

Strategizing the Right to the City: Business Improvement Districts and Homeless People¹

WRAP Working Paper

Abstract:

In recent years, Henri Lefebvre’s concept of the “Right to the City” has been adopted by a growing movement of human rights oriented organizations, policy makers, and activists around the globe. Through an examination of the relationship between Business Improvement Districts and homeless people in the contemporary United States, this paper will draw together the growing global social movement promoting the Right to the City and the urban studies literature examining political struggles over the presence of homeless people in urban public space. This paper first presents the historical policy context that set the stage for recent battles over homeless people’s presence in urban space. Next, it provides an analysis of Business Improvement Districts (BIDs), their origins, and their diffusion as a model of public space governance. The paper then analyzes interactions between homeless people and BIDs. It proposes a framework of three ideal type models for thinking about the different ways that BIDs might relate to homeless people. Finally, the paper discusses strategic considerations for thinking about how to address, reform, collaborate with, or abolish BIDs as part of campaigns for the Right to the City.

Introduction

¹ Direct correspondence to Darren Noy, Department of Sociology, University of California, 410 Barrows Hall, Berkeley, CA 94720-1980 (darrennoy@berkeley.edu). This paper draws heavily upon a research project I worked on with Becky Lo Dolce, Fontane Ma, and Melinda Mattes. Their rigorous empirical work provided the backbone for the theoretical, strategic, and political inquiries explored in this paper. Paul Boden and Philip Cryan proved ever true intellectual friends in the development of this research.

In recent years, Henri Lefebvre's concept of the "Right to the City" has been adopted by a growing movement of human rights oriented organizations, policy makers, and activists around the globe (Tides 2007; David 2003; Lefebvre 1996; Ortiz 2006). The initial drafts of a World Charter on the Right to the City was first elaborated by global social movement actors at the Social Forum of the Americas in July 2004 and the World Urban Forum in September 2004. This document declares the right of all people to the city, not only as an economic location, but as a social, cultural, and democratic space. The charter claims that "the core element of [the right to the city] is the equitable usufruct of the cities considering the principles of sustainability and social justice" (Charter 2004). Reinforcing this World Charter on the Right to the City have been a series of other official statements such as the European Charter for Safeguarding Human Rights in the City, the European Charter for Equality of Women and Men in local life, and the City Statute of Brazil. In addition campaigns of global social movement organizations such as the Habitat International Coalition have been formed to advance the Right to the City framework (HIC 2008)

Since 2005, UNESCO and UN-HABITAT have also held a series of international convenings oriented around the Right to the City. In a joint statement explaining the objectives of their Right to the City initiative, UNESCO and UN-HABITAT (2005) declared that "the time has now come for governments to shift from a needs-based approach to a rights-based approach. In a rapidly urbanizing world, such an approach means that all citizens should benefit from what cities have to offer in terms of access to income generating opportunities, land and housing, water and sanitation, education and health care. Recognition of this right in national policies and legislation is critical to bringing about a fundamental change in our approach to sustainable development. A rights-based approach can help generate the political will and to create a culture of resource allocation that places the needs of the poor on an equal footing with the interests of those that are better off."

In January 2007, the Right to the City movement found footing in the United States. Base building community organizations from across the country came together to form a national Right to the City Alliance (Perera 2008). Bound together in the struggle for economic, social, and racial

justice, the alliance seeks to connect urban “fights against gentrification and displacement to other local and international struggles for human rights, land, and democracy” (RTC 2008). The alliance has identified a number of principles of unity including: freeing land from market speculation, public ownership of urban territory, economic justice, indigenous justice, environmental justice, freedom from police and state harassment, immigrant justice, sufficient services and infrastructure, democratic planning and governance, reparations for exploitation, international solidarity, and justice for rural people.

In addition to this international movements advancing the Right to the City, throughout the last two decades urban scholars have demonstrated how neoliberal cities have increasingly turned to repressive measures to keep urban poor and homeless people out of view in public space (Smith 1998, 1996; Roy 2003; Mitchell 1997, 1998, 2003; Hackworth 2007). They have examined both how the rights and public presence of poor people have been diminished in urban centers, as well as poor people’s struggles and organizations which have emerged to fight this situation. The most recent and full scale assessment in this literature was Don Mitchell’s recent book, which also following Lefebvre was titled, “The Right to the City” (Mitchell 2003).

The archetypical example of homeless people being removed from public space in the United States was in Giuliani’s New York. However, the displacement of homeless people from public urban spaces, especially downtown areas, has occurred throughout the country over the last couple of neoliberal decades. In addition to the academic literature capturing this reality, grassroots homeless advocacy organizations and Washington policy groups have also documented attempts by city leaders and business interests to sweep homeless people out of public spaces through anti-homeless legislation, police sweeps, and so-called “quality-of-life laws” (NLCHP 1996; NCH 2004, 2007; WRAP 2008).

However, one crucial issue has generally been missed by the urban literature examining the relationship between homeless people and urban public space: the Business Improvement District model. Indeed, in the last 20 years, there is perhaps no other single innovation in the governance of

urban space that has had as substantial an effect on the management of downtown areas than Business Improvement Districts (BIDs). Through an examination of the relationship between BIDs and homeless people in the contemporary United States, this paper will draw together the growing global social movement promoting the Right to the City and the urban studies literature examining struggles over the presence of homeless people in urban public space.

