Policyfailing: The Case of Public Property Disposal in Washington, D.C.

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Abstract

Public homeless shelters are at the center of a strategy for neoliberal urban development in Washington, D.C. City-level policymakers have sought to sell public property to developers who will convert the sites into luxury condos and boutique hotels, but the implementation of this policy has not been smooth. To understand the third-wave gentrification strategy of public property disposal, I argue that it is necessary to pay attention to the interruptions, exceptions, and stalled attempts at policymaking, which I call *policyfailing*. I contend that the growing critical policy literature on mobilities and mutations is keenly positioned to contribute to a research agenda about how policies fail to take hold evenly across space and time. Using the under-examined subject of public property disposal as an empirical vehicle, I examine some of the institutional mechanisms, ideologies, mobilizations, and regulatory practices through which public property disposal has worked in Washington, D.C. and, subsequently, how a different set of forces have created instances of policyfailing. I ultimately demonstrate how the concept of policyfailing can help geographers understand governance and its relationship to uneven development.

Introduction

Recent years have seen a growing interest in the disposal of public property for private consumption. City- and state-level policymakers in the U.S. and U.K.

who face budgetary crises have turned to public property sales as a way to support and attract market investments, increase tax revenues, and find relief from property maintenance and management costs (e.g., *The Guardian*, 2013; Mackinac Center for Public Policy, 2007; *Stateline*, 2009). To reduce the federal deficit, the Obama administration discussed applying this 'novel' strategy to 12,000 federally held public properties (*The New York Times*, 2011).

In Washington, D.C. this urban development program has been in place for nearly 15 years. City-level policymakers have sold schools, libraries, firehouses, and homeless shelters to developers of upscale gyms, luxury condominiums, and private art museums. But the implementation of the public property disposal strategy has not been smooth. Not every attempt to sell property has succeeded. Policymakers, for instance, have repeatedly failed to dispose of Franklin School, an Adolf Cluss architectural masterpiece that was celebrated at the 1873 Vienna World Expo, host to the world's first telephone call, and home to classrooms for three presidents' children. After the city's mayor announced plans to dispose of Franklin School in the early 2000s, a radical housing advocacy group occupied the building, which the downsizing of the city's education system in the last quarter of the 20th Century had left vacant, and demanded its opening as an emergency homeless shelter. For the next decade policymakers who had successfully disposed of other public properties were unable to dispose of Franklin School. How exactly that snag came to be is the focus of this article.

For geographers, the adoption of privatization programs across political agendas and governance scales is evidence of the ideological purchase of gentrification and its transformation into a generalized strategy for capital accumulation (e.g., Hackworth and Smith, 2001; Lees and Ley, 2008; Slater, 2009; Wacquant, 2008). Research focuses on how major real estate development has become "a centerpiece" of contemporary urban economies (Cochrane, 2007, 11) and how this transformation has been undergirded by free-market policy regimes and public resources (Smith, 2002). Geographic literature documents at length how public property's socio-political role has shifted in the shadow of such changes to the urban landscape and what has been at stake (e.g., Blomley, 2004; Hackworth, 2007; Low and Smith, 2006; Mitchell, 1995, 2003; Ruddick, 1996). Scholars demonstrate, for instance, that the availability of public property matters for the kinds of politics and justice possible in the city. As Lynn Staeheli and Don Mitchell (2008, 138) write, "public and publicly-accessible space is where differences – of people and power – are worked through." While this research teases out many of the functions of public space and the consequences of privatization, the complex and evolving processes through which public assets actually become privatized – the political mobilizations, institutional mechanisms, discursive paradigms, and geographic differentiations – remain under-examined (but for policy prescriptions see Fisher et al., 2007; Phillips, 2008). The disposal of public land for private consumption is an underutilized empirical vehicle for larger patterns within urban

political economy. It is this empirical gap on the nitty-gritty processes of privatization that this article aims to address.

The growing field of critical policy studies offers important insights to urban development strategies like that of public property disposal. This scholarship helps to explain how governance is messy, fragmented, and perpetually subject to re-making (e.g., Allen and Cochrane, 2010; Cochrane, 2007; Larner, 2003; Leitner et al., 2006; Kingfisher and Maskovsky, 2008; Mann, 2010; McFarlane, 2011; Ong and Collier, 2005; Peck, 2001; Wilson, 2004). The literature, more recently, also helps to show how policy transfer, an increasingly common aspect of governance, is not a simple exchange within larger governance structures but a complex kind of open-ended travel that involves translation and innovation at each point along the path (McCann, 2011; McCann and Ward, 2010, 2011; Peck and Theodore, 2010; Peck, 2011). These twin foci, policy mutations and mobilities, come out of an increased interest by urban researchers in the actual processes of making policy rather than evaluation-oriented analyses of what a policy does (e.g., Peck, 2001). These investigations into the mundane work of policymaking have traced the durability, successes, and detours of governance strategies across cities. For the case of public property disposal in Washington, D.C. there is tremendous value to be gained through a close reading of this work, which ties together concerns about broad neoliberalizing shifts of political economy and on-the-ground, everyday practices.

