

# Charter Reform for a Just City

## *Ecology, Equity, and Empowerment in West Philadelphia*

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### Introduction

Philadelphia confronts increasingly pressing and overlapping issues including gentrification, affordable housing, and environmental degradation. Addressing these issues seems daunting, but they are necessary for an equitable and vibrant community. These issues are not the product of external circumstances beyond our control, nor are they not entirely new. There is a long history of attempts to address these issues in Philadelphia. Typically, each issue may be broken down into smaller parts—each with a number of policy strategies designed by experts to address the nuances of that particular problem. But after years of substantive progress, we should ask ourselves whether the piecemeal approach will be enough, or whether we should reconsider the entire decision-making framework. How do we conceive of piecemeal solutions to interrelated problems—the creation of new commissions, plans, policies—and when do we question the organization, functions, and powers of government itself? In other words, when do the rules that govern possible solutions become a hindrance to our goals, and when is it necessary to change them?

In this paper, I consider how the rules of city government, as expressed in the City Charter, shapes how we address broader issues of ecology, equity, and empowerment. Such complex issues do not have clearly identifiable solutions, but should be considered as essential problems of *democracy*—how decisions over resource allocation are made and who gets to make them. The framework that the Charter establishes *mediates* negotiations and decisions over ‘who gets what, where and how’ in the city. In examining this framework, I argue that what is *in* the Charter is just as important as what is *not* in the Charter. The current City Charter in Philadelphia has been in place for over 70 years (since 1951). Arguably, the Charter of 1951 served to create a much more *efficient* government as compared to previous iterations in the late 19th and early 20th centuries where machine politics and messy administration made city governance diffuse and difficult. But, much has changed since the 1950s. Since then, values other than ‘efficiency’ have grown in importance. The issues of racism and affordability have reemerged in critical political debates and academia. Perhaps it is time to consider a new model of government that is more effective at ensuring equitable social development of Philadelphia that focuses on greater citizen empowerment, participation, environmental resilience, sustainability, and housing affordability.

**What is the Charter and why is it important?** A municipal charter is a foundational document that “defines the organization, powers, functions, and essential procedures of the city government”.<sup>1</sup> It is much like the U.S. constitution or a state constitution. In fact, the City Charter is a product of the state constitution. Since 1949, municipalities in Pennsylvania have been given the option, through the state constitution, to establish their own ‘Home Rule’ Charter. This gives the people of the city the ability to

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<sup>1</sup> National League of Cities, “Cities 101 – Charters,” December 13, 2016, <https://www.nlc.org/resource/cities-101-charters/>.

write (and rewrite) the rules of their own local government. Since the charter affects everything the city does, it may be necessary to even revise the charter from time to time so that the city government can adapt to changes and rising issues. According to the Pennsylvania Home Rule legislation (53 Pa. C.S. §§ 2941–2944), there are two methods of amendment:

1. City Council may initiate a referendum through an ordinance.
2. Electors may initiate a referendum through a petition to amend the charter which must be signed by “10% of the number of electors voting for the office of Governor in the last gubernatorial general election in the municipality” and “filed with the election officials not later than the 13th Tuesday prior to the next primary, municipal or general election” (53 Pa. C.S. § 2943). This is about ~50,000 signatures.

Since the 1951 Philadelphia Home Rule Charter was established, there have been several amendments and referendums—with a significant number occurring only in the last two decades.<sup>2</sup> For a more comprehensive review and reform of the charter is being considered, an independent commission may be created by the Mayor and City Council. However, since the establishment of the 1951 charter, there has only been one reform commission assembled—the 1992-1994 Independent Charter Commission—which resulted in a failed referendum. I reflect on this history in the context of development politics in West Philadelphia.

I organize this paper into three sections. The first section reviews the history of charter reform and key themes that guided reform proponents such as addressing political corruption, government efficiency, and fiscal challenges. The second section reflects on key issues facing Philadelphia in recent history and today on the topics of ecology, equity, and empowerment. Years of gentrification, environmental decay, and the lack of affordability and economic security has disproportionately affected Philadelphia’s most vulnerable and historically marginalized residents. It is important to put these issues into the context of city governance under the written rules of the Charter and with regard to the unwritten rules of ‘councilmanic prerogative’—a tradition in City Council which gives significant deference and power to district-based council members over land decisions in their district. The third section explores potential areas of reform to address these issues and considers how Philadelphia might move forward through a citizen-driven process that could improve accountability and public input into a charter reform process.

## **Charter reform in Philadelphia**

The home rule charter of 1951 was the seventh charter under which the city of Philadelphia was governed. Prior charters were granted solely by state legislation such as the 1919 charter which the 1951 charter replaced. In 1922, amendments to the Pennsylvania constitution empowered the state legislature to grant cities “the right and power to frame and adopt their charters and to exercise the powers and authority of self-government” known as “home rule” (Article XV, Section 1). However, it wasn't until 1949 that the state legislature passed the Home Rule Act granting Philadelphia the right to enact its own charter. Following the passage of the Home Rule Act, the Mayor and City Council appointed a Charter Commission to deliberate over the city’s first Home Rule Charter which was voted on in 1951. As one report outlining the benefits of adopting the Home Rule Charter in 1951 claimed, if the charter “proves,

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<sup>2</sup> Philadelphia Charter Commission, *The Philadelphia Code: Philadelphia Home Rule Charter* (American Legal Publishing Corporation, 2013).

in practice, to be faulty in certain respects, City Council, or the voters of Philadelphia through City Council, will be able to place proposed changes on the ballot.”<sup>3</sup> Since then, ballot questions have been proposed and voted on by the electorate for targeted reforms, such as creating a citizens board for police oversight in 2020 that would provide oversight to police corruption and brutality.

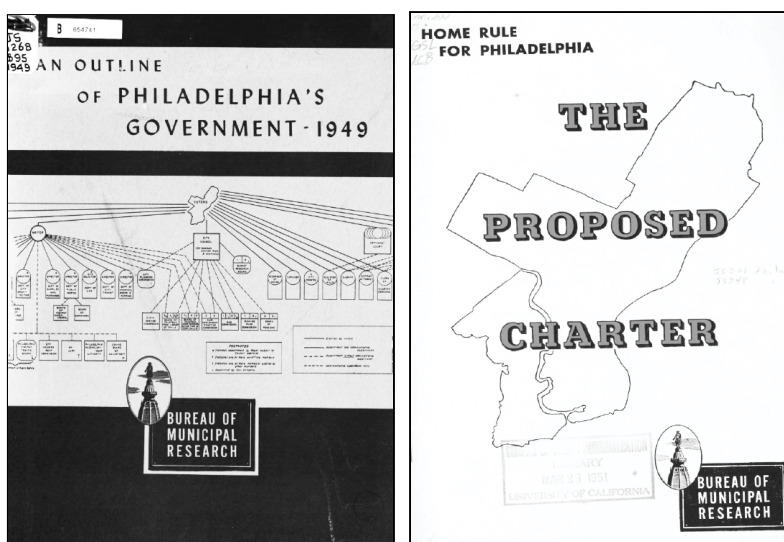
Questions of charter reform in the 1930s and 1940s centered on democratic representation, fiscal sustainability, and capital improvements. Much of these concerns centered on control over the budget—‘who gets what, where and how.’ The 1919 charter had established Philadelphia City Council as 22 district-based council members with no at-large members. Districts were drawn according to state senatorial districts with an unequal number of members elected based on how population apportionment fell within a senatorial district area. This meant that some areas of the city had more representation than others and thus more legislative clout as district-based council members were primarily concerned with serving their local constituencies. Council members’ political stature was also supported by party-based connections within local wards which served to limit minority party influence and ensure one-party domination for decades. At the level of city administration, decentralized budgeting—a hodge podge of practices established over years of uncoordinated departmental reorganization at both the city and county level—created difficulty in assessing and operationalizing city finances. The wide range of departments spread across the state, county, and city, often meant that overlapping and uncoordinated budget requests from departments left the mayor’s office, which assembled the budget, prone to error and confusion. It was then the Council’s responsibility to “balance the budget” which included the extension of the Council’s power to set line-items within the operating budgets of departments. The Controller also exerted significant control over the budgetary priorities in their ability to fudge revenue estimates which could affect the Council’s power to set tax rates. There was also a debt limit set on the city’s ability to fund capital improvements. Debt limits placed on the city by the state meant that the city could not issue bonds in excess of ten percent of the assessed valuation of all taxable property within the city. This was particularly important during the boom of the 1920s. As private investment climbed, the valuation of property in the city rose along with it. This allowed the city to finance public investments as the debt limit rose such as the Art Museum, a Library, City Hall Annex, the Philadelphia General Hospital, highway improvements, electric lighting, and new sewer systems. After the great Depression of 1929 and into the 1930s, the city exhausted its debt capacity. The economic crisis left the city in shambles as delinquent real estate taxes went unpaid. But due to the industrial boom of World War II industries, Philadelphia was revived for a short period, but urban expansion was accompanied by the moving of wealthy taxpayers and businesses to the suburbs.<sup>4</sup>

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<sup>3</sup> Philadelphia Bureau of Municipal Research, “Home Rule for Philadelphia: The Proposed Charter” (Philadelphia, Bureau of Municipal Research, 1951).