This paper first presents the historical policy context that set the stage for recent battles over homeless people's presence in urban space. Next, it provides an analysis of Business Improvement Districts (BIDs), their origins, and their diffusion as a model of public space governance. The paper then analyzes interactions between homeless people and BIDs. It proposes a framework of three ideal type models for thinking about the different ways that BIDs might relate to homeless people. Finally, the paper discusses strategic considerations for thinking about how to address, reform, collaborate with, or abolish BIDs as part of campaigns for the "Right to the City."

Sweeping Homeless People From Public Spaces

To understand contemporary battles over the presence of homeless people in public space in the United States, it is useful to quickly recount the rise of the contemporary wave of massive homelessness in the United States. In the 1980s, homelessness re-emerged in the nation at levels not seen since the Great Depression (Burt 1992; Kusmer 2003; Jencks 1994). By the late 1990s it was estimated that each night at least 840,000 men, women, and children across the nation were without a home (NLCHP 2004). All together, between 2.3 and 3.5 million people, including 1.35 million children, were likely to experience homelessness in a given year (Institute 2000).

This contemporary wave of homelessness resulted in part from broad processes of capitalist reconfiguration, deindustrialization, and urban transformation (Bluestone and Bennett 1982; Noy Forthcoming). The primary political context for this resurgence of homelessness was the rise of extreme free-market rhetoric, supply side economics, and anti-welfare ideology initiated under

Reagan and continued through the Clinton presidency and into the present (Lyoncallo 2004; WRAP 2006). Reagan decimated public housing construction and subsidization programs, and these programs have never regained their pre-1980 strength (Dolbeare, Saraf, and Crowley 2004). Reagan also seriously undermined other important safety net programs, such as community mental health centers – the system which was supposed to replace mental hospitals after deinstitutionalization (Beigel 1982; Cutler, Bevilacqua, and McFarland 2003; Scherl and Schmetzer 1989).

Despite a number of efforts made to address homelessness on the local and national level, these efforts were never more than a drop in the bucket compared to the social welfare cuts initiated by Reagan (Noy Forthcoming). Homelessness remained steady and even became a sort of normalized backdrop of everyday life (Hopper 1998; Marcuse 1988; Penner and Penner 1994). However, although normalized, homelessness was not accepted by those who felt that the presence of homeless people in urban areas, and especially downtown districts, was hurting the quality of life and inhibiting business. In cities throughout the United States, as the federal government failed to adequately address homelessness nationally since the 1980s, the visibility of homeless people increasingly became an important concern for business and political elites (Sommer 2000; Noy Forthcoming).

The turn to neoliberal policies and neoliberal economic restructuring also served as a primary context that shaped the response to the increased visibility of homeless people in urban areas (Mitchell 2003; Gibson 2004; Roy 2003; Smith 1996; Sassen 1990). In the deindustrialized, post-Fordist economy, cities face tremendous pressure to create clean and shiny locales which will attract hyper-mobile capital and wealthy tourists – and homeless people are seen as standing in the way of that (Mitchell 1997, 1998, 2003). At the same time, cities are under ideological pressure to adopt an approach to governance framed by neoliberal principles and controlled by external agencies, such as bond rating institutions (Hackworth 2007). As a result cities have sought to turn urban space into a commodified spectacle for the wealthy and the privileged, and to exclude the visible signs of poverty from view (Smith 1996; Mitchell 2003).

Cities have employed a number of strategies to try to sanitize public spaces from homeless presence – quality of life laws, anti-panhandling ordinances, banning soup kitchens and other public feeding programs, police sweeps, homeless courts, anti-camping, sitting, and lying ordinances to name a few (NCH 2007; Smith 1998; WRAP 2008). However, one important institution for controlling public space that has often been overlooked in analysis both of the public presence of homelessness and more generally by the Right to the City literature is the Business Improvement District.

Overview of BIDS

Business Improvement Districts (BIDs) are a marriage of two redevelopment approaches – the financing authority of a redevelopment agency and the targeted efforts of an enterprise zone. An authoritative definition of BIDs has yet to be accepted by academics, planners, and business people. Generally, however, a BID is a legally-recognized territorial subdivision within a city in which all property owners or businesses are subject to an additional tax assessment that is collected by the city and reallocated to the BID operating agency. The agency then uses the funds to provide services and capital improvements within the district (Garodnick 2000). BIDs often represent a city's downtown region and vary greatly in size. A 1995 survey of 23 BIDs found the size of a BID to be approximately 20 square blocks on average and range from 1 square block to 300 square blocks (Partnership 1995).

BIDs provide services to supplement those delivered by the municipal government. Specific services vary from one BID to another, but standard functions include: *Capital Improvements*: installing pedestrian-scale lighting and street furniture; planting trees and shrubbery. *Consumer Marketing*: producing festivals and events; coordinating sales promotions; producing maps and newsletters. *Economic Development*: offering incentives (such as tax abatements or loans) to new and expanding businesses. *Maintenance*: collecting rubbish; removing litter and graffiti; washing

sidewalks; shoveling snow; trimming trees. *Parking and Transportation*: managing a public parking system; maintaining transit shelters. *Policy Advocacy*: promoting public policies to the community; lobbying government on behalf of business interests. *Public Space Regulation*: managing sidewalk vending; discouraging panhandling; controlling vehicle loading. *Security*: providing supplementary security guards; buying and installing electronic security systems; working with the city police force. *Social Services*: aiding homeless people; providing job training; supplying youth services.