Still, I argue that we can only really understand the story of policies like public property disposal in Washington, D.C. by talking about the policy in a different way; that is, not only through its translations, variations, and makings but also through its repeated failings. To understand the strategy of public property disposal, it is necessary to pay attention to the interruptions, exceptions, and stalled attempts at policymaking, which I call *policyfailing*. By policyfailing, I am not referring to policies that have unintended consequences or policies that have not met with great success. I am referring to the moments in which policies are defeated, stopped, or stalled, plain and simple. I use the word "moments" purposefully because the making of a policy may fail temporarily, repeatedly, or permanently. What demands attention is not the end product of botched governance efforts but the actual practices and conditional forces that create these moments of policyfailing. The subject here is not policy failure as a singular or completed event but the on-going and incomplete process of how a policy comes to fail. Like the recent interest in the making of policy, the emphasis here is on the un-making of policy. Geographers have argued that uneven landscapes are critical to the workings of the contemporary political economy. What remains to be shown is how the uneven regulatory regimes that correspond with these uneven landscapes actually get made. Through a review of key ideas about policy mobilities and mutations, I demonstrate that critical policy scholarship is keenly positioned to contribute to a research agenda on the intricacies of policyfailing. I then argue that research about how policies fail to take hold evenly across space and time could be

an important contribution to geographical investigations of governance and urban development.

These two themes, *privatization* and *policyfailing*, are developed through an analysis of Washington, D.C. whose approach to public property disposal represents an extreme, but exemplary, case study (see Brenner 2003). Washington, D.C. has served as a laboratory for federal urban planning policies, from model cities and urban renewal to downtown redevelopment (Gale, 1987; Farrar, 2008; Schrag, 2006). What has happened there, both in terms of government programs and social problems, has impacted the trajectory of national agendas. That the city was entirely planned and never developed an industrial economy also positions it as a frontrunner for planning strategies in post-industrial metropolitan areas (Gillette, 1995). Wide-scale gentrification took hold of Washington, D.C. before most other cities in the USA (Knox 1987). The real estate market has been a central force in the city's economy for almost fifty years, and at times in the 1980s and again in the 2000s, the city was host to the hottest real estate market in the country. Ultimately, the details leading to Washington, D.C.'s situation are unique. However, the city's limited fiscal resources, increased demands for social services, and property development agenda are illustrative of the tensions facing American cities.

This article proceeds as follows: in the first section, I unpack the notion of policyfailing and discuss how instances of policy failure have been framed in critical policy studies. I argue that the concept of policyfailing can help geographers understand governance and its relationship to uneven development. In the second section, I focus on Washington, D.C.'s inherited landscapes and political legacies that have shaped the "third-wave gentrification strategy" (see Hackworth and Smith, 2001) of public property disposal (PPD). In the third and fourth sections, I examine some of the institutional mechanisms, ideologies, mobilizations, and regulatory practices through which PPD worked and, subsequently, how a different arrangement of forces created an instance of policyfailing. Ultimately, I argue that the polymorphic character of PPD, which can be gleaned through the conceptual framework of policyfailing, is critical for understanding place-making in contemporary urban geographies and the socio-spatial relations of governance.

Policy*failing* within critical policy studies

The black box of governance, and especially that of neoliberal governance, has been opened in recent years by policy scholars. The scales at which "urban," "regional," and so-called "global" governance operate and the substance of such practices, contexts, and relations have come under scrutiny (Cochrane, 2007). Questions have been raised about the nitty-gritty of how, "where, when, and by whom" policies are produced, enacted, and negotiated (McCann and Ward, 2010, 176). Regulatory regimes and their policies have been shown not to exist as things in themselves but as the effects of intersections between a messy array of situated

contexts, such as discursive paradigms and institutional frameworks (see Peck, 2011; Wilson, 2004), and a bundle of mundane micro-practices like networking and expert exchanges (see Peck and Theodore, 2010; Rutland and Aylett, 2008). The tangible, closed boundaries of policies have been swung wide open to reveal an "active" (Cochrane, 2007, 141), "open-ended and politicized" (Peck and Theodore, 2010, 173) process of policymaking. Governance, then, may be best imagined as wildly varying (Wilson, 2004), perpetually fracturing (Kingfisher and Maskovsky, 2008), and full of constant experimentation (Larner, 2003). Policies, the layered and often contradictory pieces that coalesce into a regulatory regime, have been similarly re-imagined by critical policy scholars as sites of and vehicles for transformation. This attention to the internal workings of governance and the claim that regulatory regimes are re-made more quickly and more often than previously thought (McCann, 2008; Peck, 2001, 2003) have contributed to a compelling argument that iterative mutations and ruptures constitute the nature of policymaking.