<sup>4</sup> The Committee of Seventy, “The Charter: A History,” 1980, <https://seventy.org/uploads/files/127709242549666483-1980-charter-history.pdf>.

**Figure 1: Promotional material on the Philadelphia Home Rule Charter**



(Left) Philadelphia Bureau of Municipal Research. “Home Rule for Philadelphia: The Proposed Charter.” Philadelphia, Bureau of Municipal Research, 1951. (Right) Philadelphia Bureau of Municipal Research. “A Discussion of Some Proposed Revisions of the Philadelphia Home Rule Charter: The 1951-1956 Experience.” Philadelphia, Bureau of Municipal Research and Pennsylvania Economy League (Eastern Division), 1957.

Within this era, two charter reform commissions were assembled to address the extensive problems of uncoordinated administration and fiscal challenges. The first post-1919 charter commission was assembled in 1937 to address issues of budgeting and taxation. At the time, the commission called for the state legislature to pass a Home Rule Act and city-county consolidation to give greater control to a unified and more efficient city government. However, it wasn't until the charter commission of 1949 that these recommendations would be taken up in earnest. After successive fiscal crises, many in Philadelphia felt that “something was basically wrong with City government, and that it could not be cured by changing the party in power because people in both parties had been involved.”<sup>5</sup> The passage of the Home Rule Act in 1949 effectively pushed forward reform efforts and the establishment of the 1949 charter commission which had been advocated for by five key groups in the city: the Philadelphia Bureau of Municipal Research (PBMR), the Chamber of Commerce, the Citizens' Council on City Planning, the Committee of 70, and the Philadelphia Committee of the Pennsylvania Economy League. The Mayor and the President of City Council appointed 15 members to the charter reform commission: two councilmen, six lawyers, a judge, the president of a federated women's organization, an associate superintendent of schools, a central trades and labor council executive, an industrialist, the president of the Chamber of Commerce, and a former city controller. This included nine Republicans and six Democrats.<sup>6</sup> Deliberations began in September 1949 and ended with a final draft submitted to the City Council in February 1951. At the time, several improvements from the 1919 charter were advertised to voters:<sup>7</sup>

<sup>5</sup> Philadelphia Bureau of Municipal Research, “A Discussion of Some Proposed Revisions of the Philadelphia Home Rule Charter: The 1951-1956 Experience” (Philadelphia, Bureau of Municipal Research and Pennsylvania Economy League (Eastern Division), 1957), <https://babel.hathitrust.org/cgi/pt?id=mdp.39015068401325&view=1up&seq=10>.

<sup>6</sup> Ibid.

<sup>7</sup> Philadelphia Bureau of Municipal Research, “Home Rule for Philadelphia: The Proposed Charter.”

- Consolidated the city and county to bring departments under the Mayor's budgetary control
- Clarified city council representation with 17 members: ten council members would be elected based on districts of proportional representation of 10% of the total population. Seven at-large council members are elected to represent the city as a whole with five electoral spots reserved for each party to ensure at least two spots are reserved for minority party representation.
- Consolidated administrative power in the mayor who may appoint officials to boards and commissions and restructure city departments. Legislative power is given to the City Council.
- Granted City Council more direct control over zoning, physical planning, and sale of city-owned real estate through final approval over such decisions.
- Provided a mechanism for petitioning for a recall of an elected official. However, this was later nullified when petitioners tried to organize a recall of then mayor Frank Rizzo in 1976 which ended in the restriction of the measure by the Pennsylvania Supreme Court.<sup>8</sup>

The Home Rule charter reform of 1951 was based more on efficiency than on democratic representation. In some ways, the Home Rule charter limited and streamlined decision-making powers within the City Council. While the Home Rule Charter is supposed to be a strong-Mayor form of government, the Mayor's powers are primarily over the administrative functioning of the city. On the other hand, the City Council has authority over rule-making and, to a significant degree, over land development. This drive towards efficiency in city government was championed by Progressive era urban institutions like the Philadelphia Bureau of Municipal Research (PBMR) which was established in 1908. The 'City Efficient Movement' was prominent in the 1890s to the 1930s. Its proponents targeted government waste and corruption, and argued that efficiency would be rewarded with growth.<sup>9</sup> However, unlike the scholarly-driven New York Bureau of Municipal Research of which the PBMR was modeled, the PBMR was funded by industrialists and had a board of trustees made up of members of the corporate community: its 23 to 25 member board of trustees reserved two places each for representatives of the Board of Trade, Chamber of Commerce, and Merchants and Manufacturers Association.<sup>10</sup>

More recently, in 1992, Mayor Rendell and the City Council worked with the Committee of Seventy to establish an Independent Charter Commission to review potential reforms to the existing city charter to improve government. Reminiscent of the drive towards efficiency, the commission deliberated on issues related to administrative organization, capital planning, land and property management, and others which resulted in an elaborate list of 62 recommendations being put forth in March 1994. The "wonkiness" of the policy recommendations put forward by the Charter Commission and the extensive material produced left the reform proposal without a clear message and thus less press coverage. The ballot measure which concerned enacting the proposed reforms was defeated in the May 1994 elections. Subsequently, the charter commission disbanded. While already emergent, issues of vacant land and development would be taken up by many of the commission's members and subsequent city administrations. John F. Street, then city council president and chairman of the Charter Commission, ran for mayor in 2000 on a promise to address urban "blight" and community development.

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<sup>8</sup> Victor Fiorillo, "How to Recall a Philadelphia Politician: You Can't," Philadelphia Magazine, April 29, 2014, <https://www.phillymag.com/news/2014/04/29/recall-philadelphia-politician-cant/>.

<sup>9</sup> Jennifer Karns Alexander, *The Mantra of Efficiency: From Waterwheel to Social Control* (JHU Press, 2008).

<sup>10</sup> Hindy Lauer Schachter, "Philadelphia's Progressive-Era Bureau of Municipal Research," *Administrative Theory & Praxis* 24, no. 3 (2002): 555–70.

Within this history, we might ask if an “efficient” government simply benefits everyone? What lies behind this seemingly neutral value of ‘efficiency?’ In 1976, Harvey Molotch highlighted the unseen politics of city bureaucracy—the urban coalitions which supported efficiency in government alongside urban renewal policies—or, “city growth machines.” In his controversial and canonical piece, Molotch describes the complex mechanics of “competing land interests” which are capable of “strategic coalition and action.”<sup>11</sup> While the “symbolic” politics of “big issues” usually take up headlines, the politics of “who gets what, where and how” is left to negotiations within committees and largely out of the public eye. This is typically the realm of politics which attracts a certain kind of person—ones who are already involved in powerful decision making or have clear stakes in land business. Given that real estate taxes make up a large source of revenues for American cities, the governance of land development is a key concern of city government.<sup>12</sup> We should also be aware that in recent decades, the rise of extra-governmental organizations that cater to serving businesses—such as special service districts or central business districts—complicates city governance. With this in mind, we might imagine the city government and its charter as the set of rules, or a framework, within and outside which negotiations and politics of land development take place.