A primary appeal of BIDs to commercial merchants is that the BID property tax ensures that all property owners are locked into a payment scheme, avoiding the classic worry about free-riding in which only a few pay for the improvement projects and programs that create benefit for all in the area. Created by state legislatures, BIDs claim to solve problems of urban blight and safety, and to promote business in downtown cores, in ways that local government cannot (Leigh 2003). They are classic neo-liberal public-private partnerships (Goode 2006). Usually run by a community board representing the area, power within BIDs is generally tilted towards corporate interests. Most BID governance structures weight the votes of business and property owners more heavily than those of residential tenants. District decisions are therefore generally skewed in favor of business and property owners even when outnumbered by residential tenants. For example, a 1995 court case involving a New York city BID revealed that only one BID board member represented 930 residential tenants while 242 property owners had 31 representatives (Garodnick 2000).

While some people credit BIDs with the revival of urban centers, their prevalence has provoked controversy. Proponents claim they have worked to create clean streets, a welcoming environment, and enhanced city revenues (MacDonald 1996; Beach 2007). They see BIDs as having allowed private business to actively and collectively shape the atmosphere and culture of the district while fostering a sense of pride and place among business owners. Critics, however, accuse BIDs of exacerbating the divide between those with money and those without by allowing the secession of wealthy areas from the overall city governance (Davies 1997). Michael Sandel (1996: 311) argues, “as municipal services decline in urban areas, residents and businesses in upscale districts manage to

insulate themselves from the effects by assessing themselves surtaxes to provide private garbage collection, street cleaning, and police protection unavailable to the city as a whole.” Others criticize BIDs as patrolling public space on behalf of merchants and wealthy residents, while excluding poor and homeless people from their area (MacDonald 1996). Still others criticize BIDs as fundamentally anti-democratic institutions which replace local government and community oversight with rule by businesses on behalf of their interests (WRAP 2008).

The Origin and Diffusion of BIDs

By most accounts, the first BID was Bloor West Village in Ontario, Canada in 1965. The movement reached the United States in 1975 when New Orleans formed a BID, and the strategy has since spread worldwide (Water 2003). While BID popularity outside the United States and Canada is most notable in Australia, Germany, Japan, New Zealand, South Africa and the United Kingdom, they have also shown up in Austria, Belgium, Denmark, France, the Netherlands, Norway, Portugal, Spain and Sweden. Internationally, BIDs differ widely in their formation, performance evaluation, operating entity, funding and service provision.

In the United States, one estimate indicates that 60% of BIDs were created between 1990 and 1999 (Mitchell 1999). However, the precise number of BIDs in the United States is not readily available. State and local governments rarely inventory BIDs within their jurisdictions, and it is often difficult to discern among voluntary merchant associations, economic development agencies, and BIDs. In 1997, the Urban Land Institute estimated 1,500 BIDs in the United States; though in 1999, the International Downtown Association estimated over 700 United States BIDs (Houstoun 1997; Mitchell 1999).

In order for a BID to be formed, state-level BID-enabling legislation must be in place. Typically, the legislation authorizes local governments to create and certify BIDs. The legislative statute may specify details of how BID’s funds are to be collected, the types of services that may be

provided, the size and makeup of the governing board, and the method by which property or business owners formally petition local government to create a BID. The original statute may have been adopted decades before the advent of BIDs and enacted for an entirely different purpose. It is not uncommon for statutes to be directly related to the provision of parking or other basic urban public goods. In 2003 Leigh (2003) indicated that all states have BID enabling legislation except for Hawaii, Michigan, North Dakota, Rhode Island, South Dakota, West Virginia and Wyoming. Complicating the study of BIDs, however, is that they can be referred to by different names, often differing by state: in Iowa they are called self-supported municipal improvement districts; in New Jersey they are known as special improvement districts; in Missouri they are called special business districts; in Texas they are labeled public improvement districts; in Oregon they are referred to as economic improvement districts; and in Washington they are termed parking and business improvement associations.

At the city level, the BID formation process varies substantially, but will usually have the following basic elements: circulation of a petition among businesses to form a BID, consideration of the proposal by the municipal governing body, a public comment period (often 30 days), a public hearing, and finally a council vote. The required stakeholder approval rate obtained through the petition will vary, but is generally between 51% to 70% of those eligible to vote. Many states, such as California, allow municipalities to give greater weight to large business and property owners by weighting percent of assessment paid rather than giving each owner an equal vote (Beach 2007). Seattle's model provides another example; if ten businesses sign the petition and their cumulative assessment would account for at least 60% of the total Business Improvement Association assessment, the Council review process may continue (Seattle 2001). Finally, regulations governing which stakeholders are eligible to vote on, approve of, or oppose the proposal also differ between states and cities.

BIDs establish an entity to run daily operations and provide services. The state or municipal enabling legislation may specify the type of entity, though it could be a nonprofit organization,

government corporation, or public-nonprofit partnership. Jerry Mitchell (1999) found that among BID survey respondents, 61% were operated by nonprofit organizations, 13% were the responsibility of public sector bodies, and 26% were run by a public-nonprofit partnership. The larger the community, the more likely the responsibility will fall on a nonprofit organization. In such situations, local government often plays a limited role in the actual operation of a BID, except to monitor expenditures and renew the BID's certification at the pre-determined time intervals. However, all types of BIDs generally have a strong and established relationship with municipal government regardless of what type of entity implements daily operations.