Critical policy scholars have also demonstrated that the making of policy involves a complex process of transfer, translation, assembly, and innovation that draws into question the notion of "local" policies (McCann and Ward, 2011). How policies are produced in one place shapes the direction of policymaking and thus place-making in other places. As Jamie Peck (2011, 793) argues,

> policies are not, after all, merely being transferred over space; their form and their effects are transformed by these journeys, which also serve continuously to remake relational connections across an intensely variegated and dynamic socio-institutional landscape.

The rug has been pulled out from the traditional, aspatial, and too often linear political science notion of policy transfer. Policy transfer has been replaced with the sturdier concept of policy mobility. By conceiving of policies as both mobile across spaces and fixed in space, Eugene McCann and Kevin Ward (2011) have pushed an understanding of policymaking as dialectically relational *and* territorial. Drawing on Doreen Massey (2005) and David Harvey (1982), McCann and Ward argue that the tension between fixity and mobility is necessary to policymaking and thus place-making. In other words, policies are fragmented across space as much as situated within particular spaces. This new focus on the fixity and mobility of ideas that govern different cities has been accompanied by a claim that contemporary, neoliberal policy schemes are more adept at crossing borders than those in previous periods (see Peck, 2003). Why exactly such an increase in mobility is happening right now and whether such an increase results in regulatory convergence are unclear but to understand this accelerated mobility and its effects on landscapes scholars suggest we must re-scale studies of policymaking to encompass multiple sites, spaces, and contexts at once.

Although critical policy studies generally examine policy adoptions rather than failures and the mobilities of a policy between cities rather than within one,

this literature lays groundwork for an understanding of Washington, D.C.'s implementation of public property disposal (PPD). PPD policymaking can be seen as an iterative process that is continually re-shaped by its translation across different spaces. What happens to PPD projects in one part of the city may re-shape the "whole" of the program (which really means re-shaping future iterations). The specific experience of PPD policy at Franklin School, then, may come to matter for the more generalized trajectory of PPD policy across the city.

Policy scholarship suggests that what has happened to PPD strategy at Franklin School may not be an anomaly. Failing, the inability to implement a particular program, may be a critical process of any neoliberal regulatory regime. A handful of policy scholars stress the importance of policyfailing to governance studies (although they employ the term policy or regulatory failure) (Brenner et al., 2010; Kingfisher and Maskovsky, 2008; Peck, 2010, 2011; Peck and Theodore, 2010; Prince, 2010). Much of the consensus, however, about policyfailing ends there. There is debate about what exactly policyfailing does and whether policyfailing can actually pose a challenge to existing power structures (Peck, 2011).

Some researchers argue that policyfailing is the antithesis of governance while others take the opposite position and present policyfailing as a vital component of regulatory regimes. For Russell Prince (2010), the failure to maintain a policy showcases the limits of the everyday work that constitutes governance; policyfailing is an absence of political and technical policymaking efforts. The more persuasive argument that comes out of policy studies embeds failings within the larger governance structures. For Jamie Peck (2010, 2011), the uneven, discontinuous, and heterogeneous terrain of policymaking is porous enough to embrace the process of policyfailing. As Neil Brenner, Peck, and Nik Theodore (2010, 216, original emphasis) write, the "encroachment of neoliberalizing modes of governance, regulatory metrics and socio-institutional practices is *necessarily* contradictory, uneven, impure and incomplete" and so any notion of a smoothly operating neoliberal project *without* failings is misguided. To approach policyfailing as a limit, as Prince (2010) does, generates an idea of governance as a homogeneous structure, which is false. The processes of policyfailing are intimately entangled in the processes of policymaking.

Peck (2010, 2011) and Brenner et al. (2010) argue that policyfailing is not just a part of but actively constitutes a principle motor within neoliberalizing regulatory regimes. Brenner et al. (2010, 209, original emphasis) write:

> For reasons that deserve more systematic exploration elsewhere, policy failure is central to the exploratory and experimental *modus operandi* of neoliberalization processes – it is an important impetus for their continual reinvention and ever-widening interspatial circulation. Indeed, rather than causing market-oriented regulatory projects to be abandoned, endemic policy failure has tended to spur further rounds of

> reform within broadly neoliberalized political and institutional parameters.

Somehow market-oriented reforms have been animated, not stalled, by flawed regulatory attempts (Brenner et al., 2010). These failures are portrayed as springboards and driving forces. The "underperformance" of neoliberal strategies, Brenner et al. (2010, 209) continue, has served as a kind of "forward momentum" to continual institutional reinventions rather than debilitating limits. Failing, then, should not be seen as evidence that existing dogma is on the verge of a significant challenge but recognized as a shot of caffeine that could "redouble" policy reform efforts (Peck, 2011, 782). "Neoliberal restructuring," says Peck (2010, 23), "resembles not so much a triumphal, forward march as a series of prosaic 'forward failures.'" To these scholars, failures are no less critical to neoliberal policymaking than regulatory successes. But how exactly failing acts as a mechanism for the making of contemporary governance remains an open question.