## **Power and the politics of blight in urban (re)development**

The Mayor-Council form of government is not unique to Philadelphia. However, there are several key aspects of how the City government works that have dramatic impacts on the social and built environment. City Council exercises considerable control over land and urban development in the city through both written laws which give it oversight over city-owned land sales, development approvals, and zoning and land use planning which often operate in the background of urban renewal and other city programs. There are also unwritten rules that give significant power to district-level councilmembers. These unwritten rules are referred to as “Councilmanic Prerogative” which seldom emerge through written documentation but through interpersonal and procedural negotiations that Molotch had described. Councilmanic prerogative is referred to the legislative deference given to decisions regarding an individual Councilmember’s district—other Councilmembers will defer to the decision of that Councilmember by voting with them. These votes are then reciprocated for decisions concerning other members’ districts. As a report by Pew Charitable Trusts has pointed out, “the use of prerogative, when invoked by a district council member, is unfailingly honored by the rest of council, even when the project in question is widely considered to be of citywide importance.”<sup>13</sup> We should view how Philadelphia has evolved over time through both these written and unwritten rules. In this section, I trace the implications of these written and unwritten rules on how West Philadelphia evolved over time and how the messy politics of urban redevelopment unfolds within them. I look first at issues of ecology and how the metaphor of “blight” became a legal and rhetorical force for urban renewal across West Philadelphia. Second, issues of equity are evident in how land ownership and institutional power (however benevolent it may appear) meets the relative powerlessness of black communities near University City. Third, I trace the history of the Neighborhood Transformation initiative (NTI) of the Street administration and the

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<sup>11</sup> Harvey Molotch, “The City as a Growth Machine: Toward a Political Economy of Place,” *The American Journal of Sociology* 82, no. 2 (1976): 309–32.

<sup>12</sup> In 2020, Philadelphia earned over \$981 million in revenues from property and real estate transfer taxes, nearly a third of overall revenues (\$3.4 billion). See: Philadelphia Department of Revenue. “Annual Report FY2020,” 2020.

<sup>13</sup> The Pew Charitable Trust, “Philadelphia’s Councilmanic Prerogative,” July 2015: 1.

more recent establishment of the citywide Land Bank to illustrate the continued power that councilmembers exert over land and development in the city. I argue that it is through the framework established by the charter (and state legislation to an extent) as well as what is omitted or not considered by the charter, that mediates decisions over ‘who gets what, where and how.’

### *Ecology: Locating blight and renewal in West Philadelphia*

The role of urban renewal in shaping the built environment of cities in the U.S. is well documented. Like Molotch, others have illustrated how urban elites and “growth coalitions” promoted redevelopment of “blighted” areas to enhance real estate valuations.<sup>14</sup> The concept of ‘blight’ was introduced to housing policy in the Housing Act of 1949 and provided legal rationale for eminent domain and land clearance since the 1950s and lasts to this day.<sup>15</sup> The power of this term in urban redevelopment politics was solidified in the 1954 supreme court case of *Berman v. Parker* which set the stage for urban renewal across the country. The case essentially nullified the Public Use Clause of the Fifth Amendment which had prevented the taking of private property for public use, thus allowing public redevelopment authorities to exercise eminent domain over blighted properties. The argument that the taking was constitutionally valid rested upon the problem of blight as the basis of public condemnation of private property. However, while blight remains a critical political and legal concept for redevelopment programs in Philadelphia today, the political and institutional roots of blight are often ignored.<sup>16</sup> The problem of blight is embedded in broader problems associated with low-income neighborhoods, environmentally problematic approaches to urbanization, racialized redlining practices, discriminatory lending policies, and broader trends of urban restructuring that facilitated suburbanization and disinvestment in urban inner-cities throughout the latter half of the 20th century.<sup>17</sup>

Redlining features prominently in the early segregation of Philadelphia. Redlining systematically reshaped the socio-economic dimensions of race in Philadelphia. The Home Owner’s Loan Corporation (HOLC) sought to help mortgage lenders and realtors assess real estate risk by grading neighborhoods based on selected metrics of “desirability” and “hazardousness.” Among the metrics that defined neighborhoods as “D: hazardous” included the presence of African American households, older housing, and poor households. Even though the Fair Housing Act of 1968 banned discrimination in housing, the legacy of redlining still defines neighborhoods in Philadelphia. For example, just looking at the superimposition of “hazardous” and “declining” zones from HOLC’s 1937 map on vacant land and

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<sup>14</sup> Scott A. Greer, *Urban Renewal and American Cities: The Dilemma of Democratic Intervention*, 1966; John H. Mollenkopf, *The Contested City* (Princeton University Press, 1983).

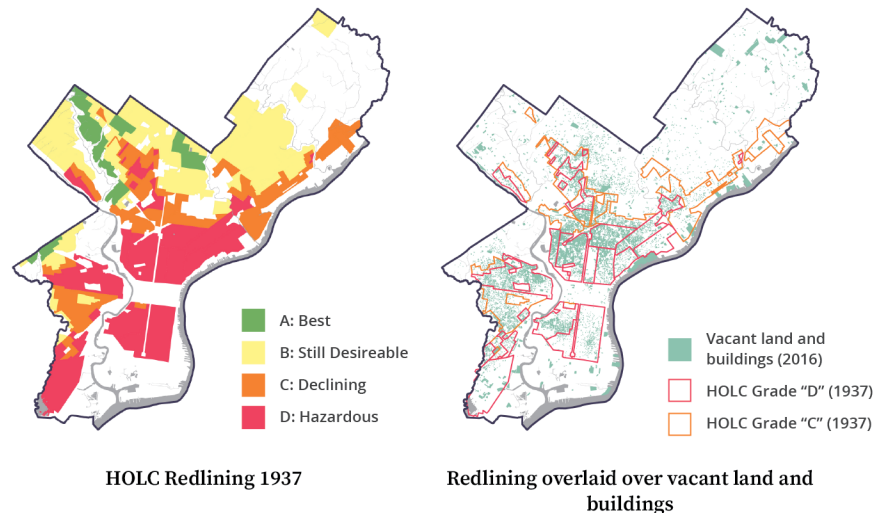
<sup>15</sup> Susan S. Fainstein, “Urban Redevelopment,” in *Encyclopedia of Housing*, ed. Willem van Vliet (Sage Publications, 1998), 614–17.

<sup>16</sup> John T. Metzger, “Planned Abandonment: The Neighborhood Life- Cycle Theory and National Urban Policy,” *Housing Policy Debate* 11, no. 1 (2000): 7–40.

<sup>17</sup> Kenneth T. Jackson, *Crabgrass Frontier: The Suburbanization of the United States* (Oxford University Press, 1987); Gregory D. Squires, *Capital and Communities in Black and White: The Intersections of Race, Class, and Uneven Development* (State University of New York Press, 1994); Richard Rothstein, *The Color of Law: A Forgotten History of How Our Government Segregated America* (Liveright Publishing, 2017); Douglas S. Massey and Nancy A. Denton, *American Apartheid: Segregation and the Making of the Underclass* (Routledge, 2018).

buildings in 2016 in Figure 3 illustrates the long-term consequences and persistence of uneven socio-economic development across the city.

**Figure 1: Overlaying redlining with vacant land**



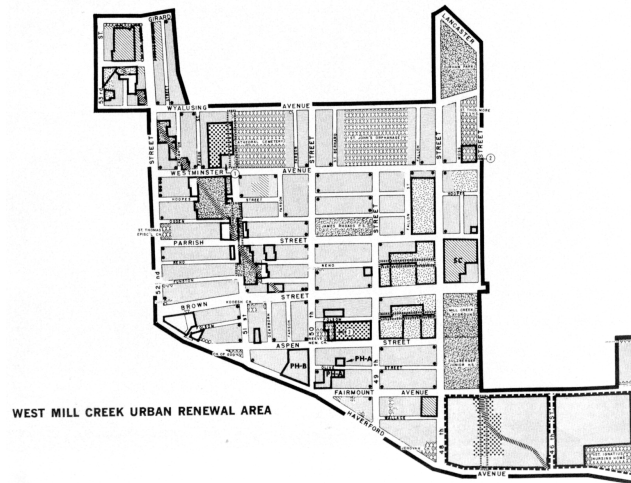
Data source: 2016 Philadelphia Vacant Land Indicators, OpenDataPhilly.org; HOLC Map 1937.

