



LAND
BRANDENBURG

Ministerium für Soziales,
Gesundheit, Integration
und Verbraucherschutz



I'm Going to Have a Garden Plot!

Information for Refugees and
Immigrants in Brandenburg

Englisch

Introduction

Our environment and our society are constantly changing. One tradition that has existed and endured in Germany for over 100 years is the garden plot system. A place of community in nature, cultivating the soil together, enjoying fruit and vegetables that you have grown yourself.

This tradition could be preserved over the years, but it is changing, nonetheless. More and more young people and families are interested in having a garden plot nowadays and are getting involved. Many refugees and immigrants would also like to be part of this community and to cultivate a garden.

This garden plot primer will give you an idea of what membership in a garden plot association entails and how the communal aspects of the association work.

Growing fruit and vegetables in the variety typical of garden plots is what unites all the plot gardeners.

We would be delighted for you to become part of this community and to honour our associations with your membership.

Have fun reading, we look forward to gardening together!



Dr. Doris Lemmermeier
Integration Officer



Fred Schenk
Chair of the Brandenburg Regional
Association of the Gartenfreunde e.V.



History of the Garden Plot

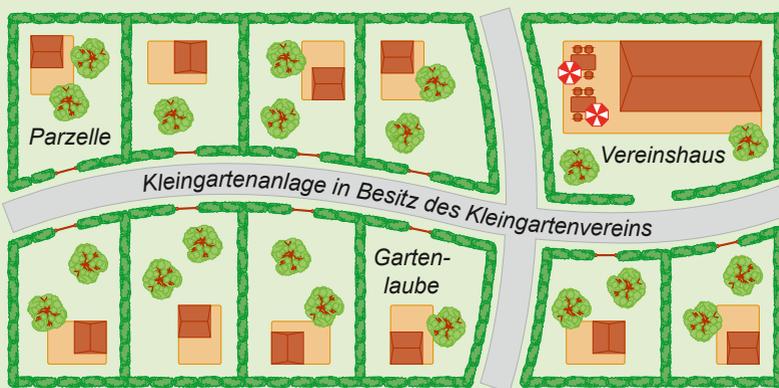
Cultivating a garden plot has a long tradition in Germany.

Initially, garden plots helped people who didn't have much money to be able to grow their own fruit and vegetables, especially in cities. This helped them to eat better. Today, garden plots are an environmentally friendly mix of growing fruit and vegetables and relaxing in one's own garden.

Garden plots are green oases for people both young and old. Everyone should be able to afford a garden plot.

Someone who wants to cultivate a garden plot has to be passionate about gardening and to love nature.

The plot gardeners are involved in associations. This means that people come together in an association to pursue their passion for gardening on a piece of land that has been divided up into small plots. Everyone who is part of the garden plot site becomes a member of the association and needs to be willing to accept the rules and the communal aspects of the association.



Important terms

 **Plot gardener** (*Kleingärtnerin/Kleingärtner*): anyone who is part of the community.

 **Garden plot association** (*Kleingartenverein*): all plot gardeners are united in an association.

 **Garden plot site** (*Kleingartenanlage*): the whole piece of land that houses the association.

 **Lessee** (*Pächterin/Pächter*): each plot gardener leases a piece of this land from the garden plot association and is thus a lessee. A lease means that you use something for a certain period of time in exchange for money. But what you use remains the property of whoever leases it. Basically, it's like renting an apartment. In this case, the garden plot association has a piece of land that it leases to association members.

For this purpose, association and member enter into a lease agreement that lays down the respective conditions. It thus includes the rights and obligations of the individual gardeners who lease the land and of the garden plot association that leases it to them. The land thus continues to belong to the garden plot association and you are the lessee.

 **Plots** (*Parzelle*): these are individual gardens comprising the garden plot site. Thus, each lessee has a plot.

 **Garden shed** (*Gartenlaube*): the little hut on your piece of land.

Legal Aspects

Legal aspects play an important role for members' coexistence in a garden plot community. If you want to have a piece of land, you have to become a member of the association and enter into a lease agreement.

Association law, contract law and lease law form the legal basis.

The Federal Garden Plot Act (*Bundeskleingartengesetz*) defines what a garden plot is. A garden plot is a garden that

1. users use for gardening purposes, and only for their own consumption, not to sell anything: i.e., to obtain fruit and vegetables for themselves. It is also used for recreational purposes ("garden plot use")

and that

2. is located on a site that comprises several individual gardens and where there are communal facilities: like, for instance, paths, play areas and club houses ("garden plot site").

