

# Community Association Management *Insider*<sup>®</sup>

SPECIAL ISSUE

## INSIDE THIS ISSUE

What Are Community Gardens? . . . . .	1
<b>10 Steps for Starting and Managing a Community Garden</b> . . . . .	1
<b>Step #1: Assign Staff Member to Lead Program</b> . . . . .	2
<b>Step #2: Determine Resident Interest</b> . . . . .	2
<b>Step #3: Identify Local Partners</b> . . . . .	3
<b>Step #4: Select Appropriate Location</b> . . . . .	3
<b>Step #5: Hold Planning Meeting(s) to Plan and Design Garden</b> . . . . .	4
<b>Step #6: Create Garden Budget</b> . . . . .	5
<b>Step #7: Hold Launch Meeting, Create Garden Rules</b> . . . . .	6
<b>Step #8: Have Participating Residents Sign Garden Agreement</b> . . . . .	8
<b>Step #9: Hold Regular Garden Meetings</b> . . . . .	8
<b>Step #10: Document and Publicize Progress and Successes</b> . . . . .	8
<b>Model Tools</b>	
▶ <b>Model Form:</b> Use Survey to Recruit Residents to Garden Program . . . . .	3
▶ <b>Model Rules:</b> Set Garden Rules for Residents . . . . .	7
▶ Gardening Resources . . . . .	8

## Take 10 Steps to Create a Successful Community Garden

By Carolyn Zezima, Esq.

The popularity of community gardens has exploded in recent years to over 5,000 community gardens nationwide. Many associations see the benefits of having gardening programs for members and have started gardens in their common areas.

If you think a garden would be welcome in your community, or if your association's board of directors has expressed an interest in creating a garden, what should you do? We'll give you the basics about community gardens, describe the benefits you'll reap, and explain the steps to take to start and manage a garden program in your community.

### What Are Community Gardens?

Community gardens are shared spaces at associations, apartment complexes, and other housing sites where residents gather to garden and grow food. They can range in size from one communal raised bed, to hundreds or thousands of square feet of individual plots, to several acres. They can serve just a few residents or as many as 50 or more, and can serve special populations of residents, such as seniors, youth, or residents with disabilities. Some communities have gardens that generate income to benefit the garden program or for residents themselves, and grow a diverse array of vegetables, flowers, and herbs for sale. Some communities use their gardens to teach classes and empower disabled residents and young people.

Community gardens provide numerous benefits to residents and to associations. Creating a community garden can:

- Beautify community grounds;
- Increase community property values;
- Create social activities for residents;
- Empower youth and disabled residents;
- Encourage water conservation, waste reduction, and recycling; and
- Give residents access to fresh, healthy food.

### 10 STEPS FOR STARTING AND MANAGING A COMMUNITY GARDEN

If a board member asks you to assess whether a community garden is feasible at the association you manage, how should you proceed? Here's a list of 10 steps you can take to start and manage a success-

