



The Business Improvement District Model: A Balanced Review of Contemporary Debates

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Abstract

This article presents an overview of the burgeoning literature on business improvement districts (BID) by highlighting its historical underpinnings, identifying the economic and political factors that explain its transnational proliferation, and demonstrating how the model varies within and across nations. It also provides a balanced review of the key debates associated with this relatively new urban revitalization strategy by asking the following questions: Are BIDs democratic? Are BIDs accountable? Do BIDs create wealth-based inequalities in the delivery of public services? Do BIDs create spillover effects? Do BIDs over-regulate public space?

Introduction

For more than three decades, a new form of private–public partnership in the realm of local governance commonly known as business improvement districts (BID) has operated and proliferated throughout North America. In recent years, the BID model has transferred to other continents including Africa, Europe, and Asia. Despite its widespread adoption and use, there is no standardized naming convention or definition for BIDs (Davies 1997; Hoyt 2005c). Throughout the United States, the nomenclature as well as the rules for establishing and operating BIDs are set forth by state-enabling legislation, thus a range of designations such as special improvement districts (New Jersey); public improvement district (Texas); and neighborhood improvement districts (Pennsylvania) exist (Hoyt 2005c). In Canada, where the model originated, BIDs are known as business improvement areas. In South Africa, they are called city improvement districts (Hoyt 2005c). For the purposes of this discussion, we use the term ‘BID’ to refer to such entities and we define BIDs as privately directed and publicly sanctioned organizations that supplement public services within geographically defined boundaries by generating multiyear revenue through a compulsory assessment on local property owners and/or businesses.

Historical Underpinnings

The BID model is increasingly controversial because controversy surrounds its historical, economic, and political underpinnings. In addition, as the model transfers from one nation to the next, academics and practitioners have raised more questions than answers regarding the effect of BIDs on such issues as democracy, accountability, and the regulation of public space. To set the stage for an examination of these issues, we begin by describing how the model emerges from a long history of private sector-led initiatives for revitalizing the downtown.

In an effort to devise a collective strategy for revitalization after an earthquake and fire devastated the center city, business leaders in San Francisco rallied to establish one of the first downtown associations in the world, the Down Town Association of San Francisco (Fogelson 2001). In the 1930s and 1940s, business leaders in cities throughout the United States formed voluntary membership organizations such as the Detroit Business Property Owners' Association and Downtown Council of Chicago to combat decentralization – the unremitting migration of firms, retail establishments, and customers from downtown to outlying suburban municipalities. Much like their contemporary counterparts, the members of these associations aligned their attention to crafting strategies aimed at increasing property values and retail sales by attracting customers and investors to the downtown using promotional mechanisms like parades, tours, and window displays. These organizations also functioned as advocates for the downtown, communicating the need for projects ranging from the construction of new parking facilities to the demolition of so-called blighted areas (Fogelson 2001). In the 1950s and 1960s, American business leaders continued with voluntary efforts to redevelop and reposition their downtowns, as evidenced by two classic examples – the Pittsburgh Allegheny Conference on Community Development and the Greater Baltimore Committee.

In the mid-1960s, a small group of businessmen in Toronto, Canada, invented a new approach to circumvent the free-rider problem, where 'free riders' were business owners in the area who benefited from the monetary and other contributions that were made by members of the voluntary business association, but who did not contribute to the association themselves. Accordingly, they explored the feasibility of an autonomous, privately managed entity with the power to impose an additional tax on commercial property owners to fund local revitalization efforts (Hoyt 2006). Their success in passing the requisite legislation in 1969 represents the moment when the BID model was born. Since this time, the BID model has been adopted in eight countries, while enabling legislation is under consideration in at least eight others (Hoyt 2006). This includes: 185 in Australia; 347 in Canada; 225 in European countries; 261 in Japan; 140 in New Zealand; 42 in South Africa (Hoyt 2005c, 2006); and 404 in the United States (Mitchell 1999).

