

# Community Use of Your Facilities

What to Think About when Letting Others Use your Space

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It is natural for community members to view school buildings as great gathering spaces for large events. Not only do school buildings often possess the capacity needed, but many consider them a community focal point as well, making gathering easier. Additionally, it is no secret that school construction is taxpayer-funded, meaning some community members may feel entitled to use of school grounds that their taxes helped pay for. Unfortunately, letting outside groups use your property for non-school activities comes with a unique set of risks to account for. It is important to balance the needs of your community with the need to protect the building and its contents from the inherent risks of facility use.



Managing community use should begin with Policy KF and Regulation KF-R, if adopted. In addition to following policy, CSDSIP recommends that **all Members have a facility use agreement in place any time you allow non-school groups use of your building.** A facility use agreement can help you expect the unexpected. Without one, would you know what to do if a group using your building causes an injury or damages your property? What if a condition of the facility causes injury to a community user or invitee? Proactive action is the best way to mitigate your exposure in these and many other cases. In fact, we cannot over-stress the importance of a facility use agreement.

## Risk Control Recommendations:

- Implement a facility use process that includes:
  - A non-discriminatory Board Policy that addresses facility use
  - A facility use coordinator
  - A facility use agreement
    - Here's a link to our [sample Facility Use License](#) that you can use as a template
    - We recommend that you have legal counsel review your facility use agreement and that you send it to CSDSIP for review as well. We are always happy to help!
  - A standard time frame for facility use. Long-term agreements are not recommended
  - An application process
    - Clarify who will handle the applications, a time frame for handling, standard documentation requirements, and who has authority to approve or deny the requests
- We recommend your facility use agreement does the following:
  - Identifies eligible groups and activities
  - Outlines how your facilities will be used
  - Establishes rules, both general (ex. no smoking or alcohol) and specific (no hanging from the basketball rim).
  - Specifies who is responsible for:
    - Event supervision
    - People control
    - Security
    - Housekeeping

## Community Use of your Facilities

- Clearly outlines financial responsibility for damage to your facility and injuries arising out of their activities by
  - Requiring insurance coverage including General Liability limits, a certificate of insurance, naming you as an additional insured and the additional insured endorsement.
  - Requiring that uninsured parties purchase Tenants Users Liability Insurance Program (TULIP) coverage. Please contact us if you'd like more information on TULIP.
  - Ensuring the existence of hold harmless and indemnity provisions in your favor for claims/losses resulting from their negligence.
- Inspect your facilities to be used by outside groups before and after use and document findings
- Implement a hazard reporting system
- Recommend outside groups develop an emergency response plan equal to the Member's

**A good facility use process allows access to school facilities that the community desires and protects both the community user and the school.**

In these times of uncertainty, it does not hurt to include COVID-19 specific wording as a term or disclosure to your facility use agreement. Below are a few suggestions on how to integrate this kind of wording into your agreement. Please feel free to tailor these suggestions to fit your needs:

- A condition that explicitly requires health and safety guidelines will be followed such as:  
*By signing this application, I affirm that I have read, understand, and agree to be bound by the Facility Use License Application Procedures and Facility Use License Terms & Conditions on the following pages. I understand that Facility Use License Terms & Conditions are subject to change at any time and without notice. LICENSEE WILL ENSURE THAT ALL EVENT ATTENDEES COMPLY WITH FEDERAL, STATE AND LOCAL HEALTH REQUIREMENTS AND RECOMMENDATIONS. FAILURE TO COMPLY WITH HEALTH REQUIREMENTS AND RECOMMENDATIONS WILL RESULT IN IMMEDIATE REVOCATION WITHOUT REFUND OF THE FACILITY USE LICENSE.*
- You may also choose to present it as an additional term in the Terms & Conditions section requiring the same. Here is an example of such:  
*Licensee shall fully comply with all local, state, and federal laws and ordinances, including all public health requirements and recommendations.*
- The following requirement specific to COVID-19 can also be added as an additional item in the Terms & Conditions section:  
*Licensee is required to comply with all local, state, and/or federal COVID-19 orders, regulations, laws, and/or policies (collectively, "COVID-19 regulatory requirements") dictating the size, duration, location, and type of an event, use or gathering. Licensee acknowledges that events may be impacted by the ongoing COVID-19 emergency response and future modifications to COVID-19 regulatory requirements. (MEMBER NAME) is not liable for any expenses incurred by the applicant or participants prior to an event/use impacted by COVID-19 regulatory requirements, including but not limited to, event/use cancelation, modifications to event/use size, changes in access to facilities, or any other future changes to COVID-19 regulatory requirements. It will be the responsibility of the Licensee to adjust the event/use as necessary to comply with future modifications to COVID-19 regulatory requirements.*

Our CSDSIP Risk Programs and Risk Control Teams can assist you in evaluating your facility use process & agreement, associated risk of outside groups using your facility, provide our risk management recommendations and how your liability coverage may apply. Please feel free to contact us if we can be of any assistance.