While redlining practices persisted into the era of urban renewal in the 1960s and 1970s (and persists in other ways today), it is not the sole ‘cause’ of blight. We might even connect the ecological metaphor of ‘blight’ with a properly ecological understanding of the environmentally problematic practices of urbanization. One could locate the problems of abandonment and property dilapidation in that area associated with blight at the intersection of water and capital, as Anne W. Spirn has done in her extensive work in the Mill Creek Neighborhood in the heart of West Philadelphia.<sup>18</sup> As Philadelphia expanded to the West in the 1880s, Mill Creek was turned into a brick-covered culverted sewer and buried under landfill to allow for an urban street grid and buildings to be constructed over it. Urban expansion extended the suburbs over more land within the Mill Creek watershed adding stormwater and waste that began to overstress the sewer in the 1940s. In 1945, an area filled with row houses collapsed over the sewer. Given the lack of access to capital due to the racial segregation of HOLC’s redlining maps, Black households had little financial capacity to adequately respond to the failing infrastructure and environmental hazards of flooding and land collapse. In 1948, the Philadelphia City Planning Commission (PCPC) established the Mill Creek Redevelopment Area and began to study early signs of vacancy and blight. In 1951, the Philadelphia Housing Authority (PHA) brought Louis Kahn in to design the Mill Creek Housing Project which took up several blocks near a recent cave-in.<sup>19</sup> The project was located in a broader area designated by the Philadelphia Redevelopment Authority (RDA) as the West Mill Creek Urban Renewal Area shown in Figure 3.

<sup>18</sup> Anne Whiston Spirn, “Restoring Mill Creek: Landscape Literacy, Environmental Justice and City Planning and Design,” *Landscape Research* 30, no. 3 (July 1, 2005): 395–413.

<sup>19</sup> Joseph Rykwert, *Louis Kahn* (Harry N. Abrams, 2001).

**Figure 3: West Mill Creek urban Renewal Area in 1964**



1964 map of West Mill Creek shows the RDA's targeted zone for urban renewal. Source: Philadelphia Redevelopment Authority, Annual Report 1964 (Philadelphia: RDA, 1964), 40.

However, redevelopment efforts merely papered over the symptoms of “blight.” Subsequent cave-ins in 1952 and 1961 created hundreds of displaced residents and left significant tracts of land vacant. Areas targeted for renewal can be seen outlined along the route of the historic Mill Creek within what Spirn calls the “buried floodplain.” However, even up until 1994 when the city released its Plan for West Philadelphia, it failed to even mention the buried floodplain.<sup>20</sup> Yet, many of these properties, including so many more around them, have been obtained by the city. Distributed throughout the PHA, the RDA, and other city agencies, these vacant properties are currently subject to the control of a Blight Reduction Committee established in Chapter 16-500 of the city charter as mandated by Section 12.1 of the state Urban Redevelopment Law. This committee is chaired by the President of City Council, the Mayor, and heads of the City Planning Commission, Department of Planning and Development, and RDA, making blight reduction a significant focus of city government still today. This also gives City Council significant power over the acquisition of condemned property (such as through eminent domain) as well as the transfer and disposition of property. But this is only one dimension of blight politics at work today. The role of major institutional landholdings deserve greater scrutiny as well.

### *Equity: Neighborhood redevelopment and gentrification*

The consortium of non-profit institutions in West Philadelphia has an essential, yet complex, relationship with the politics of development as framed by the City Charter and state law. They benefit from the services provided by the City, but also bring economic growth and prestige to Cities. But, as Davarian Baldwin points out in the book *In the Shadow of the Ivory Tower*,<sup>21</sup> the role of major Universities in the development of communities—particularly minority and low-income—is complicated by the

<sup>20</sup> Whiston Spirn, “Restoring Mill Creek: Landscape Literacy, Environmental Justice and City Planning and Design.”

<sup>21</sup> Davarian L. Baldwin, *In the Shadow of the Ivory Tower: How Universities Are Plundering Our Cities* (Hachette UK, 2021).

university's unique place vis-a-vis City government. Operating simultaneously outside of City's taxable land and within a broader network of elected officials and business leaders, universities have often been a force for gentrification in the communities in which they sit, even in spite of efforts to the contrary.

In 1948, the Philadelphia City Planning Commission (PCPC) established the University Redevelopment Area wherein federal funds and institutional support for urban renewal would drive redevelopment of the area in the 1960s and 1970s. The RDA, alongside the Pennsylvania General State Authority (GSA), worked with Drexel Institute and the University of Pennsylvania to accommodate far-reaching expansion plans. The plans were brokered in negotiations between Penn and Drexel by the City Council president James H. J. Tate (who would later become mayor). Using the language of blight, the GSA used its eminent domain authority to acquire land in the Black Bottom neighborhood resulting in the demolition and displacement of African American communities to make way for the University City Science Center in the 1960s.<sup>22</sup> However, blight wasn't simply "found" in the neighborhood at the time. Unknown to many residents in the area, Penn creates the blight it needed. Penn bought up properties in Black Bottom and had landlords evict residents, thus creating space for development and ultimately resulting in the displacement of nearly 600 residents.<sup>23</sup> Drexel also grew significantly. Between the 1960s and 1970s, Drexel's land holdings grew from nearly ten acres to forty aided by the PRA and federal redevelopment funds.<sup>24</sup> This stirred up community opposition to such rapid expansion into the surrounding neighborhoods, particularly in Powelton where several community organizations mounted considerable protest and resistance such as sit-ins, legal actions, and bulldozer confrontations.

In 1996, a fatal stabbing of a Penn researcher near campus, including several other incidents in the weeks prior, prompted the university, with the support of then Mayor Rendell, to initiate a series of programs aimed at neighborhood revitalization known as the West Philadelphia Initiatives (WPI). After ratcheting up the size of the university police force, Penn strove to create a safer, cleaner, and more attractive campus while investing in the surrounding neighborhoods. Much of the community-based relationships were cultivated through Penn's Netter Center for Community Partnerships which helped to craft an image of Penn as being rooted in resolving its own past through pioneering research on "the urban crisis." University City District, which was established in 1997, also played a key role as a consortium of non-profit institutions in the area wherein negotiations with political and business leaders helped to create consensus for its programs. These programs ranged from improving neighborhood safety, stabilizing the housing market, promoting neighborhood retail, and investing into public education. Physically, the campus expanded to the East while accomplishing some of the renewal era plans in the West.<sup>25</sup> However, despite its good-natured intentions, the WPI essentially replaced existing residents with their own staff, faculty, and students. Since 2000, there has been a major increase in gentrification with property values in West Philadelphia nearly doubling.<sup>26</sup> Development has proceeded apace to accommodate wealthier staff, students, and faculty as the University City grows. In a twist of irony, West

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<sup>22</sup> John L. Puckett and Mark Frazier Lloyd, *Becoming Penn: The Pragmatic American University, 1950-2000* (University of Pennsylvania Press, 2015).

<sup>23</sup> Harley F. Etienne, *Neighborhood Perspectives on University-Driven Revitalization in West Philadelphia* (Temple University Press, 2012).

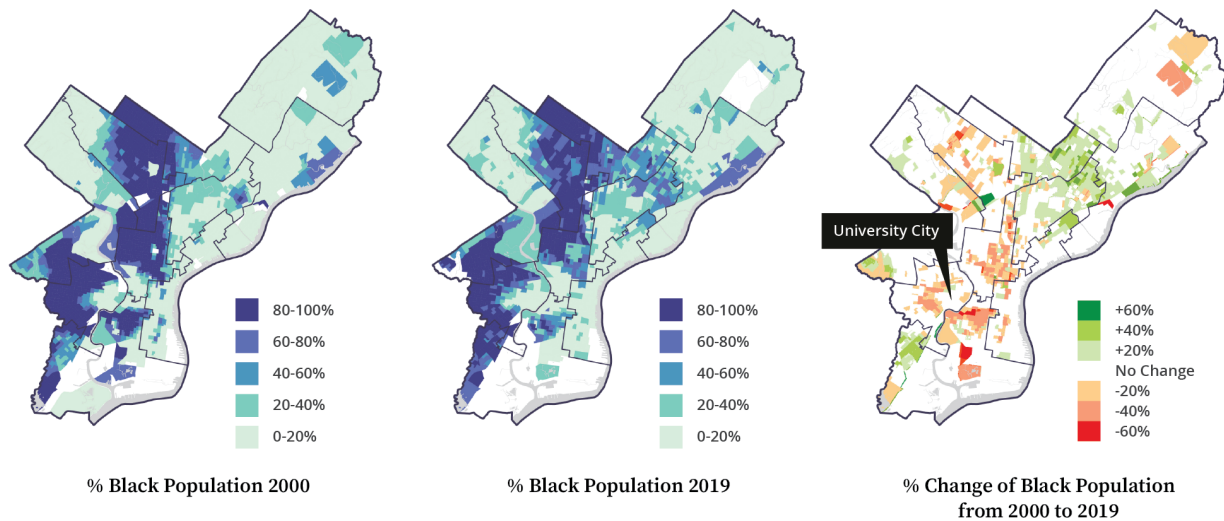
<sup>24</sup> Miriam N. Kotzin, *A History of Drexel University, 1941-1963* (Drexel University, 1983).