Peck (2010, 2011) goes the farthest in proposing an answer. He suggests that first-round regulatory failures end up becoming the rationale for more stringent measures in future policymaking rounds because neoliberal doctrines always coexist alongside other governance formations. The residues of these other formations, like welfare services, become the scapegoat for failed neoliberal policymaking efforts. To Peck (2011, 782), policyfailing can be swiftly "excused by domestic political conditions (necessarily bold reforms had been diluted by political concessions) or by implementation problems (since the policies 'work' elsewhere, local delivery systems must be at fault)." There are lots of blame-able parties to go around – unions, bureaucrats, and advocacy groups – which distract from the problematic policy and its underlying doctrines.

The takeaway point from these ideas about policyfailing is that systematic regulatory failing is endemic to governance and likely constitutes the actual essence of policymaking efforts. Failing cannot be brushed aside as an exception or oddity because "the perturbations and experiments *are* the process" (Brenner et al., 2010, 201, original emphasis). Questions linger, still, about the degree to which policyfailing is present in regulatory regimes other than neoliberalizing ones, the role policyfailing plays in those regulatory regimes, and policyfailing's capacity in any regime to create a meaningful challenge to existing power structures. Why, for instance, are the regulatory failings that litter neoliberal policymaking capable of reshaping and re-igniting the "whole" of the governing body but not capable of overturning it? How does a failing shape a policy program differently than a success? And, what is capable of creating massive change in governance if not the failing of policy? The challenge analytically is to figure out how policyfailing over time becomes an instance of policy mutation, adaption, and reinvention. Research must address, as Brenner et al. (2010) and Peck (2010) note, how policyfailing fails to shift the broad contours of policymaking strategies. Despite the close scrutiny within the policy mobilities literature on detours, deviations, and mutations of policies across space and time (i.e., McCann and Ward, 2011) and the common

mantra that these variations matter to understandings of governance, the issue of policyfailing remains a lacuna. The mutation-and-mobilities approach to policy studies is useful but needs to be filled out more with considerations of policyfailing.

In the remainder of this article I analyze the formation of public property disposal (PPD) policyfailing in Washington, D.C. I draw on three months of participant observation in 2007 with a grassroots group aimed at stopping the sale of public property, the People's Property Campaign. For those months, I lived in Washington, D.C. and attended meetings and events with campaign members. This period of participant observation built on a personal, bi-weekly involvement with the campaign during the two preceding years. I also gathered data in 2007 through three months of observation at the offices of *StreetSense*, a homelessness advocacy newspaper, for which I served as a receptionist one morning per week. Nineteen semi-structured interviews with key actors in PPD policymaking supplemented this data collection. The majority of these interviews were conducted in-person and almost half were with current or former local government employees. The remaining interviewees were local non-governmental social service providers, homelessness advocates, property developers, media reporters, and policy analysts. In addition, examinations of regional newspapers, local government documents and databases, and directories of social services inform this project.

Inherited landscapes and political legacies

After World War II, the development of Washington, D.C. mirrored changes occurring in other American cities. Mass out-migration of white, middle class families in the 1960s and then black, middle class families in the 1970s devastated the city's tax base, curbed employment opportunities for those who stayed, and transformed the city into a majority-black resident city for the first time in history (Gale, 1987; Grier and Grier, 1982; Lacy, 2007; Zeitz 1979). By 1980 almost one in five residents lived below the poverty line (US Census, 1979).

In response to these shifting demographics, local policymakers in the late 1970s and early 1980s mobilized public resources to rectify economic and racial injustices for the city's remaining residents (Diner and Young, 1983; Gale, 1987; Zeitz 1979). The city became one of the first providers in the nation of all day kindergarten (Fauntroy, 2003) and policymakers built a brand-new government office at the site of the city's worst illicit drug market (Jaffe and Sherwood, 1994). When an economic recession hit and the federal government downsized its agencies, which employed a third of the city's working residents, the local government stepped in to alleviate rising rates of unemployment (Fauntroy 2003). The public school system in the 1980s, for instance, added 516 administrators despite losing 33,000 students (Fauntroy 2003).

A decade earlier these kinds of strategies would not have been imaginable. For a century, Washington, D.C. residents had no political representation and were governed by the US Congress. In 1974 residents won the right to limited self-

governance. The US Congress kept control over the budget and all city laws and the federal Justice Department maintained prosecutorial power but residents that year elected a mayor and city council (Walter and Travis, 2010). Washington, D.C.'s place as a center for the civil rights movements of the 20th century meant that many of these early policymakers had strong ties to the radical organizing strategies of Martin Luther King Jr.'s Southern Christian Leadership Conference and the anti-war protests. More than half of the thirteen members on the new City Council had ties to the Student Non-Violent Coordinating Committee (Valk, 2008).

