill property), and your property was originally filled with ground fill to build your home, then you could be responsible for the cost of the retaining wall. However, if you are the lower elevated home (downhill property) and your lot was excavated from its original physical state, then the retaining wall could be your responsibility.

## **Retaining Wall Cost**

Depending on the materials used, retaining walls can be a significant cost which is why consistence maintenance is so important. When rocks or timbers loosen or start to deteriorate, quick repairs are crucial to keep its structural integrity. These repairs are not expensive and can make a big difference between a couple of hundred dollars once in a while, to thousands of dollars for a completely crumbling wall.

## **Structural Problems**

Once a retaining wall begins to lean and crumble in several places, its very purpose is compromised, and can leading to a shifting of the ground that it is supposed to be keeping in place. If the wall supports a house or driveway, then that shifting can cause major problems for homeowners on both sides of the wall. The house on the higher end can begin to experience structural problems because of lack of proper ground support, while the house on the lower end can be affected by the ground fill spilling onto and pushing against their property. This creates a lose-lose situation for each home.

## **Time to Compromise**

This is when both homeowners must put aside their differences and develop a solution that will not only protect both of their properties, but also ease the strain on their wallets. If you both agree to split the cost of the repair or replacement of the retaining wall you will need to agree on the materials used and the contractor.

Often, a homeowner will take this opportunity to upgrade the wall to a more pleasing aesthetic material such as curved blocks instead of timbers. If this is the case and you don't want to spend the extra money for the better looking wall, then you will need to figure the cost of the original materials used to build the wall and just split that cost. The neighbor who wants the upgraded materials can make up the cost difference for their new retaining wall 'look'.

Retaining wall conflicts can easily escalate to legal status with the hiring of lawyers, however, both homeowners must realize that is extra money pouring from their pockets. Money that could have been spent on fixing the retaining wall. Compromise is always the best solution when deciding who is responsible for retaining walls. In reality, both homes do benefit from the advantages of the retaining wall and should find a way to amicably maintain it over the years.