Economic and Political Factors

Although the BID model is a topic of interest to scholars in a variety of disciplines ranging from geography, to urban planning, to public administration, tracing its origins and explaining its subsequent transfer is difficult due to the absence of standard naming conventions, the potpourri of BID and BID-like organizations, and the lack of systematic adoption patterns in countries like the United States where the model is most prevalent (Brooks 2006; Hoyt 2005c). Despite these challenges, urban scholars link the growth of American BIDs to several socioeconomic and political factors such as the decline of city centers and town centers; urban sprawl aided by the development of an extensive highway network; growth and proliferation of new retail forms and environments; inability of the local governments to meet organizational and financial challenges due to declining tax base; and a shift to the use of public–private partnerships for urban revitalization (Gopal-Agge and Hoyt 2007; Briffault 1999; Burayidi 2001; Greenblatt 2006; Houstoun 2003; Lloyd et al. 2003; Wolf 2006). Similar explanations are used to describe the rise and proliferation of BIDs in Canada (Hernandez and Jones 2005, 2007), the UK (Lloyd et al. 2003; Page and Hardyman 1996; Reeve 2007), and other countries although the specific underlying sociopolitical and economic conditions causing decline varies from country to country (Hoyt 2006).

In line with the introduction, some scholars believe that BIDs are ultimately enabled by the underlying belief that ‘cities exist to create opportunities for individual wealth accumulation and business leaders are best qualified to devise (or advise) policies toward that end’ – a condition that has played a central role in shaping the law and politics of American local government (Briffault 1999, 470; Morçöl and Zimmermann 2006b, 11–12). This premise is also consistent with the UK broader urban policy approach that encourages private sector intervention in addressing socioeconomic decline in cities (Lloyd et al. 2003, 314).

An empirical study on the adoption pattern of BIDs in the state of California suggests that BID model is consistently imported by older cities (Brooks 2006). Within this framework, the primary reason for the wide acceptability of the BID model for urban revitalization is its underlying flexibility that permits it to ‘microfit’ to local conditions (Lloyd et al. 2003, 305; Symes and Steel 2003, 303). The inherent flexibility of the BID model has also driven practitioners to use it to revitalize ancillary commercial districts (Stokes 2006).

Value of the BID Model

All BIDs are created by municipal designation pursuant to the authority granted by state-level enabling legislation. While these laws vary across countries and even across states as in the case of the United States, most require a ballot of relevant stakeholders to approve the institution of a BID

for the area. Moreover, some level of accountability is achieved by the incorporation of sunset clauses that limit the life of a BID, usually to a few years. However, BIDs very rarely dissolve. Instead, as permitted by state-enabling legislation, BIDs renew and extend their term limits by means of a standard reauthorization process.

Once established, BIDs typically implement services either as a nonprofit organizations, private–public or public–nonprofit partnerships (Briffault 1999, 368; Mitchell 1999). In North America, the BID model is essentially grounded in the concept of a benefit assessment district that allows for tax assessments on properties within a defined geographic area, whereby the revenues generated are directed back to the district (Briffault 1999; Mitchell 1999, 2001). This is the chief source of financing for BIDs and can range from a few hundred to several millions of dollars depending on local property values, the size of the district, and the assessment formula (Briffault 1999; Hoyt 2005c; Levy 2001; Mitchell 1999, 2001). This special assessment or ability to tax and therefore provide constituent members in a specific geography with supplemental public services gives the BID model considerable autonomy in problem-solving. It is seldom the only source of funding because BIDs are innovative fund raisers that typically rely on several sources of revenue to sustain their operations. According to the international survey of BIDs organizations, one-half of the BID managers in New Zealand (52%) and the United States (50%) reported that they received voluntary donations or in-kind contributions from tax-exempt properties in the district. Additionally, almost one-half of the BID managers in New Zealand (48%) and Canada (40%) indicated that they received financial support in the form of subsidies and government grants (Hoyt 2005a). Additional funding sources are particularly important for neighborhood BIDs where needs typically exceed resources (Stokes 2006, 183).