Out of this progressive moment came the creation of the city's first public shelter system and for a short time a universal right to shelter. In the late 1970s and early 1980s the homelessness advocacy group Community for Creative Non-Violence staged demonstrations, went on hunger strikes, occupied vacant public buildings, and took legal actions to expand the city's meager stock of shelters (Bogard, 2003; Hombs and Snyder, 1982; Rader, 1986). These actions won not just national and international attention but strong, local support in a city where homelessness was growing (*The Washington City Paper,* 1989). Long debate ensued about whether policymakers' efforts should be spent warehousing residents in un-renovated, downtown buildings rather than addressing the purported causes of homelessness like unemployment and housing affordability. As a result, the first public shelters were treated as temporary solutions and received few physical improvements. A judge described them as rat-infested "hell-holes" (Williams et al., 1993, 57).

One of the biggest decisions newly elected government officials faced in the 1970s concerned the property market (Diner and Young, 1983; Gale, 1987). The city had experienced rampant residential speculation, rising housing costs, and neighborhood gentrification (Knox, 1991; Downie, 1974), and city residents, most of whom were renters, argued that not enough legal protections existed to manage the property boom's detrimental effects (Paige and Reuss, 1983; Reed, 1981; Turner, 1998). In its first five years, the City Council passed some of the country's strongest anti-displacement and pro-tenant policies, including rent controls, a condominium conversion moratorium, limited-equity co-operative housing provisions, a speculation tax, and eviction restrictions (Greenberger et al., 1993). The goal of these policies and others like them was to make the housing market more equitable and ensure that incoming housing developers respected the needs of existing residents. Nonetheless, policymakers also decided *against* strict requirements for commercial development (Schrag, 2006). Real estate was one of the largest private industries in the city, made significant contributions to the city's tax base, and offered what some saw as one of the few chances of economic power for black residents (Richards and Rowe, 1977). The robust local economy made these two seemingly inconsistent approaches to urban policy – *laissez-faire* responses to commercial development *and* stringent requirements for residential development – appear viable if not reconcilable in the 1980s.

The 1990s were a different story. The local government's corruption and latent inefficiencies, which some attributed to the 'novice' policymakers of the preceding decades, had become harder to manage (Ruble, 2005). Then the real estate market crashed. The city's fiscal base was sent into a tailspin. Policymakers could not balance the budget despite all kinds of creative accounting and approached the federal government for assistance (Walters and Travis, 2010). In response, the Republican Congress declared in 1995 the city fiscally insolvent and set up a Congressionally directed control board to govern all major functions of the heavily Democratic city until the budget could be balanced for four consecutive terms (Fauntroy, 2003). Although the city's fiscal crisis was likely attributable to a series of factors unrelated to local policy decisions (see D.C. Appleseed, 2008), the official solution was a singular and decisive shift in urban policy, especially regarding property development and the city's portfolio of public assets.

Public property disposal relies on a part of the D.C. city code that describes how land and other assets held by the local government can be leased or sold. The code itself has been on the books since the 1970s but it was not until 1998 that the law was used in any widespread way. In 1998 a new municipal regime emerged that was "dominated by a pragmatic concern over city services and neighborhood quality of life…rather than the larger issues of social and racial injustice" (Ruble, 2005, 136). City residents elected a city council whose members were majority white, not black like the population they represented (Ruble, 2005). City residents also elected a mayor who had an Ivy League finance background, not a history of civil rights activism like his predecessors (Walters and Travis, 2010). In keeping with the entrepreneurial ideology popping up in cities across the country (see Harvey, 1989), these policymakers levied public monies to build a stadium for Major League Baseball, privatized a city hospital, and set a goal to attract 100,000 new young professional and empty-nester residents who would contribute to the city's tax base (Walters and Travis, 2010). Alongside these deals and a number of regionally competitive tax increment financing projects, the city government pursued reduced-price public property sales as a way to leverage existing assets for the possibility of increased future tax revenues.

Policymaking: public property disposal

Washington, D.C.'s urban development strategy of public property disposal (PPD) relies on a number of conditions, practices, and ideologies. In this section I focus on those factors that have helped to facilitate the disposal of public shelters, some of the key sites affected by the adoption of PPD strategy. First, public property has been seen by local policymakers in Washington, D.C. as an asset to be cashed. The city relies heavily on property taxes for its operating budget (about 30 percent) because Congress prohibits the city from collecting income taxes on commuter workers (Gillette, 1995). The large number of governmental and international buildings also makes the vast majority of land in the city un-taxable, which builds pressure for policymakers to make sure property that can generate revenue is doing so (Gillette, 1995). Local policymakers often frame privatization

as a means to support profit-oriented real estate development and build a better tax revenue base. A director of the city's economic development and planning agency, for instance, said he would like to cut the 70-page list of public property holdings in half to support downtown development. A spokesperson for the same agency said, "We want to see [each public shelter] rehabilitated and become something that will generate revenue for the city" (*The Washington Post*, 2005a).