PRODUCED IN CONSULTATION WITH



## BOARD OF ADVISORS

**David J. Byrne, Esq.**  
Herrick, Feinstein LLP  
Princeton & Newark, NJ

**Kathryn C. Danella, PCAM**  
Boca Pointe Community  
Association, Inc.  
Boca Raton, FL

**Richard S. Ekimoto, Esq.**  
Ekimoto & Morris, LLLC  
Honolulu, HI

**Robert M. Diamond, Esq.**  
Reed Smith LLP  
Falls Church, VA

**V. Douglas Errico, Esq.**  
Marcus, Errico, Emmer  
& Brooks, PC  
Braintree, MA

**Paul D. Grucza, CMCA,  
AMS, PCAM**  
The CWD Group, Inc.  
AAMC  
Seattle, WA

**Ellen Hirsch de Haan, Esq.**  
Becker & Poliakoff, PA  
Clearwater, FL

**Benny L. Kass, Esq.**  
Kass, Mitek & Kass, PLLC  
Washington, DC

**Tammy McAdory,  
CMCA, AMS, PCAM**  
Kiawah Island  
Community Association  
Kiawah Island, SC

**P. Michael Nagle, Esq.**  
Nagle & Zaller, PC  
Columbia, MD

**Ronald L. Perl, Esq.**  
Hill Wallack LLP  
Princeton, NJ

**J. David Ramsey, Esq.**  
Becker & Poliakoff LLP  
Morristown, NJ

**Loura K. Sanchez, Esq.**  
HindmanSanchez PC  
Arvada, CO

**Tom Skiba**  
Community Associations  
Institute  
Alexandria, VA

**Clifford J. Treese**  
Association Information  
Services, Inc.  
Pleasanton, CA

**Jeffrey Van Grack, Esq.**  
Lerch, Early &  
Brewer, Chtd.  
Bethesda, MD

Editor: **Elizabeth Purcell-Gibney, J.D.**

Executive Editor: **Heather Ogilvie**

Director of Production: **Kathryn Homenick**

Director of Operations: **Michael Koplin**

*Community Association Management Insider* [ISSN 1537-1093 (PRINT), 1938-3088 (ONLINE)] is published by Vendome Group, LLC, 216 East 45th St., 6th Fl., New York, NY 10017.

**Volume 13, Issue 11**

**Subscriptions/Customer Service:** To subscribe or for assistance with your subscription, call 1-800-519-3692 or go to our Web site, [www.vendomerealestatemedia.com](http://www.vendomerealestatemedia.com). Subscription rate: \$370 for 12 issues. **To Contact the Editor:** Email [egibney@vendomegrp.com](mailto:egibney@vendomegrp.com). Call: Elizabeth Purcell-Gibney at (212) 812-8434. Fax: (212) 228-1308.

**To Place an Advertisement.** Please email Erin Tyler, [etyler@vendomegrp.com](mailto:etyler@vendomegrp.com), or call (216) 373-1217.

**Disclaimer:** This publication provides general coverage of its subject area. It is sold with the understanding that the publisher is not engaged in rendering legal, accounting, or other professional advice or services. If legal advice or other expert assistance is required, the services of a competent professional should be sought. The publisher shall not be responsible for any damages resulting from any error, inaccuracy, or omission contained in this publication.

© 2014 by Vendome Group, LLC. All rights reserved. No part of *Community Association Management Insider* may be reproduced, distributed, transmitted, displayed, published, or broadcast in any form, or in any media without prior written permission of the publisher. To request permission to reuse this content in any form, including distribution in educational, professional, or promotional contexts, or to reproduce material in new works, please contact the Copyright Clearance Center at [info@copyright.com](mailto:info@copyright.com) or (978) 750-8400. For custom reprints, e-prints, or logo licensing, please contact Donna Paglia at (216) 373-1210 or [dpaglia@vendomegrp.com](mailto:dpaglia@vendomegrp.com).

ful garden program in your community. Note that, as you go through these steps, you may have to hold a membership meeting before committing funds or setting aside an area for the garden, depending on your particular circumstances. If the funds are allocated within the operating budget and the budget has already been approved, this might not be necessary, says Seattle community association expert Paul D. Grucza.

“If, however, this is a totally new addition to the operation of the community, consider holding a town hall-type meeting advising members about what’s being planned,” he says. Grucza says that when implementing new projects, it’s always prudent to give members as much useful information as you can, to avoid confusion or concern. And be sure to keep the board informed as you complete each of these steps, and before you continue on to the next one.

### Step #1: Assign Staff Member to Lead Program

Assign a point person from the management staff to lead the planning process and oversee the gardening program. The staff member’s involvement can range from direct planning and supervision of the garden to being a point of contact for residents and partner organizations who will actually plan and run the garden program. Make sure the staffer you’ve assigned knows he or she must stay involved throughout the planning process and the gardening season, regularly visit the garden, and communicate directly and regularly with residents.

### Step #2: Determine Resident Interest

Success of your community’s gardening program begins and ends with resident engagement and participation in the planning process. It’s important to involve them from the beginning. So survey your residents to gauge their interest in gardening and their desired level of participation.

You can also use the survey to recruit resident garden leaders who will help you plan and manage the garden through the season and ensure important garden duties like watering and weeding are completed throughout the season.

Depending on the type and size of your garden, you’ll need to recruit at least 10 active gardeners and two resident garden leaders to make your garden a success. For an example of a survey you can use, see our Model Form: Use Survey to Recruit Residents to Garden Program.