<sup>25</sup> Etienne, *Neighborhood Perspectives on University-Driven Revitalization in West Philadelphia*.

<sup>26</sup> Michael Maciag, "Philadelphia Gentrification Maps and Data," *Governing* (Governing, January 29, 2015), <https://www.governing.com/archive/philadelphia-gentrification-maps-demographic-data.html>.

Philadelphia High School was acquired in 2016 and transformed into “market-rate” apartments with a coworking space and a coffee shop. Illustrating the gentrification between then and now, Figure 4 shows a major shift in the Black population between 2000 and 2019. In the neighborhoods surrounding the University City District, there is a nearly 20% to 40% loss within each census block.

**Figure 4: Change in Black population from 2000 to 2019**



Data source: U.S. Census Bureau 2000 Census Estimates and American Community Survey 2015-2019 5-year Estimates at Block Group Level

Underlying the process of gentrification is the status of University City District within which Penn and other institutions are located. The district is essentially a private entity that performs governmental functions as a “special-services district” in which businesses and institutions fund the services it provides. It is also important to note that land held by nonprofit institutions like the universities is tax-exempt under state law. Yet, the area still benefits from receiving City services funded by taxpayers, which means that taxpayers subsidize the City services provided to these institutions. In a truly democratic city, the presence of a special services district should raise eyebrows. One should ask why a consortium of elite institutions should be able to fund their own services by taxing its own members through what may be considered a private municipality to the detriment of the surrounding communities who don’t benefit from these services. The generation of wealth from the \$29.6 billion in non taxable real estate within the Penn Trust has prompted ire in recent years.<sup>27</sup> While all 50 states have exempted nonprofit institutions from property taxes, many prominent universities like Harvard, Boston University, and Yale make payments in lieu of taxes (PILOT) to their cities. Only recently during the COVID-19 pandemic has the university considered making donations such as a promise to send \$10

<sup>27</sup> Laura McCrystal, “\$29.6 Billion of Philly Real Estate Is Exempt from Property Taxes. Should Nonprofits Be Asked to Pay Up?,” September 30, 2019, <https://www.inquirer.com/news/philadelphia-nonprofit-exempt-property-tax-pilots-penn-aramark-20190930.html>.

million a year for 10 years toward environmental improvements in Philadelphia's public schools.<sup>28</sup> However, pressure to institute a longer-term PILOT program is growing.<sup>29</sup> But this doesn't settle the question of why special services districts are allowed to retain their own taxable service zone operating outside of democratic control—particularly when the benefits are internalized while the external effects of gentrification are forced onto communities with little power or recourse to resist.

*Empowerment (or lack thereof): How councilmanic prerogative centralizes power*

Building on decades of efforts and rhetoric surrounding the problem of blight in Philadelphia, the Neighborhood Transformation Initiative (NTI) was established in 2002 revamping urban renewal efforts across the city. However, near the end of its funding allotment, the program fell victim to the whims of the City Council which had the power to approve and disapprove of land acquisition and disposition.<sup>30</sup> The NTI also helped the City Council acquire a substantial amount of vacant land that was later consolidated within the Philadelphia Land Bank in 2013. Land use planning, development proposals, blight-reduction programs are, in one way or another, subject to the control of the City Council which has demonstrated consequences for both local neighborhoods facing gentrification, as well as broader trust in the City's system of government.

In 1999, John Street ran for mayor on a platform that consisted of a \$250 million blight removal program which sought to raise the money through the sale of bonds to clear land for redevelopment.<sup>31</sup> The proposal spoke to low-income and minority neighborhoods<sup>32</sup> and served as a signal of a critical political alliance with the building trades unions, who would have a central role in building new housing on cleared land.<sup>33</sup> After being elected to the mayorship in 2001, Street submitted a proposed ordinance to City Council for approval, giving it the official name Neighborhood Transformation Initiative (NTI). The initial NTI proposal would have made \$190 million available (approximately three quarters of the bond issue) solely for the demolition of approximately 12,000 buildings. It left \$55 million for home-improvement loans and property acquisition and the remaining \$5 million for a vacant property tracking system. The proposal was delayed by the City Council president, sparking a series of discussions and debates over who would control the funds and how they would be used. An evaluation of the NTI plan by the Reinvestment Fund, a national community development financial institution, projected the construction of 16,000 new housing units along with 14,000 demolitions, 2,500 obtained properties for rehabilitation, the cleaning of 31,000 vacant lots, and the establishment of a Philadelphia Land Bank as

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<sup>28</sup> Molly Stellino, "UPenn Will Donate \$100 Million in Payments in Lieu of Taxes," December 18, 2020, <https://hechingerreport.org/activists-question-whether-wealthy-universities-should-be-exempt-from-property-taxes/>.

<sup>29</sup> Arina Paniukhina and Mary Tuyetnhi Tran, "Over 100 Protesters March through University City Demanding Penn, Drexel Pay PILOTs," April 1, 2021, <https://www.thedp.com/article/2021/04/penn-pilots-protest-university-city-drexel>.

<sup>30</sup> Stephen J. McGovern, "Philadelphia's Neighborhood Transformation Initiative: A Case Study of Mayoral Leadership, Bold Planning, and Conflict," *Housing Policy Debate* 17, no. 3 (January 2006): 529–70.

<sup>31</sup> Cynthia Burton, "Street Seeks to Fight Blight with \$250 Million Proposal," *The Philadelphia Inquirer*, March 26, 1999.

<sup>32</sup> William Bunch, "Street by Whisker Edges Katz in Close Race," *Philadelphia Daily News*, November 3, 1999.

<sup>33</sup> Anne B. Shlay and Gordon Whitman, "Linking Community Organizing and Research to Leverage Blight Policy" (University of Wisconsin-Madison, 2004), <https://comm-org.wisc.edu/papers2004/shlay/shlay.htm>.

part of broader reforms of the vacant land acquisition and disposition process.<sup>34</sup> As Shlay and Whitman point out, the NTI proposal “would shift the focus of public resources toward restructuring heavily blighted areas in order to increase the ability of Philadelphia to attract middle class residents.” The delay of its passage was marked by a conflict between the City Council which wanted as much oversight over where funds would be spent and the Mayor, who wanted to prevent the program from being broken up into pieces to serve the narrow interest of Councilmembers.<sup>35</sup> In 2001 while the Mayor and City Council were still at an impasse, a collaborative project by the Eastern Pennsylvania Organizing Project and Temple University’s Center for Public Policy called ‘Research for Democracy’ released a report<sup>36</sup> detailing a proposal with specific plans for each city council district and the establishment of “blight free zones” throughout the city which were intended to “improve neighborhood quality of life, raise property values and stimulate neighborhood economic activity.”<sup>37</sup> A key component in nearly all of the zones was the leveraging of public money to attract private investment. Like the Reinvestment Fund proposal, the Research for Democracy report also proposed administrative reorganization with oversight given to a new Office of Neighborhood Services.