Second, actual infrastructure of public buildings like high ceilings that make heating expensive or large stairways that are difficult to renovate have contributed to arguments in favor of PPD. Poorly maintained conditions are also a common rationale for privatization. In the case of the Gales School shelter, policymakers cited the decrepit physical condition as the reason for its closure in 2004. Public shelters like Gales have been routinely operated out of run-down school buildings that the local government abandoned in the decades after suburbanization and integration. These vacant school buildings are often old enough to be eligible for historic designations, which can limit the possibility of cost-effective operations for the city and incentivize disposal for policymakers. Public shelters with an historic designation, in fact, have been 3.5 times more likely to be listed for disposal than shelters without designations.

In contrast to these arguments that public properties are physically problematic, there are also arguments amongst Washington, D.C. policymakers that shelter as a programmatic use is not worthwhile. The third factor that helped facilitate the disposal of public shelters was federal policies around homelessness that exacerbated the sense that existing public shelters do not merit investment (Rosenthal and Foscarinis, 2006). The defunding of federal and local emergency shelter programs and the national shift toward Housing First-style care (Bratt et al., 2006; Maskovsky and Goode, 2001; O'Connor, 2001) contribute to the idea often espoused in the media and in interviews by Washington, D.C. planning officials and legislators that shelters are outdated policy solutions. As a director of the city's economic development and planning agency said in an interview, "We don't need any more shelters. We need more housing." Another government employee said that it was not smart to pursue investment in public facilities that did not offer transitional residences or wrap-around services.

Fourth, the PPD policy is insulated from systematic review and critique through ambiguous institutional mechanisms and restricted practices. The city code does not specify criteria by which the city council should decide whether a property, like an in-use and at-capacity shelter, is no longer needed for public use and thus surplus. A director of a public shelter said in an interview, "You look at that system of what technically is surplus. Whenever I see that roll out, it never seems very surplus to me. [Surplus –] it's a political term." There are also no legislative requirements that policymakers consider the needs of local agencies or nonprofits that provide social services prior to submitting a request to surplus a property. But the city code allows policymakers to use an emergency clause to forgo committee reviews, public notices, public hearings and other normally

required community involvement steps in disposing of a property. A former director of a non-profit organization that operated public shelters described the effect of these emergency clauses in an interview:

> I'm sure there is an official process. But the process as we experienced it was that we would learn that a shelter was in the works or had been sold. That's the stage of the deal we would hear about it. There weren't a lot of hearings about it.... We would generally hear about things as a pending deal or we'd be told that something had been sold. But it was not a very accessible or transparent process at all. Certainly the people who were occupying the building were kept out of the loop.

In addition, the majority of the city's homelessness advocacy groups have transformed into contract service providers that are prohibited from criticizing government decisions. This trend has constrained the kinds of political voices that can challenge the disposal of shelters and other property. According to an interview with its director, the organization responsible for shelter services coordination in Washington, D.C. is not allowed to publicly question city legislator or mayoral decisions about homelessness services, shelter closures, or shelter property sales.

Since 1998 the D.C. City Council has tried to sell 68 percent (or 15 out of 22) of its public shelters. In 1998 alone the city approved 11 shelters and former shelters for sale. These counts exclude the municipal shelters that were operated out of hotels, stadiums, hospitals, armories, government office hallways, and leased spaces, but they give a sense of the city's privatization program. Through PPD policy, shelter properties have been converted into private, upscale facilities. Pierce and Berret shelters were transformed into luxury condominiums. Randall shelter was bought to become a wing of a private art museum. No building has re-opened as a private shelter.

Franklin School shelter

Still, not all of the buildings that city legislators have tried to sell have successfully been transferred to the private market. In fact, just over half – 8 of the 15 shelters and former shelters that the D.C. City Council listed for sale – have been privatized. PPD policy has had moments of failing, as in the case of Franklin School, which I examine in this section. I narrow focus to the Franklin School case to explore the unevenness of PPD policymaking and the nitty-gritty processes of one failed privatization attempt.

In fall 2002, Washington, D.C.'s mayor solicited interest from developers for Franklin School, a historic red brick building in the middle of downtown and six blocks from the White House. He also announced that the only public shelter with Spanish-language services, La Casa, would be shut and sold to become condominiums. In response, a small, radical housing advocacy group, MayDayDC, staged a takeover of Franklin School and argued for its opening as a shelter for the 150 or so residents of the adjacent Franklin Square Park. The city's homeless

population had increased to almost 12,000, demand for the city's dwindling supply of 1,300 emergency beds had overflowed, the city budget for transitional housing provisions had been cut, and homelessness service providers had expressed concern about the city's hypothermia plan, which had failed to prevent two homeless people from dying outside during the previous winter. The mayor agreed to temporarily open Franklin School as a shelter for homeless men but he continued to search for a building developer. Three years later he signed a contract to sell Franklin School at one-fourth of the market rate to a boutique hotel developer and said the disposal of Franklin School was imminent. The assemblage of forces that had facilitated shelter closures and disposals elsewhere in the city similarly seemed to be coming together. But, the shelter remained open for three more years, the boutique hotel never materialized, and today the vacant building is still city-owned. What went wrong?