**PRACTICAL POINTER:** Also survey and involve maintenance and other association staff, even if they aren’t assigned to manage the program. Doing this helps get buy-in from staff for the project and prevent problems from arising that affect general association operations and maintenance. It also builds employee morale and creates working relationships among staff members who wouldn’t otherwise interact.

### Step #3: Identify Local Partners

Many associations with community gardens don't plan and manage the garden program entirely by themselves. Instead, they partner with experienced local organizations to work with the association staff and residents to plan, fund, install, and/or manage the garden. Here are the types of organizations you may want to consider contacting and recruiting as potential partners:

- Urban farming organizations;
- City departments of parks and recreation;
- Community development organizations;
- Botanic gardens;
- Horticulture societies;
- Green building councils;
- Open lands organizations;
- Mayors' initiatives for food and fitness;
- Churches;
- Foundations; and
- Volunteer service organizations.

The degree of involvement of your partner organization is up to you, depending on the size and needs of your garden program. But choose partners that have the time and capacity to help manage the program and will stay involved along with your staff.

### Step #4: Select Appropriate Location

The location and type of garden depends on a number of factors. Not all locations in your community are suitable for gardens. Walk your grounds with landscape or other maintenance staff and knowledgeable partner organizations to assess the community for the following features:

**Sunlight.** Most vegetables need at least six hours of sun per day. Visit your chosen location at different times of day to see how many total hours of sun it gets each day.

**Space.** How large is the site? How many beds can you fit in the space? Is there room for other features, such as a shed, seating, and composting? Will the gar-

## MODEL FORM

### Use Survey to Recruit Residents to Garden Program

If the board of directors is interested starting a community garden, you can use the following survey to determine if residents support a garden program. You can also use the survey to recruit resident garden leaders to help you plan and manage the garden through the season.

#### RESIDENT SURVEY

We are considering creating a community garden here at Green Meadow Community Association. Your input is valuable to this process. Please return this completed survey to the management office.

1. Do you think a community garden would improve the association?

- Yes     Maybe     No

2. Would you like to participate at the garden?

- Yes     Maybe     No

If yes, how often?

- Once or twice a week  
 Once or twice a month  
 Once or twice a year

3. Do you have any prior gardening experience?

- Yes     No

4. Would you like to be a garden leader?

- Yes     No

RESIDENT NAME: \_\_\_\_\_

UNIT #: \_\_\_\_\_ TEL. #: \_\_\_\_\_

EMAIL: \_\_\_\_\_

den block any paths, doorways, or take away from an existing use?

**Water.** Water access is vital. Ideally, your garden site should have access to a spigot or other water source. If not, or as a water conservation measure, consider collecting rainwater from rooftops.

**Soil.** Plants grow best in soil that drains well and doesn't dry out too quickly. Avoid areas where puddles form when it rains or are too sandy and dry. An ideal soil for direct planting has good fertility and good drainage, with no history of contamination or industrial use. If plants are currently growing in the area, make sure they are healthy.

**PRACTICAL POINTER:** Consider having your soil tested, especially if your association has used chemical fertilizers or pesticides to maintain uniform landscaping features throughout the community. Almost all states have an agriculture extension service or soil-testing lab where you can

send soil samples for testing for fertility and the presence of contaminants and heavy metals such as lead or arsenic. Soil tests cost between \$15 and \$150, depending on what you request.

**Slope.** Locate your garden in a flat area with little slope.

**Access.** Make sure that the area has adequate access to deliver soil and other heavy supplies. If the area doesn't have room for storage, do you have an existing accessible storage area for gardening equipment and tools? And be sure that disabled residents will have access into and around the garden area to avoid violating Americans with Disabilities Act standards for accessibility.

**Existing structures.** Assess existing structures, fences, rocks, cement, shrubs, and trees to determine which you'll need to move and which you can keep or reuse for the garden (for example, using a cement area for garden tables, or large trees as a shady area for resident gatherings). Determine if gas lines, water mains, or septic tanks exist below the area.

