



## The Benefits of a Written Shared-Use Agreement

“Shared use,” along with “joint use” and “community use,” are terms that describe what happens when government entities (or sometimes private, nonprofit organizations) agree to open or broaden access to their property or facilities to benefit the larger community. Successful partnerships between these entities generally rely on the pooling of resources to expand public access and use public space more efficiently.

One of the most common shared-use arrangements occurs when a school district opens its playgrounds, sports fields, or other recreational facilities to community use after school hours in exchange for the city paying for the added security, maintenance, and risk prevention costs. Generally, these partnerships are formal, documented through an agreement that sets forth the terms and conditions for the shared use of the property or facility. But in some communities, these arrangements may occur without a formal agreement, often because of long-standing practice. In light of these variations, our partners regularly ask us whether it’s better to have a formal, written agreement or an informal one.

There are two main benefits of a written shared-use agreement. First, a signed agreement provides each party with enforceable rights. Although informal arrangements establish an important public statement of cooperation, the parties may not be legally obligated to carry out their respective roles and responsibilities. In other words, informal agreements are difficult, if not impossible, to enforce. Generally, they depend on the goodwill of those who make them. And when key personnel change, or when

budgets shrink, informal agreements are more likely to be abandoned, which means that the public may lose access to the property or facility.

Second, the process of negotiating and signing an agreement allows the parties to learn about each other’s expectations and concerns, address those concerns, and ensure that everyone understands and agrees to the terms of the relationship. In developing an agreement, the parties can clarify their rights and responsibilities so that fewer conflicts arise. And any disputes that do occur can be resolved through a process that everyone has agreed to in advance. Informal agreements, on the other hand, don’t always offer an opportunity for the parties to review these issues, so when conflicts arise, disputes can derail the partnership.

Because of the benefits outlined above, we generally recommend that the parties enter into a formal, written agreement when deciding to open or broaden access to a particular property or facility for community use. Although there is no single method for drafting a successful agreement, we have developed this [checklist](#) to help parties identify issues to consider when formalizing their partnership.

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