First, mobilizations of public property and homeless activists contributed in varying degrees to PPD policyfailing at Franklin School. The presence of homeless people in the building proved a firm obstacle to the disposal for several years. Then, after the mayor announced the sale of the shelter to a hotel developer, a handful of men who lived in the Franklin School shelter along with a lawyer and a social worker formed the Committee to Save Franklin Shelter. Through lobbying efforts and media interviews the group won a promise by a city official that the shelter would remain open until replacement beds were found: "The homeless are not going to be out in the street. One way or another, the city is going to find accommodations" (*The Washington Post*, 2005b). The Committee to Save Franklin Shelter also won extensive media coverage in its attempts to save the shelter: *The Washington Post*, the area's largest circulating paper, ran headlines such as "Homeless Make Themselves Visible," "Homeless Issue Lands on Official's Doorstep," "Homeless, Allies March at Mayor's House," and "As Shelter's Closing Nears, a Traffic-Halting March" (*The Washington Post* 2008a, 2008b, 2008c, 2008d) and an episode of the national radio program *This American Life* (2008) covered a protest at a city council member's home. The People's Property Campaign, which began in 2005 with 40 members, contributed to these protests, but its main contribution lay in pushing for government accountability. Through testimonies at public hearings, educational outreach, and demonstrations, Campaign members, like myself, demanded that city officials comply with existing regulations around PPD and release information about which public properties had been sold and which properties were still city owned. In 2007 and 2008 the Campaign witnessed two minor and largely symbolic victories: the city's public property management agency published its first (and so far only) inventory of public property and the city council amended legislation to require a community meeting to be held in the evening or on a weekend in the vicinity of a property slated for disposal.

PPD policyfailing at Franklin School was shaped, secondly, by a heated and publicized legal debate around the technical work of property disposal, an issue

that had nothing to do with shelters or homelessness. Less than a year after Washington, D.C.'s mayor signed a hotel redevelopment contract for Franklin School, five city council members and the body's attorney contended that the mayor had skipped a step in his effort to dispose of Franklin School. They claimed that Franklin School had not been properly surplussed by the city council and the mayor had usurped the power of the council. The attorney spelled out the concern: "If the mayor is [violating code] on this, what's to stop him from doing it on everything else?" (*The Washington Post*, 2006a). Within a year the mayor agreed to dissolve the contract and the developer won a $500,000 settlement from the city, but the legacy of this short-lived debacle was not short-lived. Franklin School continues to be a sensitive subject amongst elected leaders and government employees. More than a year after the legal issue was resolved, three high-level city planning officials hesitated to talk in interviews about the subject and one blatantly said, "I don't want to talk about Franklin." Even in December 2010 a media article acknowledged the lingering tension between the mayor's office and the Council on the topic, which seemed to be a stand-in for debates about urban development priorities (see *Washington Business Journal*, 2010)

The government plans for the disposal of Franklin School never coalesced into coherence and hinted at the fracturing of the local state along different political lines. Several times closure notices were posted on the doors at Franklin School by one agency and within days removed by another. Sometimes the goal of moving homeless people from shelters to homes (in line with Housing First) was cited as the reason for the shelter's planned closure. Other times it was the goal to make the land commercially productive for tax revenues. In one instance, shelter operators at Franklin School illegally cited the impending closure as reason to deny shelter to new residents. The government stakeholders involved in Franklin School's future – contracted homelessness service managers, contracted shelter operators, social service employees, city planning employees, property management employees, planning and economic development employees, city council, and the mayor's office – did not display a unified front about when, how, or why to close and sell Franklin School, exacerbating tensions around the shelter's future and highlighting dissention and disorganization across the government's various bodies. While Franklin School served as a shelter, public property management was decentralized within four agencies, making the government's capacity to coordinate the shelter's closure difficult. The property was, at times, overseen by the public property management agency, the public schools department, the planning and economic development office, and the human services department. To make matters worse, the city government's assortment of factions had to contend with the charter school lobby. The charter school movement secured from Congress in 2004 a law that requires the city government to offer any surplussed public school property first to charter school groups. According to city planning and economic development officials, Franklin School is technically exempt from this requirement because it was surplussed before the law went into effect. However, this law points to an

additional way in which the local government's relationship to PPD is fraught with conflicting interests and prone to moments of policyfailing.

A third condition for PPD policyfailing at Franklin School was the booming real estate market. In 2006 a government official announced that plans to sell the building had been scrapped because they had been "searching the downtown area for shelter space, and…hadn't come up with anything" (*The Washington Post*, 2006b). A former director of the city's agency for public property management said in an interview: "We scoured downtown to find alternatives. The few pieces of land we owned, we had to fight with [the mayor's economic development office] not to sell it, then we had to pay to design it, and fund it…[and in the end] there was no money for renovation." The booming property market had become a double-edged sword. The property market enticed policymakers to sell public property at the same time that the market made it difficult for policymakers to find replacement properties for those buildings they sought to sell. City officials who were concerned with homelessness and trying to find alternative spaces also had to contend with the planning and economic development agency's push to sell off half of the city's property holdings while the market was profitable.