### Step #5: Hold Planning Meeting(s) to Plan and Design Garden

Once you've chosen your garden's location, hold planning meetings with partners, assigned staff, and resident leaders to: (1) spell out the vision and features for the garden; (2) design the space; and (3) assign planning, design, and construction tasks. You'll probably have to hold more than one meeting to make sure everyone understands his role and responsibilities in garden planning, installation, and day-to-day management. The garden team should create a plan that addresses the following topics:

**Type of garden.** The type of garden depends on who will be using the garden, the purpose of the garden, the amount of space you have, how much food you'll want the garden to grow, the soil quality at your site, and resident preferences. Two key factors to consider when planning the type of garden are:

◆ **Planting beds.** You'll want to decide what type of planting beds works best for your garden—for example, planting in raised beds or planting directly into the ground. If your garden is primarily for elderly or disabled residents, for example, you'll want to install raised beds that are wheelchair accessible and high enough so residents can reach from all sides without heavy bending. You should consider making at least a portion of any garden accessible for residents with disabilities and to make all of it accessible if you man-

age an association with a large percentage of elderly and disabled residents.

But if your garden is for families or youth, and your soil is in good health, planting in beds directly in the ground is fine. Other options include planting using fences and other climbing gardens, or if your community has no open space on the ground, even rooftop container gardening.

◆ **Communal or individual plots.** You'll also want to decide if the garden spaces will be communal, meaning the residents share all the space and work on the garden together, or will consist of individual plots or raised beds. Communal gardens work well for smaller garden spaces so more residents can participate and learn together, but they won't necessarily grow that much food for themselves.

---

**PRACTICAL POINTER:** If you tested your soil, the test results can affect what type of beds you choose. All soil can be improved with compost, but if your soil has poor fertility or has a history of contamination, raised beds with new soil will be a much safer option than planting directly into the ground. Also, you can keep better track of individual plots if they are in raised beds, and gardeners have less risk of plants being trampled or eaten by animals.

---

**Types of plants.** Decide what kinds of plants residents will grow in the garden. You don't need to choose the varieties—leave that up to the resident gardeners to decide—just consider the types so you can better plan the overall design. Types of plants residents can grow in community gardens are:

- Vegetables;
- Herbs;
- Grains;
- Fruit and nut trees;
- Flowers and flowering bushes;
- Berry and other food bushes;
- Native and medicinal plants;
- Perennials and perimeter landscaping; and
- Climbing plants for fences and trellises.

---

**EDITOR'S NOTE:** Some communities also have beehives to help pollinate the garden and produce honey, and some even raise animals such as chickens. But some municipalities bar the raising of bees, poultry, or other farm animals, and you can face fines if you don't follow the law. If you're considering having a beehive or raising chickens for eggs, be sure to consult your association's attorney to find out what local laws govern these practices.

---

**Structures and other features.** Determine what structures and other features to your garden you want

or need, and whether you'll have to buy them, build them, or if any currently exist at the site that you could reuse in the garden. Common garden structures include:

- Sitting areas with rain/shade shelter;
- Fencing with lock to reduce vandalism, theft, and animals;
- Shed with lock for storing tools and seeds;
- Greenhouse to start plants;
- Work table;
- Water source;
- Irrigation systems;
- Rainwater collection tanks;
- Compost collection area;
- Vermiculture (worm composting) bin;
- Educational signage and learning tools;
- Bulletin board for displaying rules and updates;
- Fire pit/barbecue;
- Children's garden/play area; and
- Public art.

**Garden installation process.** Decide the timeline for installing the garden and whether you'll pay professionals or use volunteers to do the work, including cleaning the site, turning sod, building raised beds and structures, ordering soil, filling beds, ordering or starting plants, and setting up the watering system.

**Educational and vocational activities.** In addition to growing food for residents to use at home, many gardens have educational and vocational activities, sponsored by local schools, churches, or other organizations. Decide what kind of activities your garden will have throughout the season.

**Skills of gardeners and training needs.** Make a list of the gardening skills you'll need to install and manage the garden during the season. Ask which of these skills your garden team currently has and find out where to get additional experts, technical assistance, and training for the skills the team doesn't have.