In its most elementary form, a BID uses its budget to provide submunicipal local public goods like sanitation, security, and capital improvements that have been the universal driver of BIDs, especially in the United States (Hochleitner 2003; Hoyt 2005c; Mitchell 1999, 2001; Reeve 2007). However, BID services and service delivery patterns vary substantially both nationally and internationally (Hoyt 2005c, 2006; Mitchell 2001). For example, the international survey of BID organizations shows that security is the central mission of South African BIDs with Johannesburg's central city BID spending nearly three-quarters of its budget on private security services compared to Philadelphia's BID using only one-quarter of its budget for security (Hoyt 2005b,c). Consumer marketing, on the other hand, was the most frequently offered service in Canada, the United States, and New Zealand (Hoyt 2005b,c). This variation may be explained, to some extent, by city size (Mitchell 1999). And research on BIDs in New York City suggests that the range of services also depends on BID size (Gross 2005) where small BIDs attend to physical maintenance, mid-sized BIDs on marketing and promotional activities, and large BIDs

encompass the entire range of activities, including capital improvements. Furthermore, as the model evolved, BIDs expanded their role to include playing a more proactive role in metropolitan governance and administration by establishing policy partnerships with local governments (Morçöl and Patrick 2006; Morçöl and Zimmermann 2006b; Reeve 2007; Ysa 2006, 43–45).

The BID model also varies both intra- and internationally in terms of mission, authority, and the legal and financial frameworks under which such organizations operate (Hoyt 2005b,c). Although American BIDs served as a model of urban management for the UK (Ward 2006; Ysa 2006) and Japan (Miyazawa 2006), the mandatory taxing feature was modified when enabling legislation was crafted to fit the local legal and political context. The UK initially started with the town centre management model where the majority of initiatives are funded by both the local authority and the private sector, while others are funded solely by the public sector (Jones et al. 2003; Reeve 2007). However, research on the town centre management model suggests that voluntary financing constrains their effectiveness because an inordinate amount of time is consumed by acquiring sponsorship and justifying the perceived benefits and costs to stakeholders (Reeve 2007; Ward 2006). This was addressed when the UK instated the BID legislation to formally constitute entities that rely on mandatory assessments as their principal source of financing. However, the legislation contains a clause that provides the local government with veto power on how the money is spent, giving rise to a range of debates on the way in which the North American BID model has been adapted in England (Blackwell 2005; Jones et al. 2003; Lloyd et al. 2003; Steel and Symes 2005). In Japan, town management organizations are wholly financed by the government, although the Shiodome-chiku Machizukuri Kyogikai town management organization was established as the country's first pilot BID in 2003; it follows the mandatory assessment principle (Hoyt 2006; Miyazawa 2006).

While the specific provisions vary within the United States and internationally, some evidence of support by the property owners is generally a prerequisite for the establishment and continuation of BIDs. Moreover, BIDs are increasingly sharing role identities, operating strategies, and organizational cultures that indicate that they are becoming institutionalized at an international level (Gross 2005; Houstoun 2003; Hoyt 2006; Mitchell 2001; Wolf 2006). Finally, recent case studies demonstrate that the BID model is a successful intervention in a range of contexts. For example, the academic literature highlights their role in promoting residential development (Birch 2002, 2005), argues their ability to strategically advance retail (Gopal-Agge and Hoyt 2007), and emphasizes the place-marketing component (Page and Hardyman 1996) to illustrate the link between BIDs and downtown revitalization. In contrast, some critics believe that BIDs are only effective for addressing the minor problems associated with urban decline (Lloyd et al. 2003).

Concerns and Debates

Since their inception, BIDs have raised concerns and a handful of debates have surfaced in tandem with the growing academic literature. The most common debates are centered on the following questions: Are BIDs democratic? Are BIDs accountable? Do BIDs create wealth-based inequalities in the delivery of public services? Do BIDs create spillover effects? Do BIDs over-regulate public space?

ARE BIDS DEMOCRATIC?

