Before You Plant

A legal checklist for community gardens and urban farms in the United States. Updated November 13, 2026.

How to use it. Work through the sections in order and tick each item. Every item points to the guide on urbanaglaw.org that explains it and names the official sources. The rules are local: your city, county and state decide, so use this list to know which questions to ask, not as a legal opinion.

Your project at a glance

Project name _____

Site address _____

Parcel number (also called APN, tax parcel or PIN; on your property tax bill or the county assessor's website) _____

Owner of the land _____

Zoning district _____

Water utility and account holder _____

Insurance contact _____

1. Land and permission

- ☐ **Find the owner.** Look it up in county assessor or recorder records, or ask your city.
- ☐ **Choose the route.** Buy, lease from a private owner, take a license on city land, join a city or land bank program, or work with a community land trust. A license can end much sooner than a lease: New York City's GreenThumb license can be ended on 60 days' written notice.
- ☐ **Get it in writing.** Extension guides suggest an agreement for at least three years. Cover the land, the use, the term and what happens if the land is sold mid-season, access, growing practices, water, maintenance, harvest and compost, payment and liability.
- ☐ **Do not plan around adverse possession.** It is a slow court process with strict rules, not a way to get land.

Read more: urbanaglaw.org/land-access/

2. Zoning, structures and neighbors

- ☐ **Find your zoning district.** Ask the planning department; use the parcel number.
- ☐ **Ask how your use is listed.** Is "community garden" or "urban farm" a use in your district, and is it allowed outright or only with a permit? Seattle, for example, allows an urban farm in a residential zone with no permit up to 4,000 square feet of planting area; Miami-Dade allows community gardens only in 12 designated districts.
- ☐ **If you will sell,** check farm stand, urban farm and home occupation rules (Raleigh requires a separate permit for on-site sales).
- ☐ **Sheds, hoop houses, greenhouses, animals or bees?** Check building permits and animal ordinances.
- ☐ **Read your HOA covenants and your lease.** They can limit gardens even where zoning allows them.

Read more: urbanaglaw.org/planning-and-zoning/

3. Soil

- ☐ **Write down the history of the lot** and of the lots next to it. Ask the owner for any Phase 1 or Phase 2 environmental report.
- ☐ **Test before you plant food.** Order a lead and metals test, plus a contaminant package if the history calls for it.
- ☐ **Read the numbers with care.** There is no federal soil lead standard for growing food. The EPA figures people quote (200 and 100 parts per million, lowered from 400 in January 2024) are screening levels for Superfund and RCRA residential sites, not garden rules.
- ☐ **Decide.** Grow in the ground, use raised beds with clean soil, or choose another site. Put the result and your decision in writing and share them with gardeners.

Read more: urbanaglaw.org/soil/

4. Water

- ☐ **Is there a service on the lot?** Ask the utility whether a meter exists, who holds the account and whether it is active.
- ☐ **If not, ask about a new connection** (fee, trenching, whether the lot must be a legal parcel), and about backflow preventer rules.
- ☐ **Other options.** A written water-sharing agreement with a neighbor, a hydrant or temporary meter permit, rainwater or greywater where the rules allow, or a private well (test it if you water food crops).
- ☐ **Ask about stormwater fees.** Some cities charge by the hard surface on a lot, not by the water you use.

Read more: urbanaglaw.org/water/

5. Insurance and liability

- ☐ **List who is on site:** volunteers, paid workers, visitors and the landowner.
- ☐ **Know what the law covers.** The federal Volunteer Protection Act shields qualifying unpaid volunteers, but it does not shield the organization they work for.
- ☐ **Ask at least two insurers the same written questions** and compare what each policy excludes, not just the price.
- ☐ **Use waivers and sign-in sheets as one layer.** A waiver does not guarantee protection from a lawsuit. Keep sign-in sheets with names, dates and tasks.
- ☐ **Paid help?** Ask your state labor agency whether stipends, housing or regular schedules make someone an employee.

Read more: urbanaglaw.org/liability-risk-insurance/

6. Group, structure and money

- ☐ **Pick a structure.** An informal group is quick, but it has trouble holding a lease or bank account and members may be personally responsible. Other options are an unincorporated association, a nonprofit corporation, a 501(c)(3) or a fiscally sponsored project.
- ☐ **Know the 501(c)(3) rules.** No part of net earnings may benefit private individuals, produce sales can create taxable unrelated business income, and small organizations file Form 990-N each year.
- ☐ **Plan the money.** Extension offices put basic start-up costs at about $2,500 to $5,000 (Alabama) and about $10,000 (Sarasota County, Florida). Many grants require a fiscal sponsor or 501(c)(3) status, and decisions can take six months or longer.

- [ ] **Check federal grants before you count on them.** As of November 13, 2026, the main USDA urban agriculture grant program has no open round and its fiscal 2025 and 2026 funds were reported as not yet released.

Read more: urbanaglaw.org/non-profit-urban-ag/

7. Selling or donating what you grow

- [ ] **Whole produce sold directly** is usually the least regulated; baked goods, jars, meat and dairy usually bring more rules.
- [ ] **Home-kitchen foods** fall under your state's cottage food law: a license or registration in some states, none in others, plus labels and sales limits.
- [ ] **Markets and stands** have their own permits.
- [ ] **Donating surplus?** The Bill Emerson Good Samaritan Food Donation Act protects qualifying donors from civil and criminal liability for donated food.

Read more: urbanaglaw.org/food-ag-and-health/

8. Garden rules and first season

- [ ] **Write garden rules** that answer: who the garden serves, how plots are assigned and sized, fees, work shares, chemical limits and decisions.
- [ ] **Add practical terms.** Sample rules include planting by a set date, a notice before a neglected plot is reassigned and a signed hold-harmless from every gardener.
- [ ] **Keep copies** of the land agreement, soil results, insurance documents and signed forms.

Read more: urbanaglaw.org/blog/how-to-start-a-community-garden/

Where the facts come from. The land, zoning, soil, water, liability, nonprofit and food items summarize our guides on urbanaglaw.org, which cite city, state and federal sources in their Official sources blocks. The extension figures come from University of Georgia Extension (bulletin B1399), Alabama Cooperative Extension (UNP-2193) and University of Florida IFAS Extension, Sarasota County. This is general information, not legal advice; confirm each item with your own city, county and state.