The Federal Garden Plot Act also contains provisions on contract law, on association law, and on leases and their limits, as well as other special provisions. The law also deals with issues relating to the garden shed and prior rights.





In addition to vegetable patches and fruit trees, flowers and biotopes ensure that there is a wide variety of plant and animal species. Photo: Peter Salden

The following provisions form the basis for your use of the garden:

- 🥕 You are the lessee of a plot: in other words, a piece of land. But the land belongs to the garden plot association, not to you.
- 🥕 You do not have the right to live for any length of time in your garden shed.
- 🥕 The gardeners' coexistence on the site is the subject of garden rules, which thus lay down how the garden is supposed to be used, building specifications that have to be respected and when there are quiet times. Quiet times are times when you are not permitted to make any noise.
- 🥕 At least one third of the area of your plot has to be used for growing fruit and vegetables for your own consumption. You have to be sure to grow a variety of crops: for example, you are not allowed to plant only potatoes.

How do I become a member of the association and what does it mean to be a member of the association?



Membership in the garden plot association is the precondition for being able to enter into a lease agreement for a plot of land. Thus, without being a member of the association you are not allowed to take possession of a garden plot.

The association has what are called **statutes**. These statutes lay down the rules of members' coexistence in the association: i.e.,

- 🥕 how much you have to pay for membership
- 🥕 what charges there are (share in common expenses for paths or the clubhouse, for instance)
- 🥕 how many hours of work each gardener has to contribute to maintaining the communal facilities.

Everyone should think carefully beforehand whether they can really con-

ceive of being a member of a garden plot association and can accept the rules. For anyone who does not like being part of a communal organisation should not try to have a garden plot. Just leasing the land and then not caring about anything or anybody does not work. For a garden plot association is also a place of neighbourly cooperation. The association's festivals are celebrated together, the members get closer to one another and get to know one another when doing work for the association. Also when there are problems or things are unclear, it helps to talk with one another directly and thus to avoid misunderstandings.

We are delighted if you have made the decision to join. What you do then is to submit a written membership application to the association's board. The board of an association consists of some members who run the association.

As a member of the association you have rights and obligations. We have already talked about the obligations. The **rights** are, for example:

 use of the common facilities of the garden plot site

-  participation in the general assembly
-  right to information
-  voting rights (an association has a president and a board of directors who are elected by all the members).

Like all association members, you are expected to pay your dues regularly, to take part in the collective life of the association and to be loyal to the association.

The following aspects are governed by the **leasing agreement** that you enter into with the garden plot association:

-  the object of the lease (the location and size of the plot, i.e. of the garden)
-  the rent (how much you have to pay to use the garden)
-  the duration of the agreement
-  termination of the agreement (e.g. when obligations are not being met)
-  the conditions of use, also for building on the garden plot
-  transfer of the lease
-  and much more.

How much does it cost?

Costs when taking possession of the plot

First of all, you take possession of a plot from the garden plot association. The owner of the land is the association. Taking possession is only possible then if it is clear that you have been accepted as a member of the association. The crops that have already been planted, the garden shed and other investments that have been made in the plot have a value. This value is determined by an independent appraiser. On the basis of this appraisal, you then come to agreement with the previous lessee on the amount to be paid for the plot.

If at a later date, you then want to give up your plot, the value of the garden shed and planted crops is again determined and you receive this amount from the new lessee. The precondition is always that the association has previously agreed to membership.

Running costs

There are certain running costs that arise when you lease a garden plot. These include:

-  rent
-  administrative fees
-  membership dues
-  charges
-  electricity and water expenses
-  taxes
-  waste removal fees
-  insurance

These costs vary from one garden plot site to another. They depend on the local conditions. So you still have to enquire about what costs you will incur exactly. The garden plot association will let you know.

Now you have the most important information about what it means to cultivate a garden plot. You are familiar with the principles and rules of coexistence in a garden plot community. You do not have to be thinking about them every day, but you will be dealing with them every day.

As a plot gardener, you are part of a long tradition, have a fulfilling hobby, are a member of a community, are out in nature and can enjoy the fruit and vegetables that you have grown yourself. We're looking forward to welcoming you!



A natural-looking garden plot in the “Eichengrund” garden plot association in Lübben, with potatoes and cabbages, a flower bed and apple trees. Stone slabs were deliberately not used for the garden path and branches from pruned fruit trees were used to delimit the boundaries of the crop areas. Photo: Peter Salden

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