Business improvement districts have been charged with being less than democratic in their structure and operation. In this context, the notion of democracy that is being challenged is a quarter-century-old debate over the advance of the private sector into activities such as street cleaning, safety, and provision of amenities, which are essentially the forte of the local municipal government (Briffault 1999, 470). Here, the success of the BIDs in providing such services is essentially seen as the failure of the local municipal government, as well as the potential de-legitimization of the public sector (Briffault 1999; Steel and Symes 2005). Moreover, researchers have criticized the organizational structure of BIDs where boards have inequitable representation of residents and the less privileged class and the legally enabled provision of weighted voting that devolves larger property owners more authority (Briffault 1999; Morçöl and Patrick 2006; Pack 1992; Schaller and Modan 2005). Critics argue that such practices are not democratic as they serve the interests of and concentrate power with the privileged classes. Due to these features, some allege that BIDs function more like 'clubs' of property and business owners that have been given the power to manage public spaces (Hoyt 2005b; Loukaitou-Sideris et al. 2004). Others challenge this charge, asserting that 'business districts by their nature serve private interests best when they serve people' that, in turn, minimizes any exclusionary tendencies (Justice and Goldsmith 2006, 131). In the United States, residential membership and involvement is, in some cases, restricted, while in others it is more expansive. For example, in the District of Columbia, Georgia, and Pennsylvania, residential properties are not subject to the mandatory assessment, and residents are permitted to attend decision-making boards. However, they are not allowed to vote or formally participate in planning or decision-making processes (Morçöl and Zimmerman 2006a,b). In contrast, BID boards in New Jersey (Freehold Center Partnership and the Union Center Special Improvement District) have granted residents voting power by including residents in the governing structure (Justice and Goldsmith 2006; Meek and Hubler 2006). Beyond the issue of board representation, proponents note that BIDs also generate policies that are helpful to BID residents such as the Alliance for Downtown New York's work in utilizing tax abatements to promote residential redevelopment of older office buildings and the Center City BID's work in Philadelphia that

is aimed at improving city social welfare programs (Justice and Goldsmith 2006).

At the same time, those defending the democratic nature of BIDs also caution that some actively exclude people who are 'deemed undesirable' (Justice and Goldsmith 2006, 131). Schaller and Modan (2005) examined this claim by studying the class and ethnic conflicts that surfaced when the Mount Pleasant BID, representing an economically and ethnically mixed neighborhood, was proposed. However, Gross (2005), who studies BIDs in New York City, believes that these issues may be overcome by understanding contextual factors like composition and balance of power and the wealth of the community to target the specific developmental needs of all the stakeholders.

ARE BIDS ACCOUNTABLE?

In a democratic system, elected representatives are accountable to the public for their decisions and activities. The issue of accountability underlies the notion of one person, one vote; however, the constitutional issue apart, the question of accountability here is essentially a matter of the city government's willingness to engage in a system for regularly monitoring BIDs (Briffault 1999). With powers ranging from the authority to operate a community court (Morçöl and Patrick 2006) to the acquisition of state and federal funds (Morçöl and Zimmermann 2006a), BIDs have been criticized for being autonomous legal entities that are not accountable to the district's residents, the jurisdiction in which they operate, or the BID's business or property owner constituents (Briffault 1999). Proponents argue that BIDs are politically accountable as long as certain measures such as annual reports, outside audits, and sunset and reauthorization requirements are instituted to ensure the continuous evaluation of BID performance (Briffault 1999; Hochleitner 2003; Wolf 2006).

To compile a public account of their activities, prove their worth to participating property owners, and bolster their reputation, many BIDs opt to implement and monitor performance indicators like customer surveys, crime rates, occupancy rates, retail sales, number of jobs created, and pedestrian counts. Results from the international survey on BIDs indicate that the majority of organizations in South Africa (89%) and the United States (54%) have established performance indicators, while a smaller proportion of organizations in Canada (38%) and New Zealand (22%) rely on such measures (Hoyt 2005c). Although most American BIDs monitor performance, we have seen earlier there is tremendous variation in the way that BIDs operate from one state to the next. Studies of BID performance measures in Illinois (Caruso and Weber 2006) and Georgia (Morçöl and Zimmerman 2006a) show that BIDs rarely do a systematic performance evaluation and call into question whether BIDs should be granted independent legal status and the ability to raise public money. It is worth

noting that South African BIDs have set new standards for accountability. In particular, BIDs in Cape Town enter into contractual performance agreements with public sector service providers, setting quantifiable benchmarks, and offering specific remedies for either party subject to breach of contract. It has been argued that BIDs which implement such monitoring systems not only benefit the community by providing supplemental services but also ensure that publicly funded services remain constant over time (Hoyt 2005c).

