

CITY-OWNED LAND

Power in Dirt/Adopt-A-Lot.

Through its 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.

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 five years or more, it *may* be eligible to apply to become part of a private land trust which would permanently protect the open space.

This handout is for informational purposes only and shall not be construed as legal advice. Legal advice must be tailored to the specific circumstances of each case and laws are constantly changing. You should seek the assistance of competent legal counsel for specific legal advice.

To apply for legal assistance for your organization in Maryland, contact Ingrid Hitchens at 410-366-0922 x 13 or IngridH@communitylaw.org, or download the application at www.communitylaw.org.

Adopted Lot v. Community Managed Open Space: There are two overlapping categories of lots in the Adopt-A-Lot program: adopted lots and community managed open spaces (CMOS).

Community-managed open space (CMOS): The community-managed open space designation removes the lot from the city’s active list of properties for sale.

If you contact the city about your project and request to have your lot categorized as CMOS, a city employee will come out to your garden and look at what you have accomplished. If, in the opinion of the employee, your project shows community involvement and investment, the city will move your adopted lot to the CMOS category; if not, your lot will remain in the adopted lot category and it may be listed for sale.

Adopted lots: If a lot does not qualify to be categorized as CMOS, Baltimore City considers the adopted lot to be in an interim use (i.e., a use that’s appropriate for the short term before the city has found a buyer). The city may place the adopted lot on the list of properties for sale. If the city receives an application to purchase the property, the city will notify the lot adopter, and she will have two weeks to submit a competing bid, if she wishes to purchase it.

Please keep in mind that the city, as the owner of the land, retains the authority to sell ANY of the lots adopted through the Power in Dirt program at any time, whether categorized as CMOS or not.