BIDs tend to be more organized and politically stronger than other forms of business associations. The financial contribution of BID members and the formation process leads to a more active and invested constituency. It is therefore not uncommon for BIDs to take proactive measures, such as working closely with city hall to draft municipal legislation and lobbying city government. BIDs will often use the public funds they have collected through their tax mandate in order to lobby government or even to support particular election candidates. In Portland, for example, the downtown BID – which has taken on a number of different forms since the 1980s – controlled revenue streams from city garages, along with levies imposed on property owners. It used these revenues both to promote city ordinances, to lobby government, and even to endorse candidates (Burke 2008).

Likewise, a BID's ability to privately provide select public services affords the BID a great deal of political clout at the municipal bargaining table. All together then, BIDs allow for an amplification and concentration of power within municipal policy fields into the hands of business and corporate interests. This is a direct contradiction with the principles of the Right to the City movement which aims to democratically distribute power to shape the city across all inhabitants and not only the propertied class.

BIDs and Homeless People

A primary focus of BIDs is public safety and the deterrence of crime. Business owners see area improvements undertaken by BIDs as conveying the message to visitors, potential residents and potential businesses that the district is “clean and safe.” They therefore see BIDs as reducing crime in accordance with the “Broken Windows” theory (Hoyt 2005). The Broken Windows theory posits that allowing indications of disorder to remain unaddressed, such as a broken window or trash in an alley, demonstrates a loss of social control in a neighborhood (Wilson and Kelling 1982; Skogan 1999). This then fosters crime, especially as criminals actively seek out such neglected areas as a place to engage in deviant activities (Hoyt 2005). BIDs, therefore, seek to reduce crime by making cosmetic and capital improvements to their districts.

In addition to these cosmetic improvements, BIDs also seek to reduce crime by engage in direct private security patrols over their areas. Private security has been a rapidly growing industry in the United States. The last thirty years have seen a per capita decline in public police officers and, at the same time, a substantial per capita increase in private security guards. A 1995 estimate claimed that there were roughly 3 private security guards for every public police officer in the United States (Greene, Seamon, and Levy 1995). Private security is generally much cheaper than sworn police officers. Private security guards are under less public regulation and oversight, and are less well trained. Correspondingly, they also possess less authority.

The primary function of private BID security is to uphold the public perception of safety in their area by having a noticeable policing force on the streets. Private BID security generally takes on one of two forms. The first form of security is a team of “ambassadors.” Ambassadors usually roam the area wearing brightly-colored uniforms and are supposed to provide a welcoming smile (Hoyt 2005). Sometimes, the word “security” is printed on the back of the uniform to convey authority. While the role of ambassadors will vary from one BID to the next, it generally involves assisting visitors and looking out for suspect behavior. The second form of private BID security is

the more traditional-looking security guard. Often times, security guard uniforms are intentionally designed to closely resemble that of the local police force, emitting a stronger sense of authority.

The legal authority of ambassadors and security guards is the same. In public spaces, private security has no more authority in securing an environment than does a private citizen. For example, the only kind of arrest they can perform is a citizen's arrest, which can be made only when the arresting citizen personally witnesses a felony. Everyday citizens may be unaware that a BID's private security lacks legal authority.

Regardless of whether a BID relies on private security or police officers, it likely maintains a close relationship with the local police department – possibly even providing a storefront out of which the police department operates a substation. In the absence of private security, BID members will call the police dispatch directly to report suspicious activities. Even with a private BID security force, these employees are generally not trained or equipped to handle difficult or potentially dangerous situations, and therefore must rely on local police in such circumstances.

The single most common interaction between BIDs and homeless people is through private security guards. Homeless advocacy groups accuse BID private security of intimidating, bullying, and abusing homeless people. Some have gone so far as to accuse BIDs of primarily existing in order to remove homeless people from visibility, and to enforce restrictions on public space (WRAP 2008). In 2005, the Los Angeles Community Action Network created a campaign “to take direct action to end fast-growing patterns of abuse [perpetrated] against poor and homeless residents by...BID security guards” (LAGC 2005). The campaign included videotaping and private patrols to monitor the excessive use of force and violation of civil rights by BIDs. In Los Angeles County, several homeless people also filed law suits against four BIDs claiming harassment (Ailworth and Wan 2004).

Similar complaints were levied at New York BIDs, a decade earlier, in the 1990s (Lambert 1995). In April 1995, the New York Times ran an article which included confessions of abusing

homeless people by employees of the New York BID, the Grand Central Partnership (Lambert 1995). The article began:

“Bubba, Big Black, Kizer and Red are the street names of four men who have said they served on squads that beat up the homeless. They said that in recent years, while working for the Grand Central Partnership, they and others threatened, bullied and attacked homeless people to force them from doorways, bank vestibules, plazas and sidewalks all over Manhattan.

"We beat people at Sixth and Waverly," said Ernest Montgomery, a 6-foot 4-inch amateur boxer known as Bubba. "We beat people at Tudor City. We beat people at 51st and Third. We beat people at 86th and Third. We beat people at Herald Square and Greeley Square. We beat people at the Roosevelt Hotel."

The men, former outreach workers in a program intended to help the homeless, said they carried out the attacks at the behest of an administrator of the Grand Central Partnership.”

In general, there is minimal recognition by BIDs that homeless people are part of the community and share a right to public space. To the contrary, homeless people are often viewed as part of the “community blight” and “broken windows” that must be removed by BIDs in order to reduce crime. BID websites regularly list homelessness under the drop-down menu for “Safety.” In reality, however, homeless people are just as likely to be victims of crime, and private security has little effect on more serious crimes such as armed robbery (Scott 2003; Hoyt 2005). Moreover, although some homeless people are transient, most have been a part of their community for a long time (Scott 2003).