Skills you should look for or may want in volunteer gardeners include:

- Analyzing and improving soil health;
- Making compost;
- Installing and operating irrigation;
- Managing pests;
- Starting plants;
- Saving seeds;
- Planning planting calendars; and
- Cooking and preserving.

---

**PRACTICAL POINTER:** Grucza recommends using a Master Gardener to hold training sessions and give the oversight needed to ensure that the garden functions in the way it's intended. The American Horticultural Society's Master Gardener program, typically offered through universities in the United States and Canada, provides intense home horticulture training to individuals who then volunteer in their communities, giving lectures, creating gardens, conducting research, and many other projects. For regional gardening advice and to find a local Master Gardener, visit [www.ahs.org/gardening-resources/master-gardeners](http://www.ahs.org/gardening-resources/master-gardeners).

---

**Sustainability.** A garden is a great place to grow food, but you can also use the garden as a living classroom for your residents and their children to learn about other sustainability and conservation practices. Incorporating these practices into your garden could help reduce water, energy, and waste costs at your community in the long run. Consider whether your garden will:

- Be organic and avoid chemical pesticide and herbicide use;
- Create biodiversity through planting native and rare seeds and plants;
- Reduce water consumption by using rainwater tanks, mulching, efficient irrigation, and low-water plants; and
- Reduce waste by composting, mulching, and using recycled materials.

**Troubleshooting.** Discuss ways to prevent problems with:

- Vandalism;
- Pests;
- Animals;
- Cleanliness; and
- Nonresident access.

## Step #6: Create Garden Budget

Garden programs can cost tens of thousands of dollars to create, but smaller gardens don't have to be that expensive. You can install a garden for as little as \$2,000 to \$4,000 for a garden with four to eight raised beds. The initial costs of planning and installing can be high, but ongoing maintenance costs are modest, and the cost of starting up each subsequent season is far less than the first year.

Before starting your garden, create a budget to know how much the garden will cost to install and where you'll get the funds to pay for the garden materials and labor.

**Planning and installation costs.** These may include labor, such as landscape consultants, designers, and gardening and construction labor, and materials, such as:

- Materials to build raised beds;
- Soil;
- Soil testing costs;
- Machine rentals, such as sod cutter or rototiller;
- Mulch;
- Compost;
- Compost bin;
- Fencing;
- Storage shed or chests;
- Path materials (wood chips, straw, pebbles, flagstone);
- Wheelbarrow;
- Hand tools, such as clippers, cultivator, and hammers;
- Large tools, such as rakes, shovels, spades, and hoes;
- Irrigation supplies;
- Water fixtures;
- Hoses;
- Watering cans;
- Buckets;
- Trellises and bamboo poles;
- Lights;
- Tables, chairs, and benches; and
- Trees, perennial plants, shrubs, and large bushes for shared/perimeter gardens.

**Annual gardening and maintenance costs.**

These are the costs to plant and maintain the garden each year. These include:

- Plants, seeds, bulbs, and flowers;
- Mulch;
- Compost;
- Fertilizer;
- Replacement tools;
- Repair costs;
- Training costs; and
- Additional liability insurance. Find out if your current commercial general liability (CGL) insurance covers resident gardening and if not, whether you can put a rider on the policy to cover any potential liability from resident injuries in the garden. An increase in the association's CGL policy typically takes care of any increased liability associated with the community garden, says Grucza.

**Where to get funds.** One possible option for funding a garden program is charging fees for residents who participate in it. In Grucza's experience, however, doing that can minimize member participation. Alternatively, if it's agreed that the garden would benefit everyone, raising monthly assessments can be a good way to cover costs—but this must be done carefully.

Financial decisions regarding the community garden are likely to be subject to the board's decision or membership vote, especially if surplus funds will be used, says Grucza. "There's typically a vote at the annual meeting to have the members approve how any surplus is to be treated—for example, moving it to an operating account or to reserve funds," he points out.

"Surplus funds fall under IRS jurisdiction and can have an impact on any taxes an association owes," warns Grucza. While a surplus may be used for a community garden, he urges managers to check with the association's certified public accountant to find out whether there are any negative tax implications for using the surplus in this way.

