

ADOPT-A-LOT AGREEMENTS: LEGAL ISSUES TO CONSIDER

Through its new Power in Dirt Program, Baltimore City has made it easier for community associations to adopt Baltimore City-owned vacant lots to improve and use as community open spaces. This program provides a wonderful opportunity for dedicated groups of residents to work together to create community gardens, green spaces, and pocket parks in their neighborhoods.

When a community association adopts a lot from the City, it signs a legally binding license agreement with the Mayor and City Council of Baltimore, giving it access to and possession of the lot for a period of one year. The license agreement is renewable. As with any legal document, it is advisable that the person or entity signing the document seek legal advice before signing. For example, groups should be aware of liability concerns when they sign an Adopt-a-Lot agreement. Of course, legal concerns should not necessarily deter a group from adopting a lot, but they should be considered and discussed with an attorney.

Community Law Center has received questions from community associations entering Adopt-a-Lot license agreements primarily regarding two issues: liability and license termination. Following are brief explanations of these provisions of the license agreement. These explanations do not constitute legal advice, but are merely intended to be informational. A group seeking specific legal advice regarding its Adopt-a-Lot project should consult an attorney.

Liability: Through the license agreement, Baltimore City relinquishes responsibility for any events that may occur on the lot and the community association becomes liable for any damages. This means that if an individual is injured by a dangerous condition on the lot while that individual is volunteering in or using the open space, that individual may hold the community association liable for his/her damages. Community associations may reduce their liability by acquiring certain types of liability insurance and/or by asking individuals to sign liability waivers. While such efforts will reduce the likelihood that a group will be held liable, a group may still be held responsible for certain damages.

License Termination: Baltimore City can reclaim the lot if it gives the group using the lot 30-day notice. Since the agreement is a license – not a lease – it allows the group to use the land and make minor improvements to it, but it does not make the group a leaseholder of the property. Once the group has been using the land for a certain number of years, it may be eligible to apply to become part of a land trust and permanently protect the open space.



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