In February 2002 a compromise was reached and legislation was passed enabling the NTI bond program. The final cost of the program got a boost to a total of \$295 million and included neighborhood stabilization programming alongside individual planning procedures for each City district that gave City Councilmembers the power to approve demolitions and acquisitions in their districts. In the first few years of the program, more money was being spent on acquisition and development than was spent on demolition. Still, demolition was a key feature of the resulting politics of the program. In 2003, a major demolition project was planned in one of the “blight free zones” in the West Philadelphia neighborhood of Mantua where nearly one-third of its properties were vacant. The NTI plan included the acquisition and demolition of vacant (and, if necessary, occupied) homes to assemble large contiguous tracts of land for redevelopment. However, some Mantua residents voiced concern that they had not been included in opportunities to work on demolition projects, while other residents worried that demolition would leave debris throughout the neighborhood for years.<sup>38</sup> Residents in Mantua gathered twice in March and April of 2003 to block demolition crews. The City scrambled to respond and aimed to establish a job-training program that would enable local residents to participate in future projects.<sup>39</sup> But by June, tensions had spread to other neighborhoods as hundreds of residents gathered in front of City Hall to protest the condemnation of their homes.<sup>40</sup> Around the same time, the PHA had just demolished 444 public housing units of the Mill Creek Homes project to make way for a new renewal project, named Lucien E. Blackwell

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<sup>34</sup> Ibid.

<sup>35</sup> Cynthia Burton, “Details and Delays Hamper Progress of City Blight Fight,” *Philadelphia Inquirer*, May 29, 2002.

<sup>36</sup> Research for Democracy, “Blight Free Philadelphia: A Public-Private Strategy to Create and Enhance Neighborhood Value” (Unpublished, 2001), <https://doi.org/10.13140/RG.2.1.5187.0484>.

<sup>37</sup> Research for Democracy.: v.

<sup>38</sup> Caitlin Francke, “Anti-Blight Effort Turns to Mantua,” *Philadelphia Inquirer*, April 9, 2003; Earni Young, “Mantua Residents Protest for Share in Demolition Jobs,” *Philadelphia Daily News*, March 22, 2003.

<sup>39</sup> Dave Davies, “Minority Firms to Get Boost from City and Banks,” *Philadelphia Daily News*, June 13, 2003; Caitlin Francke, “Mantua Anti-Blight Work to Resume,” *Philadelphia Inquirer*, March 25, 2003.

<sup>40</sup> Earni Young, “Anti-Blight Law Moving in Council: 1,800 Condemnations Clear Key Committee,” *Philadelphia Daily News*, June 5, 2003.

Homes, which started construction in July 2003 with funds from NTI.<sup>41</sup> The demolition of Mill Creek Homes marked a new era of public housing that drew on the public-private language of NTI. Vincent Thompson, a communications officer for the PHA noted that the city was moving away from public housing models of high-rise towards alternative models with “private and corporate partners.”<sup>42</sup>

The program shifted gears in subsequent years, involving local Community Development Organizations in planning. But, despite some moderate success, the overall implementation of the program sputtered due to limited capacities and lack of political leadership. While a far-cry from urban renewal programs of the 1960s and 1970s, NTI’s strategy of acquisition and demolition reawakened community memories of renewal while the cosiness with private developers deepened the suspicion by affordable housing advocates that the NTI would lead to gentrification.<sup>43</sup> Another source of consternation within community leaders was the influence that district Councilmembers have on specific development proposals. Likewise, as Vitiello points out, there was a general consensus amongst experts and media that “the program’s implementation was corrupted by City Council members and other politicians who hold too much sway over development in their districts.”<sup>44</sup> It has long been the case that district Councilmembers effectively exercise veto-power over proposed developments within their district through their oversight over decisions regarding land use and an unwritten tradition of “Councilmanic Prerogative.” Their power over vacant land acquisition and disposition also gives them power over the RDA’s activities. The real “success” of the NTI was that it built a substantial land bank of vacant land now within the purview of the City Council.

On December 12, 2013, after years of lobbying by the Campaign to Take Back Vacant Land and the Philly Land Bank Alliance, City Council voted unanimously to establish the Land Bank. While the campaign had supported more community-based control over land, City Council’s legislation converted a program within the Charter called the “Councilmanic District Development Program” to the “Land Bank” which retained district Councilmembers’ control over decisions concerning land and development. The chapter on the program echoed the words of Council President Darrell L. Clarke: “Nobody knows a community better than the district council person that represents it.”<sup>45</sup> When the Land Bank was established, it carried over the powers of City Council in the approval or disapproval of land acquisition and disposition into Title 16 “Pubic Property.” In Chapter § 16-404 “Disposition: Inventory, Methods, Terms, and Approvals,” under 4(a) affirms City Council’s control over land disposition:

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<sup>41</sup> Philadelphia Housing Authority, “PHA Begins Sweeping Overhaul of West Philadelphia’s Mill Creek Development and Changes Name,” 2003, <http://www.pha.phila.gov/pha-news/pha-news/2003/pha-begins-sweeping-overhaul-of-west-philadelphias-mill-creek-development-and-changes-name.aspx>.

<sup>42</sup> Arlene Edmonds, “Philadelphia Public Housing Taking on a Whole New Look,” *Philadelphia Tribune*, February 4, 2000.

<sup>43</sup> McGovern, “Philadelphia’s Neighborhood Transformation Initiative: A Case Study of Mayoral Leadership, Bold Planning, and Conflict.”

<sup>44</sup> Domenic Vitiello, “Twenty-First Century Urban Renewal in Philadelphia : The Neighborhood Transformation Initiative and Its Critics,” January 22, 2007, <https://www.plannersnetwork.org/2007/01/twenty-first-century-urban-renewal-in-philadelphia-the-neighborhood-transformation-initiative-and-its-critics/>.

<sup>45</sup> The Pew Charitable Trust, “Philadelphia’s Councilmanic Prerogative.”: 1.

An Agency shall not dispose of, or lease for more than one year, a surplus property, without approval of the disposition by resolution of the Board of Directors of the Agency, and approval by a resolution or ordinance of City Council. A summary of the lease or disposition terms shall be provided for inclusion with the Council approval resolution or ordinance.

Subsequently, under Chapter § 16-705 “Acquisition,” under 7(b) affirms City Council’s control over acquisition of land under eminent domain (via the RDA) into the Land Bank:

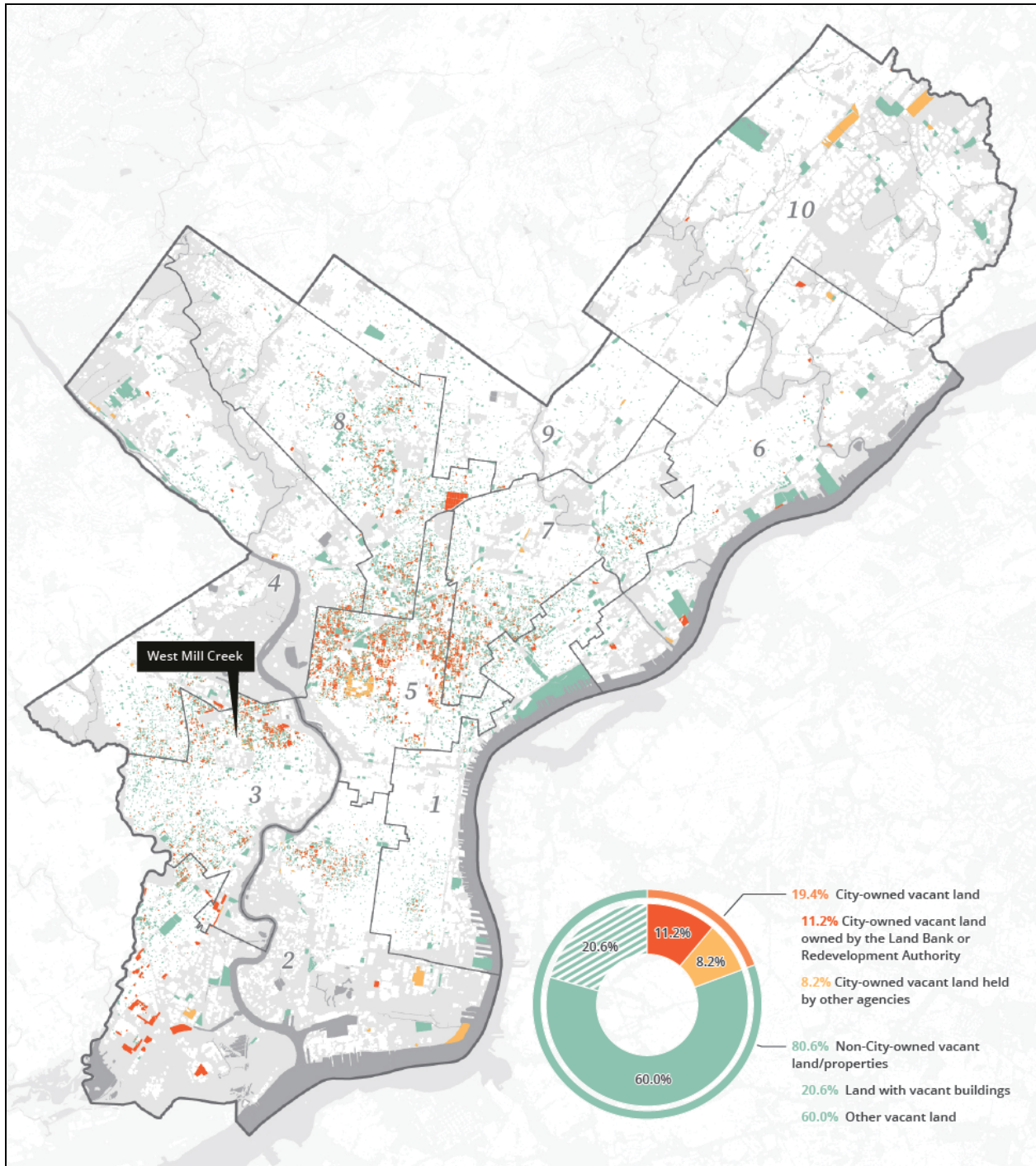
Disposition of any such property by the Philadelphia Redevelopment Authority to the Land Bank must be approved by City Council resolution.

