

## **Liability Insurance: Recommendations For Community Gardens**

by Gardening Matters, Mar 7, 2010

### **Need to get liability insurance and not sure where to go?**

*Here are some recommendations from Gardening Matters and to share what we know in order that you may secure affordable liability insurance for your community garden.*

Not all, but many landowners ask for liability insurance, which will provide an extra layer of protection for them in case someone comes onto the property, gets hurt and decides to sue the landowner. It does not cover the gardeners in the garden - their health insurance could cover the cost of an injury. At this time, this is the best form of protection for landowners.

Gardening Matters is interested to see if there could be a state "Universal Hold Harmless Law" that would protect landlords and farmers from lawsuits when they allow gardening or hunting on their property. We believe that this would make liability insurance unnecessary for community gardens, eliminating this needless expense burden on these community greenspaces and allow them to put their resources into making the garden a thriving commons for the community.

To my knowledge, there has never been a lawsuit against a community garden nor the landowner. Since March 2006, New York City stopped requiring liability insurance for the community gardens located on city-owned property (learn more at [http://www.nycgovparks.org/sub\\_newsroom/press\\_releases/press\\_releases.php?id=19761](http://www.nycgovparks.org/sub_newsroom/press_releases/press_releases.php?id=19761))

Most community organizations and businesses carry the minimum -- \$1,000,000 in coverage. Youth organizations typically have \$2,000,000 or more in liability insurance. Plenty of neighborhood organizations are providing insurance for community gardens at unbeatable rates. Otherwise, approach a social service organization or business nearby. Consider if there's the potential to enhance the relationship beyond insurance. Be sure to recognize the organization's support in all public relations and make sure they are on any mailing lists (newsletters, in-garden signs, events, etc.)

Another possibility to put a rider on an individual's home insurance. Thought this is not usually someone's first choice, but there are a handful of home owners who are insuring neighboring community gardens. Do the research and make sure you ask lots of questions.

We have a sample of hold harmless waivers that different community gardens use on their Garden User Agreement.<sup>1</sup>

In recent years, the state legislators passed a law that said that public agencies and those they work with need to have \$2,000,000 in coverage, and they had several years to get there. Perhaps you have seen for your community garden, that you were asked to buy \$1.2 million. The upshot is, however, that Liability Insurance is only available in \$1,000,000 increments.

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<sup>1</sup> [www.gardeningmatters.org/resources/garden-rules.pdf](http://www.gardeningmatters.org/resources/garden-rules.pdf)

Gardening Matters believes that your community garden becomes more sustainable when those around the garden are involved in it -- including providing liability insurance. Find a local solution – think of liability insurance as a way to start a partnership with a community organization or business. Ask the neighborhood association or district council (same neighborhood as the garden site) to provide a rider on their current insurance.

If your garden is in the position where it needs to have \$2,000,000 in liability insurance and there is no local organization or business that can provide this for the garden (in the form of a "insurance rider"), then please contact us. We can offer this for your community garden, but again, we hope you will think long-term for your garden and seek out a source close to home. Keep tying the community into the garden!

There is a wide range of costs for Liability Insurance Riders. for us it's \$120. For others I've heard of \$150 (or even \$600 if only because they had to pay the difference between \$1million and \$2million in coverage). I've heard of times when there is no additional cost or very minimal (\$30). It depends upon the Insurance broker and who they find to provide the insurance....

We do not claim to be an expert in liability insurance, but since 2005 we have been delving into this hot issue and trying to provide some clarity about what liability insurance is, what it does and how to get it without breaking the bank. And most recently it has meant additional sleuthing.... (as to why the requirement was upped from \$1million to \$2million for public agencies and their vendors/partners).

I hope this has helped give some clarity to the issue of liability insurance. It's not an easy thing to understand. For a more in-depth exploration of liability insurance, please read Jack Hale's (American Community Gardening Association) explanation<sup>2</sup>.

If you have any questions or concerns, please give us a call or email us!

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<sup>2</sup> [http://www.gardeningmatters.org/Resources/acga\\_ins.pdf](http://www.gardeningmatters.org/Resources/acga_ins.pdf)