The use of BID private security to remove homeless people from public space, however, is more than just about reducing crime. It is, more importantly, about increasing shopping. The presence of homeless people is seen by many business leaders as an important deterrent to shopping and tourism in downtown urban areas (Noy Forthcoming). The prime function of BIDs is to encourage such activities. Thus, a fundamental conflict often exists between homeless people and BIDs.

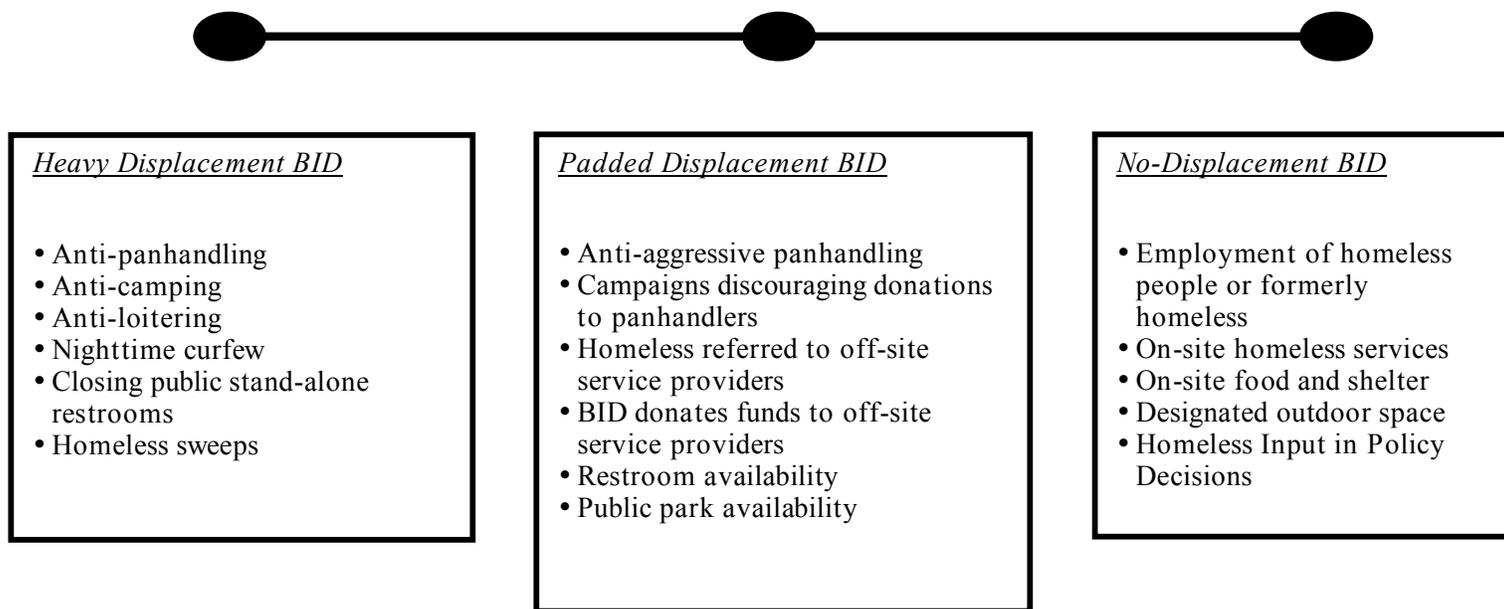
However, as mentioned above, BIDs vary greatly in terms of their formation and functions. It is theoretically possible to create a BID which does not displace homeless people, and even one

that assists homeless people. Some BIDs do indeed include social service programs for homeless people within their operations. Understanding the range of forms that BIDs may possibly take is crucial for thinking strategically about how to address, reform, collaborate with, or oppose BIDs as part of campaigns for the “Right to the City.”

Ideal Type Models of BIDs

This paper proposes three ideal type models for how BIDs might relate to homeless people. Each of the three ideal type models illustrates a range of potential policy packages through which BIDs could relate to homeless people. The policies in these three models have been drawn from examination of the documentation and promotional materials of BIDs nationwide, but do not collectively represent a particular BID (Lo Dolce, Ma, and Mattes 2008). Rather they were aggregated in order to create ideal types. The three ideal type models for BIDs relations with homeless people are: Heavy Displacement BID, Padded Displacement BID, and No Displacement BID. Figure 1 is a graphic representation of this continuum.

Figure 1: Three Ideal Types of BID's Relationship to Homeless People



These three ideal type models can be seen as falling on a cultural framing continuum, ranging from, at one end of the continuum, framing homeless people and their individual deficiencies as the core problem, to on the other end of the continuum, seeing homelessness as the result of core systemic social failings (Noy Forthcoming; Croteau and Hicks 2003).

Ideal Type I: Heavy Displacement BID

This ideal type represents the end of the cultural continuum that sees homeless people and their individual deviance as the core problem to be addressed. Homeless people and other “unsightly” groups must be removed from the area in order to provide a safe, comfortable environment for visitors. In this model, BID members are not responsible for the impacts of displacement on homeless people. The following policies are included in this model:

- A. Anti-panhandling ordinance: Verbally asking for donations or holding a sign soliciting donations is punishable by citation, arrest and/or fine.