The report *Philadelphia’s Councilmanic Prerogative* conducted by Pew Charitable Trusts traces the unwritten rules of councilmanic power over the Land bank and development more generally. The report points out that “District council members consider management of development projects to be one of their most basic and important responsibilities.”<sup>46</sup> Given the large amount of vacant land within their purview, and decades of rhetoric on blight, City Councilors are in a central position to make decisions on where resources will be distributed and to whom. As of 2016, District 3 (West Philadelphia) had a significant total area of vacant land with 50.8 acres (13.4% of city total) which includes 1,091 properties. Figure 5 highlights the total number of City-owned vacant properties including those held by the RDA and Land Bank which are under the purview of City Council.

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<sup>46</sup> Ibid.: 1.

**Figure 5: Vacant land across the ten council districts of Philadelphia**



Source: Philadelphia Vacant Land Indicators 2016, OpenDataPhilly.org

**Table 1: Distribution of vacant land subject to Councilmanic discretion across each district**

<b>District</b>	<b>Acres</b>	<b>%</b>	<b>Properties</b>	<b>%</b>
<b>1</b>	7.7	2.0%	230	3.6%
<b>2</b>	112.0	29.5%	511	8.0%
<b>3</b>	50.8	13.4%	1091	17.0%
<b>4</b>	15.7	4.1%	332	5.2%
<b>5</b>	79.0	20.8%	2615	40.8%
<b>6</b>	22.1	5.8%	56	0.9%
<b>7</b>	27.5	7.2%	959	15.0%
<b>8</b>	61.6	16.2%	584	9.1%
<b>9</b>	1.5	0.4%	29	0.5%
<b>10</b>	1.3	0.3%	2	0.0%
<b>Total</b>	379.1		6,409	

Source: Philadelphia Vacant Land Indicators 2016, OpenDataPhilly.org

This concentration of power over vacant land and development in City Council has consequences for how the city is governed. For example, in 2016, Jannie Blackwell, then representative Councilmember for District 3, directed a plot of vacant land near Drexel University to be sold from the RDA to a private developer, Westview Development Partners. During her reelection campaign, the developer hosted a fundraising dinner for Blackwell which included others within a network of contractors and lawyers involved in real estate development that Blackwell had cultivated over the years.<sup>47</sup> This isn't unique to Blackwell. Building and construction trade unions and individuals associated with the real estate industry are key funders of City Council campaigns. This is a feature of the system, not a bug—a feature that is cemented by both the written rules of the City Charter and the unwritten rules of councilmanic prerogative. Since 1981, the charges on all six of the Councilmembers who have been criminally convicted were related to the councilmanic prerogative.<sup>48</sup> Councilmember Kenyatta Johnson of District 2 is also facing corruption charges related to land sales after fending off a challenge by Lauren Vidas in a campaign primarily concerned with rising housing costs and affordability, councilmanic prerogative, and other land use issues.<sup>49</sup>

<sup>47</sup> Ryan Briggs, “Jannie Blackwell Helped a Developer Get City Land. Now He’s Hosting a Fundraiser for Her,” WHYY, April 3, 2019, <https://whyy.org/articles/blackwell-helped-a-developer-get-city-land-now-hes-hosting-a-fundraiser-for-her/>.

<sup>48</sup> The Pew Charitable Trust, “Philadelphia’s Councilmanic Prerogative.”

<sup>49</sup> Ryan Briggs, “In Race Spotighting South Philly Gentrification, Kenyatta Johnson Wins,” WHYY, May 22, 2019, <https://whyy.org/articles/in-race-spotighting-south-philly-gentrification-kenyatta-johnson-wins/>; Craig R. McCoy, “In a Changing District, Councilman Kenyatta Johnson Easily Wins Democratic Nomination,” May 22, 2019, <https://www.inquirer.com/politics/election/philadelphia-city-council-election-result-kenyatta-johnson-lauren-vidas-2019-20190522.html>; Jake Blumgart, “Why Philly Can’t Quit the Tradition at the Center of FBI’s Kenyatta Johnson Case,” WHYY, January 31, 2020,

## Toward a Just City

The problem with blight politics is that it emphasizes only the symptoms of abandonment—the *aesthetics* of blight over the roots of abandonment. The overall constellation of power has allowed for certain actors to exploit this situation for the purposes of extracting value through redevelopment. City Councilors are put in positions of power given their ability to approve and disapprove of vacant land disposition as well as development that is not “as of right” in the zoning code—which they also have control over, including the creation of overlay zones which have been contentious. Leaders of major institutions play an indirect role through their power to promote redevelopment around districts within their control and benefit by maintaining an exclusive domain of reinvestment. Community organizations, while not powerless nor inconsequential, must learn to navigate this framework. It is up to these organizations, and the community more broadly, to demand for a share of those benefits. While electors in each district may hope to elect Councilmembers who are not corrupt or may use their powers to enrich themselves, the structural position of City Council, the traditions of Councilmanic Prerogative, and the holes cut out of the charter that maintain the power of major institutions over land development, may always hold a check over activist Councilmembers. The formal and informal networks of business leaders, unions, media, and other elected officials may also serve as a check on actors that go against the “growth machine” coalitions. We need to combat the cynicism of blight politics and propose more positive visions of community development. To this end, there are several considerations that could be made:

**Address councilmanic prerogative by establishing a process for sharing land decisions and increasing transparency.** The Board of Ethics in Philadelphia is responsible for enforcing disclosure requirements for campaign contributions. However, there are still few mechanisms to monitor land transactions under the purview of City Councilmembers. Improving transparency on these matters may be difficult and may complicate decisions that don’t necessarily involve corruption. Councilmanic prerogative is probably the most tricky to address, but devolving or sharing decision-making powers within districts can be one way to provide a check on such traditions. Approval for land acquisition and disposition could be given more to the boards of the Land Bank without removing City Council’s oversight capacities. For example, a veto could still be given with proper reference to official community-stated goals for land use (see below).

**Establish community land trusts (CLTs) within each district.** One major gap that should be addressed is the imbalance of power across each district with regard to the control over land and thus what investments will be pursued. Communities have also been left powerless in the face of unaffordable housing costs and gentrification. The Philadelphia Coalition for Affordable Communities’ (PCAC) Land Justice Campaign advocates for the establishment of CLTs to address these concerns.<sup>50</sup> Vacant land from the City Land Bank could be transferred to district-based CLTs and governed by community-elected boards. City Councilmembers may also be represented on the board to provide continuity, greater transparency, and a shared platform for making land use decisions. Sales of City-owned land within each district could also be given up for a “first offer” to local CLTs which can serve to take land out of the market to ensure affordability in the face of gentrification. Community gardens, housing, and other

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<https://whyy.org/articles/why-philly-council-still-backs-the-tradition-at-the-center-of-kenyatta-johnsons-fbi-case/>.

