

ASK REAL ESTATE

My Floor Took a Dip After My Neighbor Added a Pool. What Can I Do?

Starting a legal case against the neighbor or the contractor can leave your own home up to scrutiny, a lawyer said.



By Jill Terreri Ramos

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Q: I live on the side of a hill in Portland, Ore. My neighbor added a swimming pool and stone paver deck about 60 feet uphill from my property. Tractors ran daily to compact soil for the deck and then dug a pool. Now I am getting tilting walls, floors that slope more than two degrees and creak. Some rooms have noticeable dips. I think their construction caused this. Can I get compensation?

A: It is possible that nearby construction is causing problems in your home, but be aware that the road to compensation can be long and difficult.

The activity you describe, involving heavy construction equipment and the excavation and compaction of the soil, as well as the added weight of the pool and stone deck, can change the way the ground behaves, according to two civil engineering professors at the University of Portland.

The professors, Matthew Barner and Sean Gestson, said that those construction activities can also change how water drains through or across a hillside, which could lead to movement of the ground around your home.

But in order to convince a judge or jury that you should be compensated, you must prove that the construction caused your house to deteriorate, and that your neighbor or the contractor broke a law, such as by acting negligently, or by engaging in so-called nuisance behavior.

If the work is ongoing, you can quickly engage a lawyer to send a demand letter that explains the harms to your property and seeks to pause construction.

Regardless, you should hire an independent geotechnical or structural engineer whose expertise can help determine what is happening and why.

An expert will have to conclude that the construction is causing the problems, and there has to be a legal argument that the neighbor is liable, said Sunil Raju, a real estate lawyer in Oregon.

Your neighbor might claim that the contractor acted within the bounds of the permit, and that protects them, but the permit is not a blank check, Mr. Raju said.

If your case is litigated, be prepared for your home to come under scrutiny.

Mr. Raju said he has heard this type of argument in these cases: “Your house is a shack, so of course it will fall apart.”

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