- B. Anti-camping ordinance: Sleeping in the area or spreading one's belongings around a sidewalk or park is punishable by citation, arrest and/or fine.
- C. Anti-loitering ordinance: Spending more than a specified amount of time – either standing, sitting or laying – in one spot is punishable by citation, arrest and/or fine.
- D. Nighttime curfew: Limits the hours in which a person can be in the area, and may be tied to a particular activity. For example, sitting may be an offense during curfew hours while walking through the area is permitted. Punishable by citation, arrest and/or fine.
- E. Closing public stand-alone restrooms: Stand-alone restrooms are open to the public during the day but are closed outside of business hours.
- F. Homeless sweeps: Close collaboration with the local police department facilitates regular sweeps to clear homeless people from the area.

Policies A through D are criminalization tactics that must be legally adopted by the municipal governing body. BIDs do not have the authority to adopt policies regulating public behavior unless the shared space is privately owned, as with a shopping mall. A BID may, however, use their substantial political power to lobby city hall for these policies on behalf of its members. BIDs may also assist in the coordination of enforcement of such policies, and may indeed use private security guards to “unofficially” enforce such policies. Moreover, if any elected officials independently propose that these criminalization policies are needed in the district, they are unlikely to be approved if BID members actively express opposition.

Policy E reinforces the other policies by making the area difficult for homeless people to inhabit during certain hours. Although stand-alone restrooms could be left open at night, they are closed so that homeless people have nowhere to urinate or defecate other than outdoors, therefore risking citation. Policy A has the similar effect of making the area inhospitable to homeless people for whom soliciting donations is a primary form of income. Finally, policy F indicates a close relationship between the BID and the local police department. This allows for a select, yet strict, enforcement of policies A through D.

Ideal Type II: Padded Displacement BID

This model represents the middle of the continuum, where business owners consider minimizing homeless people presence to be in the best interest of the district, but also take some responsibility for the impacts of displacement on homeless people. The BID's package includes policies that discourage homeless people from being in the area and programs that provide or enhance limited service provision. Model II includes the following policies:

- A. Anti-aggressive panhandling ordinance: Limited panhandling is permitted, though aggressive panhandling is considered a threat to the pedestrian experience.
- B. Campaigns discourage donations to panhandlers: The BID runs a campaign that asks visitors to avoid giving money to panhandlers, but to instead give money to a service provider or drop it in a donation jar inside a store.
- C. Homeless are referred to off-site service providers: Private security officers or ambassadors give homeless people information (perhaps printed in a booklet) about the locations of available services such as food, shelter, job training, counseling, and other social services.
- D. BID donates funds to off-site service providers: The BID does not directly provide services to homeless people, but supports off-site providers.
- E. Restroom availability: Stand-alone restrooms remain open after business hours, to the general public, including homeless people. Signs are posted on store windows directing people to the next available restroom.
- F. Public park availability: Public parks remain open at night and provide an additional space for homeless people.

Similar to the anti-panhandling ordinance in Model I, the anti-aggressive panhandling ordinance presented here would also be adopted at the municipal level. Though, a study by the United States Department of Justice found that anti-aggressive panhandling policies are rarely necessary, as panhandlers know that people are less inclined to give money when aggressively solicited (Scott 2003). However, the anti-donation campaign in policy B makes panhandling a less viable source of

income. This program allows BIDs to minimize panhandling without directly criminalizing it. The justification for this campaign is based on an assumption that donations to panhandlers will be spent on drugs and alcohol. These paternalistic campaigns reinforce stereotypes that dehumanize homeless people and make it difficult for homeless people to meet their needs, especially when they are in immediate need of food.

Referring homeless people to off-site service providers in policy C assists in getting homeless people to leave the area voluntarily, but also connects them to assistance such as food, temporary shelter, or other social services. BIDs commonly state this to be their policy and may even track the number of referrals they make. It is an easy way to show that the BID is attempting to be a good community steward. However, a simple referral can hardly be considered a success; homeless individuals are likely aware of the services available to them and are often already using those to the best they can.

As in policy D, BIDs often donate a portion of their tax assessments to off-site service providers. Finally, public spaces and stand-alone restrooms (policies E and F) are open after business hours, allowing some accommodation to homeless people in the evenings. Although stand-alone restrooms are uncommon in smaller cities and less central locations, they are fairly commonplace in larger urban areas.

Homeless-friendly policies such as those in the padded displacement model are often criticized as being token policies that do not address systemic change needed to resolve homelessness. In conjunction with displacement policies, the service oriented focus in these policies can arguably be a façade more than anything else. However, these policies are incrementally better than those in the heavy displacement model, and considering them in a community may provide opportunity for further reformation of BIDs and may assist in changing the culture of BIDs.

Ideal Type III: No-Displacement BID

The no-displacement model falls on the other end of the cultural framing continuum, where the structural failings of the economic, housing, and health care systems are seen to be the core problem in addressing homelessness. This model may not be realistically attainable in full, but does represent an ideal type BID culture as it relates to homeless people. Model III includes the following policies:

- A. Employment of homeless people or formerly homeless: Homeless or formerly homeless people are employed as ambassadors, greeters, or maintenance staff.
- B. On-site homeless services: Services such as job-training, affordable housing assistance, counseling, healthcare, drug and alcohol and other services are provided within the BID.
- C. On-site food and shelter: A soup kitchen and shelter are provided, along with 24-hour access to a restroom.
- D. Designated outdoor space: A 24-hour outdoor space is designated to homeless people.
- E. Homeless Input in Policy Decisions: Homeless representatives are included in the BIDs decisionmaking process with voting and speaking power.

