

Use of State Premises by Others

How are state interests protected when other entities are using state property? This is an important question agencies should ask themselves when determining if use of state premises can be granted. This document provides information for agencies when determining how to protect state premises and facilities when being used by others.

DAS's statewide policy on [Public Use of State Building Premises](#) outlines a very specific approval process and event forms for DAS-owned buildings and instructions for leasing these properties to others. These can be useful for agencies when developing their agency processes.

Examples of properties, types of users and uses needing consideration include:

- Meetings hosted by state partners
- Public-welcomed events
- Other state agencies using a state agency-owned facility
- Employee-sponsored wellness activities ([Workplace Health/Wellness Programs](#))
- State properties held solely for use by others

If approved, good stewardship of the state's assets can be achieved with an agreement that establishes expectations and requirements for state premises being used.

Risks to Agencies

When Agencies approve the use of their premises by others without agreements in place, they expose their agency to potential risks such as:

- Personal injury to public participants and employees
- Costs to repair or replace damaged state property
- Third-party damage
- Higher agency risk charges due to increased claims



Image from oregonstateparks.org

Insurance Coverage

Agencies have access to the state's [self-insurance policies](#) for most property damage as well as most liabilities caused by acts and omissions of their employees acting within the scope of their employment duties. Use agreements generally transfer financial responsibility of things outside of state responsibility to the user.

Best Practices

Completing an assessment can help determine where use by others fits within the risk spectrum and if it can be approved. The DAS Risk Management's [Risk Assessment form](#) can be used and help inform decisions around formal risk transfer to users. It asks:

- What can go wrong?
- Who could be harmed?
- What would be the cost?
- What is the likelihood it will go wrong?
- What can be done to mitigate the likelihood something will go wrong?

If use by others is permitted and approved, an [Event Application Form](#) and [Event Permit Form](#) is needed (like these DAS forms), which requires, among other things, the user to indemnify and hold the state harmless from the users use of the premises.

In addition, require users to hold insurance coverages. Use the DAS [Risk Assessment Tool](#) for determining insurance requirement types and amounts beyond the minimum requirements outlined in the Event Application Form. Require a [Certificate of Insurance](#) to prove the user has obtained the coverages requested. It's important to note that the state is bound to pursue recovery from any available means under [ORS 278.052](#) when the state's Insurance Fund covers a loss. Users without insurance may be personally liable if their use of the premises is found to have caused a loss paid for by the state.

In the very rare circumstances where alcohol may be served or permitted on state premises when in use both others, refer to [DAS Risk Management's Alcohol Policy](#).



RiskWise



A Guide to Controlling Risk

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- Risks to Agencies
- Insurance Coverage
- Best Practices

DAS
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ADMINISTRATIVE
SERVICES

DAS RISK MANAGEMENT

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