<sup>50</sup> Philadelphia Coalition for Affordable Communities, “Land Justice Report,” 2021, <http://phillyaffordablecommunities.org/wp-content/uploads/2021/01/PCAC-2021-Land-Justice-Report.pdf>.

community amenities are among the types of assets that CLTs manage. CLTs can also work closely with similarly scaled community land bank institutions and Community Development Corporations that may play a more active role in the market.<sup>51</sup> But the revenues obtained from managing important functions of affordable communities can also be quite low making it difficult to fund robust operations. Support should be given to CLTs in the Charter through tax-abatements as these institutions provide a valuable service in stabilizing the community. Support for managing tangled deeds and fending off predatory realtors could also be an essential part of CLT functions, but adequate financial support is needed.

**Bring city government into the communities.** Currently, the primary interface city government has is with Registered Community Organizations which are defined in the Charter as Neighborhood Improvement Districts, Special Services Districts, and Ward Committees. RCOs play a minor role in zoning and land use decisions. However, the patchwork of existing community-based organizations (each with different functional roles in communities) makes for uneven representation. One issue is that wealthier neighborhoods typically have more organizational capacity such as University City District or Chestnut Hill. Organizations in wealthier areas are more successful at advocating for resources. There is a lack of organization in low-income areas. The city might play a more direct role in affirming equity in terms of neighborhood representation and establishing clearer and more substantial methods of input into the zoning and land use decisions. Community-led volunteer land-use boards could be established within a broader framework of service delivery. For example, in New York City, Community Boards made up of community volunteers have been established that align with service districts and thus work directly with the Mayoral administration through line departments. These Community Boards are central meeting places for residents to discuss concerns and prepare more substantial statements on city service budgets, zoning, and land use with direct Charter-affirmed interaction with City administration. They also operate autonomously from City Council and City administration while providing a transparent process for voicing community desires. Such a system of community-based administration would involve incorporating shared decision-making processes within both the Mayor's office and line departments as well as City Council.

**Integrate service provision and use PILOTs to Reinvest in the broader community.** Consideration should be made with regard to the special privileges that non-profit institutions, Neighborhood Improvement Districts, and Special Services Districts have within city governance. As with the example I gave of University City District, wealthy institutions should give their fair share of resources and support to the communities that surround them and subsidize their use of city services. But we should also question the ability of large institutions to act altruistically and not simply with regard to their own interests. To this end, PILOTs from these institutions could be used to reinvest in the establishment of community-based institutions that can more sustainably act in the community's long-term interests, such as the establishment of CLTs and the acquisition and transfer of land from the City Land Bank to these new community-based institutions so that communities can make their own decisions about development and investment. PILOTs may also be used to directly fund education and training programs within the community or towards investment in community amenities that can be articulated by community-based boards as noted above.

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<sup>51</sup> Mora and Cesar's project on establishing a community-based land bank offers related proposals.

**Imagine a more inclusive and participatory process for reforming the City Home Rule Charter.** While experts and experienced public officials will no doubt play a central role in any future charter reform efforts, it is imperative that we seek a more democratic input into the selection of ballot measures before they are put up for a yes or no vote. In 2019 New York City went through a City Charter reform process through the establishment of a Charter Review Commission (NYCCRC) that sought to reevaluate the entire framework for city government paying close attention to the balance of power between elected officials, how and where taxes were spent, and how and where investments are made across the city.<sup>52</sup> The results included five ballot measures with 19 changes to the charter that passed in the 2019 elections. Most recently in March 2021, Mayor De Blasio established a Racial Justice Commission which has similar powers as the NYCCRC. The Philadelphia Citizen has recently promoted the idea of a Citizen’s Charter Commission which has been taken up by Richardson Dilworth—a Drexel professor who has led a class (open to the public) on urban citizenship with an eye towards Charter Reform. The City Charter is still an obscure document to many Philadelphians, but we should try to imagine greater promotion and education of civics across the city, in schools, and in community centers. The idea that residents could have more of a say in their form of government should be elevated in public discussion. We should look to other cities in the U.S. and across the world for better models of democratic government and frameworks of governance that are more ecologically-attuned, equitable, and empowering for the 21st century. But it must ultimately be up to an engaged citizenry to deliberate on these changes, for without this, the same powerful interests will continue to have their unaccountable ideas made law.

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<sup>52</sup> New York City Charter Revision Commission, “Final Report of the 2019 New York City Charter Revision Commission,” August 2, 2019, [https://static1.squarespace.com/static/5bfc4cecf7fde7d3719c06/t/5d83dffbf8b08c5b3087ecc4/1568923645088/Final+Report\\_8.2.pdf](https://static1.squarespace.com/static/5bfc4cecf7fde7d3719c06/t/5d83dffbf8b08c5b3087ecc4/1568923645088/Final+Report_8.2.pdf).

## **Appendix**

*Selected features of the Philadelphia Home Rule Charter discussed in this paper*

### **Title 14. Zoning and planning**

#### **14-300 Administration and Procedures**

*§ 14-301. Reviewers and Decision Makers.*

2(b) Authority for Final Action.

The City Council is responsible for final action regarding:

(.1) Amendments to the text of this Zoning Code or the official zoning map. See § 14-304(3) (Zoning Map and Text Amendments).

(.2) Master plans and major amendments to master plans in master plan districts. See § 14-304(3)(e) (Special Provisions for Master Plan Districts) and § 14-304(4)(c) (Action by City Council on Major Amendments).

*§ 14-303. Common Procedures and Requirements.*

(.b) If there is more than one RCO whose registered boundaries include the applicant's property, the district councilmember whose district includes the applicant's property shall select one of those RCOs as the Coordinating RCO, or may select two or more RCOs whose registered boundaries include the applicant's property to serve jointly as the Coordinating RCO.

### **Title 16. Public Property**

#### **16-400. Surplus Properties**

Disposition of any such property by the Philadelphia Redevelopment Authority to the Land Bank must be approved by City Council resolution.

*§ 16-404. Disposition: Inventory, Methods, Terms, and Approvals.*

(4) Approvals.

(a) An Agency shall not dispose of, or lease for more than one year, a surplus property, without approval of the disposition by resolution of the Board of Directors of the Agency, and approval by a resolution or ordinance of City Council. A summary of the lease or disposition terms shall be provided for inclusion with the Council approval resolution or ordinance. Such approvals may not be given until at least ten (10) days after public notice has been provided as required by subsection (b).

*§ 16-406. Uniform Strategic Plan and Performance Reports.*

(3) Every year, the Department shall prepare a Performance Report for City Council approval by ordinance or resolution, regarding the acquisition, maintenance, and disposition of surplus property during the prior year, and shall address the following elements during that Period.

*§ 16-601. Council Approval of Redevelopment Proposals and Contracts.*

No redevelopment proposal containing a form of redevelopment contract submitted to Council for approval under the provisions of the Urban Redevelopment Law, Act of May 24, 1945.\*

§ 16-705. Acquisition.

7(b) Disposition of any such property by the Philadelphia Redevelopment Authority to the Land Bank must be approved by City Council resolution.

7(c) Disposition of any such property by the Land Bank, as defined in Chapter 16-400, shall be pursuant to Chapter 16-400 of the Code (“Surplus Properties”).

\*A recent amendment to Section 12.1 of the Urban Redevelopment Law of 1945 establishes a Blight Review Committee which is also reflected in a 2019 City Council Bill 190606-AA. Blighted Property Removal (amended July 14, 2020) - stipulates how blighted properties will be assessed by Redevelopment Authority overseen by City Council.

*Power mapping*

The map below illustrates both vacant land holdings such as City-owned land controlled by the Land Bank and RDA (red), other City-owned vacant land (orange), and other vacant land and buildings (teal). as well as the non-taxable land of nonprofit institutions within the University City District (purple).