Policy A is not an uncommon practice in BIDs. It provides employment to homeless people or formerly homeless, and is generally considered transitional. However, the employment may lead to promotions or supervisory positions, and it is often coupled with other job training programs and social services. In practice, these programs rarely employ more than a few people and in some cases have paid meager wages – lower than wages that would otherwise be paid to fill similar positions.

Policies B through D ensure that services are available to homeless people, allowing homeless people to meet basic needs without leaving the immediate area. Policy B services are oriented toward assisting people out of homelessness and into steady employment and housing. Policy D provides a recognized outdoor space – similar to People’s Park in Berkeley or an established homeless encampment like Dignity Village in Portland – where homeless people can safely rest during the day or sleep at night. Finally, Policy E brings homeless people directly into the decisionmaking process of the BID.

Model Application

The policies presented in these three ideal type models in reality exist in different configurations across a variety of BIDs. Moreover, the degree to which displacement policies are enforced, either by the public police or private security, will impact the severity of displacement in any locale. If a panhandling ordinance is rarely enforced, for example, that BID's will exist further toward the no-displacement BID model than would that of a BID where a panhandling ordinance is strictly enforced. Similarly, if an anti-loitering ordinance is selectively and regularly enforced on homeless people but not others, the BID will fall further toward the heavy displacement end of the continuum. In practice, a close relationship between the BID and police force, along with overstepping of legal authority by private security, increase the power that a BID holds in choosing how and when to enforce policies.

Strategically Addressing BIDs

At face value, BIDs appear to be contrarian to the idea of the "Right to the City." They are epitomical neoliberal institutions which fundamentally function to hand control over the design of public space and the right to define the purpose of the city to business interests and propertied residents. Perhaps more than any other institution in the contemporary city, BIDs reflect and promote the view that the city is largely a place of consumption; and that the only role that poor people have is as low-wage workers who service wealthy visitors and residents. It might, therefore, seem that pursuing the Right to the City requires abolition of BIDs.

However, strategically pursuing the Right to the City through an organizing campaign is different than intellectual critique. Absolutes are not always a luxury in real world politics. That is

where the three model ideal type described in this paper can become a useful heuristic. Local community groups interested in promoting the Right to the City may find it impossible to simply abolish powerful BIDs. BIDs have their own dedicated stream of taxation, along with frequent other government contracts which provide additional funds. BIDs are not shy to use these resource streams to shape local politics and cement their position in the community. In such cases, trying to abolish BIDs may be, in the short and medium term, a Quixotian quest. Efforts to push BIDs towards padded displacement or no displacement policies may be a more strategic bet.

Many commercial stakeholders who control BIDs take pride in contributing to their community and want to be perceived as good citizens. BIDs frequently claim to have established relationships with homeless advocates and service providers. Although these relationships may be merely symbolic, they do provide a foundation for further conversation. It is possible for community organizations promoting the Right to the City to build on this foundation in pushing BIDs towards less displacement of homeless people in their policies. Alternatively, community organizations can seek to push municipal politicians to reduce displacement of homeless people by placing restrictions or stricter mandates on BIDs.

There are three basic stages in the BID lifecycle: formation, operation, and recertification. Particular tactics used to push BIDs to adopt no or minimal displacement policies, will depend on where a BID is in these stages.

1. Formation

Ideally, community organizations promoting the Right to the City will actively engage city leaders and business owners in the proposed BID early in the formation process. If they cannot block the formation of the BID, they should seek both to affect homeless policies through the enabling legislation and to influence the culture of the BID. As a BID's culture and attitude set a baseline for future conversations and negotiations with the BID, it is to the advantage of community

organizations to build the relationship early on and to try to influence the attitudes of business owners and politicians before policies are developed.

2. Operation

Initiatives to address homelessness – both service provision and displacement-oriented policies – may be put forward by the BID at any time during its operation. Such initiatives provide an opportunity for community organizations to voice the needs of homeless people and to present alternatives to or complements of the proposed initiatives. Community organizations promoting the Right to the City should be prepared for public input periods and to also push for representation on BID boards and committees, enabling community organizations to work and bargain directly with business members.

Absent of direct representation, community organizations promoting the Right to the City could identify key players in the BID administration or board who may serve as sympathetic liaisons between the BID and homeless people in the community. These allies can help advocate for homeless-friendly policies in the BID, acting as internal allies and amplifying homeless people's voice from within the BID's structure.

3. Recertification

The official certification which allows BIDs to collect tax revenue is finite and requires a BID to request a periodic extension of certification from city hall. Though this process varies, it often resembles the formation process and sometimes involves a review of performance and progress toward goals delineated in the initial legislation which formed the BID. Recertification provides a window for community input, especially if there is a formal review process. It may be a significant opportunity to insert homeless-friendly policies directly into the new authorization legislation, formally binding the BID to meet certain criteria with future programming.

Transparency and Accountability

Whatever the point at which community organizations engage BIDs, along with pushing for specific non-displacement policies, they should also seek to increase transparency and accountability. BIDs are unique in that they straddle the line between what is private and what is public. They are therefore in the situation of being funded by local tax dollars without being held to public sector standards of accountability and transparency. Enhancing accountability and transparency language in state and municipal BID-enabling legislation may increase opportunities to address homeless issues in BIDs through legally binding provisions. Community organizations would need to examine local legislation, as again, it varies widely. The following three areas may provide some strategic approaches for increasing transparency and accountability.