While the importance of performance measures has been universally acknowledged and many researchers have proposed different methods and frameworks for measuring performance (Hernandez and Jones 2007; Hogg et al. 2004), critics argue that most monitoring systems are inadequate because they fail to separate the effects of extraneous variables that influence the real impact of BIDs (Caruso and Weber 2006, 203; Mitchell 2001, 122). However, as Briffault (1999) points out, it is unclear whether governments simply ignore their legal obligations and let BIDs operate in virtual independence or whether they try to hold BIDs accountable to the enabling laws. Some articles that explore the relationship between BIDs and democratic accountability within the governance structure include: Briffault (1999); Hochleutner (2003); Koppell (2000); Meek and Hubler (2006); Morçöl and Patrick (2006); and Morçöl and Zimmermann (2006a,b).

DO BIDS CREATE WEALTH-BASED INEQUALITIES IN THE DELIVERY OF PUBLIC SERVICES?

There has also been some shared concern among scholars that BIDs serve narrow commercial interests, as they privatize city services and divert dollars from neighborhoods, thus creating wealth-based inequalities in the delivery of public services (Briffault 1999). According to a long-standing critic, BIDs 'ensure a seamless continuum of middle class work, consumption and recreation' (Davies 1997, 231). Others highlight the idea that BIDs concentrate efforts and resources within their spatial boundaries (Reeve 2007, 8). In contrast, BID advocates contest these criticisms explaining that BIDs are formed as a response to the local government's inability to meet basic security and sanitation requirements. According to a survey of American BIDs, 87% of BID revenues come from self-assessments and not privatized city contracts (Mitchell 1999). Using data from case law and a state-wide survey of New Jersey's BIDs, studies also demonstrate that BIDs are genuine public-private partnerships that 'further public purposes in the course of advancing private interests' (Justice and Goldsmith 2006, 132). Ultimately, as many academics have pointed out, BIDs are created under the authority of and subject to local government and cannot employ fiscal or other coercive authority except under the sufferance of the governing municipalities that maintain the authority to dissolve them (Briffault 1999; Justice and Goldsmith 2006, 132). BIDs, as demonstrated by the reorganization of New York City's politically powerful Grand Central Partnership, have no greater

potential for redistributing power and wealth than do a variety of redevelopment partnerships or urban governing regimes (Justice and Goldsmith 2006, 132).

DO BIDS CREATE SPILLOVER EFFECTS?

While there is considerable consensus around the notion that BIDs provide benefit to the property owners, businesses, residents, and visitors within their jurisdiction, critics express concern that BID services effectively displace crime and other problems outside service boundaries. Specifically, opponents believe that BID security patrols displace petty and serious crime to the neighboring areas, representing an external cost of BID operation (Caruso and Weber 2006; Garodnick 2000; Jones et al. 2003; Lloyd et al. 2003; Pack 1992). There have been mixed reactions to these allegations by the BID community. Some experts defend BIDs based on experience and case studies (Levy 2001; Mitchell 2001). Others have relied on statistical models to empirically test the impact of BIDs on crime spillover, the results of which are mixed. Although both studies analyze crime patterns in the city of Philadelphia, one concluded that BIDs may be responsible for displacing crime outside their boundaries (Calanog 2006), while the other reports that lower crime rates in the BID are not matched by higher crime rates in the surrounding blocks (Hoyt 2005a). However, studies on the question of spillover and BIDs are not limited to an examination of criminal activities. Researchers recently completed a study on the impact of BIDs on property values in New York City. Their findings suggest that large BIDs generate a significant and positive benefit to property owners and that spillover effects, while substantially smaller, are also positive (Ellen et al. 2006). Such studies underscore the necessity of developing sophisticated models to evaluate the impact of individual BIDs, as well as the aggregate impact of multiple BIDs operating in a single municipality (Hoyt 2004, 2005b).

DO BIDS OVER-REGULATE PUBLIC SPACE?