In fall 2008, the mayor's office announced that Franklin School shelter would be closed because the building posed a fire hazard and residents had to be removed for their own safety. City council, among other stakeholders, contested this explanation. In a last-ditch attempt, the council passed an emergency act – the kind often used to facilitate PPD – to require replacement beds to be secured for each resident before any public shelter in the city could be closed. The mayor signed the legislation but closed Franklin School shelter four days before the law went into effect. Fifty-three of the 200-plus homeless residents at Franklin School were moved into permanent supportive housing while the shelter's remaining residents were picked up by large passenger vans and dropped off on the steps of an already-full public shelter across the city. Some of the displaced residents returned to Franklin Square Park in subsequent days and weeks. Since the shelter's closure, the mayor's office has several times solicited development proposals and asked city council to surplus the building without success.

Several times community groups have also tried to stop the disposal plans or shape how the building will be redeveloped without any obvious success. In addition to the People's Property Campaign and the Committee to Save Franklin Shelter, a group called the Coalition for Franklin School formed in 2009 to lobby for the building's redevelopment into an educational space and in 2011 members of OccupyDC broke into the building, just as MayDayDC had done nine years earlier, to argue for community control of the property. For the time being, Franklin School tenuously remains a space of PPD policyfailing.

Conclusion

This article contributes to critical policy studies literature by developing the concept of policyfailing and demonstrating some of the actual contexts and micro-

practices involved in a case of policyfailing. This case of Franklin School showcases the utility of thinking of policyfailing as an ongoing and unstable process rather than focusing on policy failure as an unequivocal achievement. If I were to evaluate Franklin School in terms of whether PPD policy had failed, I might come to the conclusion that it had not. The shelter has closed and the building is likely to be sold in the coming years. It is hard to say that the vacant building is a space of victory for public property activists or that the use of the run-down building for five years as a poorly operated shelter was anything but a perverse victory for homeless advocates. However, such analyses would miss the important interruption that has taken place over the past decade. The process by which Franklin School has *not* been surplussed and sold since 2002 is – regardless of what happens in the long-term – an instance of PPD policyfailing and one that provides initial insight into how governance is uneven in its making and uneven in its expressions.

Franklin School demonstrates how policyfailing is, as Peck (2010, 2011) and Brenner et al. (2010) suggest, embedded within governance efforts rather than an antithesis to them. PPD policy in Washington, D.C. was not toppled by policymakers' inability to dispose of Franklin School or almost half of all shelters listed for disposal since 1998. City officials suggested in interviews that the problem at Franklin School was implementation, not the actual goal to privatize public property. The failing of PPD policy at Franklin School has been blamed by city officials on a number of conditions – lack of developer interest, market fluctuations, and government dysfunction – but not on the actual merits and logic of the policy itself. This case supports Peck's (2010, 2011) observation that some instances of policyfailing bolster rather than challenge existing governance structures. Policyfailing at Franklin School seemed to have helped PPD policymaking elsewhere in the city by identifying areas in the regulatory structure in need of improvement. Like a child who learns to walk by falling down, PPD policymaking may have triumphed through Franklin School's "forward failures" (Peck, 2010, 23).

The changes to PPD policymaking that Franklin School may have ignited, however, may be best understood not as significant mutations, as the critical policy studies literature characterizes transformations (e.g., McCann and Ward, 2011), but rather as simple and useful modifications. Since 2008, for instance, the agency responsible for public property management has been reorganized, renamed, and expanded twice. According to public property activists, even though city officials have not published subsequent inventories of public property and frequently overlooked the requirement to hold community meetings for properties slated for sale, policymakers have shown an increased familiarity with the details of PPD laws in interviews, media reports, and press conferences. The number of public hearings held at city council on surplus property requests has also likely increased. This increase may have to do with an increased frequency of disposals. PPD policymaking in Washington, D.C. has appeared more aggressive and more

streamlined in recent years. Between 2008 and 2013 city officials sold $200 million worth of public property to private developers at deeply discounted rates. In 2012 alone they sought buyers for 32 acres worth of public property (WAMU, 2013).

If policyfailing can improve policymaking efforts, as the case of Franklin School suggests, then what can dismantle regulatory regimes? Critical policy scholars have identified the unevenness in policymaking and begun to consider whether these moments of unevenness redouble neoliberalizing efforts. But the subject of policymaking must be filled out with study of what role policyfailing plays in particular contexts, whether policyfailing is intrinsic to all regulatory schemes, and what challenge – if any – policyfailing poses to existing power structures. If the concept of policymaking as full of mutations and mobilities is to be taken seriously, it will require attention to instances of policyfailings. To better understand the durability of uneven urban geographies, like those that persist in Washington, D.C., geographers must investigate the unevenness of privatization strategies.

Acknowledgements

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