1. Disclosure: Public disclosure of important information will increase transparency in BID programming and decision-making. Community organizations may want to pursue mandatory disclosure of financial information, board meeting minutes, and public complaints, for example. While many of these documents are currently publicly available, they are not easily accessible. Community organizations may also want to push for records to be kept about interactions with homeless people and for those records to be publicly available.
2. Grievance Processes: Legislatively mandated, publicly accountable grievance processes may be particularly important in BIDs that do not have a “one-person, one-vote” governance structure.
3. Community Impacts: Legally mandated community assessment reports could assist in understanding the impacts of BIDs on vulnerable community members. Measuring the impacts of programs funded through public dollars is vital in assessing the value of the program.

When seeking to legislate such accountability and transparency into BID governance, community organizations will also need to determine whether to push such legislation at a municipal or state level. While amending state level legislation is a time consuming and difficult process, it should not be ruled out; because it would impact all municipalities and BIDs in the state, uniformly

creating change. Municipal enabling legislation, however, is significantly easier to amend. City officials are more

highly responsive to needs and demands of local constituent groups than are state legislators.

Conclusion

The Business Improvement District is in many ways the quintessential tool of the neoliberal city. However, dissecting it into three ideal type models provides some utility in strategically thinking about how community organizations could approach BIDs while pursuing the Right to the City. In particular, it shows possible avenues for renegotiating and reforming BIDs such that they pose less threat of displacement to poor and homeless residents. The prospect of such negotiating and reform, however, poses one of the most fundamental questions which all social justice movements must grapple with: whether to reform the status quo or to tear it down and build a new world in its place. This is a question related to the strategic distinction Gramsci laid out between the War of Position and the War of Movement (Gramsci 1971). In the case of BIDs, the question is: whether to oppose BIDs existence entirely, as undemocratic and to seek their total abolition; or whether to seek to work with and reform BIDs.

From the perspective of the Right to the City, the idea of creating no displacement, accountable, and transparent business improvement districts raises many questions. To begin with, is it reasonable to assume that a no-displacement model of BIDs could ever really exist on a mass scale? BIDs fundamentally represent the interests of business, not those of subordinated classes. That is why businesses are willing to levy self-taxes to pay for them. Moreover, to the degree that BIDs were formed or reformed to fundamentally work on behalf of the Right to the City of lower income people, communities of color, and other groups marginalized from the neoliberal city, they would perhaps no longer be BIDs at all but “community councils.”

Even if it were possible to create a no-displacement BID such as that represented in Model III above, this model – and indeed this entire paper – is centered entirely around issues experienced by homeless people and their relationships with BIDs. For a BID to truly be in line with the Right to the City, it would need to meet the many other principles set forth by the Right to the City coalitions mentioned at the start of this paper. It would be a steep challenge to create a BID that could align with all of those principles. Again, if such a BID were to be created, it would be questionable whether it even was a Business Improvement District, or whether it was a wholly new entity.

For local social justice based community organizations, opposing the existence of BIDs entirely has the benefits of leaving no room for contamination of their political principles – but poses a giant, and in many localities impossible, near term challenge of eliminating a powerful urban agency. Of course, if community organizations were to develop a campaign seeking the total annihilation of BIDs in their area, this may result in other actors, such as local politicians, stepping in to mediate or broker compromises between the BIDs and the community organizations. These compromises could possibly even involve greater concessions from the BID than could be gained from more friendly attempts to engage with or reform BIDs. On the other hand, attempts to abolish a particular BID, could also lead to the defensive amassing of a BIDs resources against a social justice agenda.

If reform is selected as a more viable option, then the three ideal type models presented here provide a blueprint for thinking through reform of BIDs in relation to issues of homelessness and displacement. Of course, when pursuing a reform agenda there is always a danger of cooption, not only in terms of personal or organizational cooptation by power brokers – but also in terms of having the Right to the City agenda co-opted, and in a sense neutralized by capitalist forces which join it in order to contain it. On the other hand, winning some non-displacement reforms within a BID could set the stage for eventually dissolution of the BID. If a BID is no longer an agency of displacement which concentrates control over the city within the hands of corporate interests, business interests may no longer care to provide the taxes which funds the BID and may oppose its

recertification. In this way, just as pushing to abolish a BID may lead to significant reforms, reforming a BID may lead to an erosion of support for it from the businesses which created it and may lead to its eventual demise. Thus there is no clear cut dividing line between an abolition or a reform strategy.

Perhaps the best approach would be an alliance of community groups which divide amongst themselves the dual tasks of seeking reform and abolition. Such a “good cop, bad cop” or “insider-outsider” strategy might provide the most opportunity to maximize all points of leverage in a campaign promoting the Right to the City. Pressure for abolition could make pressure for reform seem appealing to business and city leaders; while reform could lead to a collapse of the BID if its business members balk at supporting an agency that does solely serve their interests.

The specific strategy to be taken when trying to address BIDs from a Right to the City perspective will depend on the historical-political situation of particular locales. This is a complicated situation in which there are no easy or immediate answers. What perhaps one can be certain about, is that whatever approach one chooses, there will be others ready to criticize and attack that choice. In the struggle for social justice, in the struggle for the soul of the city and the Right to the City, there are no safe locations, only positions and counter-positions.

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