Note that, if residents are considering trying to make a profit from the garden, you should discuss that with your accountant as well. While you could reinvest any profit in the continued operation of the garden so that there's no true income, any profit that isn't put back into the garden can be seen as a "wind-fall" under tax rules, warns Grucza.

Also, keep in mind that grants and donations from partner and other organizations and volunteer labor may reduce actual cash outlays to pay for the garden.

**Step #7: Hold Launch Meeting, Create Garden Rules**

Present the garden plan to all interested residents before you begin installing the garden to get them excited about the program and to enlist their help in installing the garden. At this meeting, ask the residents to help draft garden rules that will work for your garden and community. Don't leave residents out of the rule-making process. Having residents create rules will keep them invested in the garden throughout the season and empower them to help prevent problems later.

**Rules residents can create.** Residents who'll be using the garden should come to an agreement about rules for:

- Garden opening and closing dates and times;
- Plot assignment procedure;
- Minimum garden use requirements;
- Garden bed neglect and abandonment;
- Communal vs. individual activities;
- Watering instructions;
- Composting instructions;
- Prohibited plants, pesticides, and fertilizers;
- Complaint procedure and communication with management;
- Volunteer requirements, such as number of hours and tasks; and
- Procedures for the storage and use of tools, seeds, and plants.

**Rules management should create.** To make sure that any problems that arise in the garden don't spill over into the rest of your community, create some garden rules of your own and add them to the residents' suggested garden rules. We've drafted a set of Model Rules: Set Garden Rules for Residents, that you can add to the rules that residents create. Here's what your rules should cover:

- ◆ **Security and keys.** Require residents to lock up the garden when they leave. Tell residents that they must not give their key to any other person and that doing so will result in them losing their key privileges [Rules, par. 1].
- ◆ **Damage to garden structures.** Require residents to pay for any damage to the garden's structures, fences, and other site property contained within the garden [Rules, par. 2].
- ◆ **Guest policy.** Spell out residents' responsibility to supervise the behavior of nonresident guests [Rules, par. 3].
- ◆ **Prohibited behavior.** Spell out prohibited behavior, such as use of drugs, alcohol, firearms, tobacco, fireworks, and open fires (other than barbecue) [Rules, par. 4].

## MODEL RULES

### Set Garden Rules for Residents

Here are rules you can add to the garden-specific rules residents helped draft to create a complete set of garden rules to use for your community. Once all the rules are drafted, give them to the association's board of directors to have them formally added to the association's governing documents.

#### GREEN MEADOW COMMUNITY GARDEN RULES

- 1. Security and keys.** Residents are responsible for ensuring garden safety and must lock up the garden when they leave. Residents will get one key to the garden and any lost keys are subject to a replacement fee. Residents must not duplicate or give their key to any other person and doing so will result lost key privileges.
- 2. Damage to garden structures.** Residents are responsible for any damage to garden structures, fences, and other site property.
- 3. Guest policy.** Residents are responsible for the behavior of their guests and must ensure that guests abide by garden rules, and do not create excessive noise or disturb the residents of Green Meadow Community Association.
- 4. Prohibited behavior.** Smoking, drinking alcohol, using drugs, firearms, or fireworks, or starting fires outside of the barbecue are prohibited.
- 5. Use of major garden equipment.** All major garden equipment and power tools, such as rototillers, lawn mowers, power trimmers, and saws must be used only by maintenance staff or by specified trained individuals over the age of 16.
- 6. [Optional] Fees.** Residents must pay a nonrefundable fee of \$[insert fee amount] per year to use the garden. The fee is payable by check or money order. The fee for a replacement garden key is \$[insert fee amount].
- 7. Warning and termination.** Residents who violate the garden rules will get one oral warning from the garden leader(s). Residents have two weeks to respond and correct the violation. If the resident does not do so, garden leaders will notify management, and the resident will get a written warning notice and two additional weeks to correct the problem. If the resident still doesn't, or if the resident gets two separate complaints resulting in written notices, the resident will get a final notice terminating his or her gardening privileges.

◆ **Use of major garden equipment.** Require that all major garden equipment, such as rototillers, lawn mowers, power trimmers, and saws be used only by maintenance staff or by specified trained individuals over the age of 16 [Rules, par. 5].