The rapid spread and increasingly influential role BIDs are playing in policy making and in the provision of urban services has become a challenge to the conventional notion of public administration raising questions about the form of urban intervention it represents (Hochleutner 2003; Morçöl and Patrick 2006; Morçöl and Zimmermann 2006b). Anecdotal evidence suggests that there is often a conflict of values and priorities between BID managers and the local authority officers with many critics supporting the view that BIDs threaten to undermine the use of public space (Garodnick 2000; Reeve 2007). Accordingly, there is considerable debate in the literature on the subject of whether BID activities, namely the provision of supplemental security and maintenance services, over-regulate public space. The most prominent issue involves the way in which uniformed BID personnel interact with people living on the street. Scholars, drawing on analogy, remind us

that 'unlike malls, public streets do not have opening and closing times and neither do they have the legal right to refuse admission' (Steel and Symes 2005, 328). This concern dominates such incidents as the lawsuit filed in Los Angeles against four separate BIDs for violating civil rights (Steel and Symes 2005, 329) and the court condemnation of a BID in Kent, UK, to ban an individual as a serious infringement of human rights (Reeve 2007, 29). Despite these legal conflicts, proponents claim that downtown managers of BIDs are often the 'only ones with the portfolio to draw together the fragmented world of social services, advocates for the homeless, business leaders, and the police' (Levy 2001, 127). It is also important to keep in mind that BIDs, especially those located in large cities, play a critical role in ameliorating homelessness by creating entry-level jobs and hiring formerly homeless individuals. Lastly, critics also allege that BID-driven brand marketing campaigns create a homogenous marketable image that, coupled with capital improvements that emphasize the implementation of uniform street furniture, create generic streetscapes that dilute the vitality of the areas they seek to revitalize (Caruso and Weber 2006, 205). In contrast, practitioners say that these activities are simply the necessary cost of 'doing business and delivering a quality experience' and should not be viewed as the disneyfication or over-regulation of public space (Levy 2001, 127).

Concluding Remarks

Despite the concerns and debates that have surfaced in the literature, there is some consensus that the BID model represents a success story because it generally functions to harness private sector creativity, solving complex municipal problems efficiently and effectively (Briffault 1999; Garodnick 2000; Levy 2001; Mitchell 2001). BIDs are commonly perceived as 'net contributors to public life' (Briffault 1999, 477) and a response to the 'obsolescence of traditional municipal boundaries as governance migrates upward to respond to challenges best addressed on the regional level at the same time that it moves downward to handle opportunities best realized through a local focus' (Levy 2001, 130).

It is equally clear that, primarily over the past decade, BIDs have blurred the line between the traditional notions of 'public' and 'private'. In response, researchers have put forth several theories and paradigms to understand this new phenomenon. They include: the 'new governance' paradigm that examines all for-profit and nonprofit organizations involved in public policy making and service delivery (Morçöl and Zimmermann 2006b); 'new regionalism' that draws on BID involvement in metropolitan policy making and issues (Wolf 2006); the 'third way' economic paradigm that speaks to the rise of market-based incentives while making way for the devolution of decision making (Lloyd et al. 2003); 'new urbanism' given their interventions in urban form (Davies 1997); and 'network governance' that is believed to offer a better understanding of relations among BIDs, between governments

and BIDs, and the role of the agency in the formation and operations of BIDs (Morçöl and Patrick 2006; Morçöl and Zimmermann 2006b; Ysa 2006).

The BID model's ability to effect economic change and social change notwithstanding, Greenblatt (2006) offers a compelling comparison to highlight the relative magnitude of the BID model's contribution. In comparing statistics between downtowns and suburbs, he points out that despite the contribution of BIDs and other successful urban revitalization efforts the fact is that 'downtowns are still relatively small potatoes in the broader economic scheme of things' as few downtowns have attracted more than a few thousand new residents, while the suburbs have drawn millions (Greenblatt 2006, 572). This argument is supported by others who suggest that while BIDs bring 'wit, imagination, and entrepreneurial skills to the provision of public services' they cannot fundamentally alter the economics brought on by a property enhancement project like a hotel or an entertainment project (Ratcliffe and Flanagan 2004, 394).

Large or small, the fact remains that in the domain of urban revitalization, the BID model has been at the forefront and has managed to make a positive contribution that is being emulated at an astonishing rate worldwide. However, researchers and practitioners alike caution that prior to BID adoption it is important to devise and employ reliable methods of prospective policy evaluation. That is, advocates should undergo a public process whereby they critically assess the implications and potential effects of the BID model (Hoyt 2005b, 2006; Levy 2001; Lloyd et al. 2003). After all, the debates are just beginning to materialize.

Short Biographies

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Note

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