◆ **Fees.** If your garden plan is funded in part by garden membership fees, spell out the fee policy, as well as any additional fees for items like replacement keys [Rules, par. 6].

◆ **Warning and termination.** State written warning notice and termination procedures for not complying with garden rules. You may decide to give residents oral notice first, followed by a written notice with time to remedy the violation, and then terminate

residents' gardening privileges if they don't comply or after two written notices [Rules, par. 7].

After you install the garden, laminate and post the complete rules on a bulletin board in the garden so all residents and their guests can see them.

Finally, remember that *any* rules established for the association, including those for projects like a community garden that not all members will participate in, must be incorporated into the existing governing documents and recorded, stresses Grucza. He advises that copies should be provided to all members because an amendment, even for rules for an optional recreational project, changes the documents under which they bought their units.

### Step #8: Have Participating Residents Sign Garden Agreement

Have each resident who wants to participate in the garden complete and sign a garden agreement before being assigned a bed or getting a set of keys. Ask for basic resident contact information and gardening experience, and then incorporate your garden rules into the agreement so residents will know what the rules are when they apply and agree to comply. Make sure residents know where to get the agreement and post it on your association's Web site with other resident documents. Your agreement will vary based on the rules you've created. Sign the agreement and give one copy to the resident, another to the resident garden leader(s), and keep the original in your association's files.

**Include indemnification clause.** Be sure to add an indemnification clause to any garden agreement to avoid liability for injuries and damage caused by residents. Show the clause and the agreement to your association's attorney before using it. Here's a sample clause you can use:

#### Model Language

To the extent permitted by law, Resident shall indemnify and hold harmless Green Meadow Community Association, its managing agent, and its respective officers, directors, beneficiaries, shareholders, partners, agents, and employees from and against all fines, suits, damages, claims, demands, losses, and actions (including attorney's fees) arising out of, or relating to, all acts, failures, omissions, and negligence of Resident, his or her agents, employees, visitors, guests, invitees, and contractors, arising out of or in any way relating to Resident's use of the garden. This indemnification shall apply to both claims of third parties and claims of the resident or any guest of the resident.

### ► Gardening Resources

Here's a list of Web sites with more information about starting your garden program, including where to find technical assistance, volunteers, and supplies:

- American Community Gardening Association ([www.communitygarden.org](http://www.communitygarden.org))
- American Horticulture Society ([www.ahs.org](http://www.ahs.org))
- National Gardening Association ([www.garden.org](http://www.garden.org))
- Trust for Public Land ([www.tpl.org](http://www.tpl.org))
- State agricultural extension services

### Step #9: Hold Regular Garden Meetings

Holding regular meetings will keep residents involved in the garden and ensure that any problems that arise are solved quickly. Residents with gardening experience can share knowledge of garden practices with inexperienced gardeners. Use meeting times to:

- Fine tune garden rules;
- Troubleshoot problems like pests, noise, and vandalism;
- Hold training and educational programs;
- Conduct group activities, such as soil preparation, communal planting, composting, weeding, and harvesting; and
- Get resident feedback to aid in next season's planning.

### Step #10: Document and Publicize Progress and Successes

Document the progress and successes in the garden with photos and updates in the association's newsletter or on its Web site. Doing this can help create a favorable "buzz" about the garden and enhanced image for the community, while helping to reduce opposition from staff, nongardening residents, or neighbors in the area. ♦

#### About the Author

**Carolyn Zezima, Esq.** is the president of NYC Foodscape ([www.nycfoodscape.com](http://www.nycfoodscape.com)), and co-chair of the Food Systems Network NYC policy committee. She has co-drafted several food policy and sustainability proposals, including food policy recommendations to include in the revised PlaNYC2030, and the recently released *Recipe for the Future of Food in New York City*. Ms. Zezima is also a licensed member of the New York, California, and Illinois bars. She can be reached at [nycfoodscape@gmail.com](mailto:nycfoodscape@gmail.com) or (847) 507-1785.

Contributing to this article was **Paul D. Grucza**, CMCA, AMS, PCAM, director of Education & Client Engagement at The CWD Group, Inc. AAMC, based in Seattle ([www.cwdgroup.com](http://www.cwdgroup.com)).