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# MP4 WP1.3 Transnational Assessment of Practice

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## Case study report: The BID experience in Hamburg

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## Introduction

The Free and Hanseatic City of Hamburg is Germany's second largest city (after Berlin) with nearly 1.8 million inhabitants. Hamburg's metropolitan region has over 4.3 million inhabitants and is Europe's largest non-capital city. Hamburg City-State is one of the 16 German Federal States which has a degree of autonomy and legislative powers. The City-State parliament is known as the *Buergerschaft* and the government is the *Senate*, whose head is the First Mayor and the City-State's Prime Minister. The government is divided into nine Ministries or Departments, each headed by a Senator. Hamburg's overall urban development is overseen by the *Behoerde fuer Stadtentwicklung Umwelt* (Ministry for Urban Development and the Environment).

The city is divided into seven administrative districts (*Bezirke*): Altona, Bergedorf, Eimsbuettel, Hamburg-Mitte, Hamburg-Nord, Harburg and Wandsbek. All of them are the size of large cities (between 117,000- 407,000 residents) with their own city-centres. The districts have their own elected parliaments (*Bezirksversammlung*) and administration (*Bezirksamt*). The level of the district is comparable to the Municipality or Local Authority elsewhere in Europe, while the Senate represents the regional Laender-level (between Federal government and Local Authority level). In many relevant policy areas, districts are dependent on the City-State structures (Senate and Ministries).

## Context

The Business Improvement District (BID) recently emerged in Europe from its origins in the US as a model for the financing of activities to improve designated areas at the beginning of the 21<sup>st</sup> century. Dedicated BID legislation<sup>1</sup> applies in six<sup>2</sup> of Germany's sixteen Federal States with twelve statutory BID projects formally established as of December 2009. According to Mitchell (2008, pp. 3-4), a BID is a 'professionally-managed organisation whose purpose is to improve a locale using funds from mandatory special taxes or fees paid by property and/or business owners in a designated area'. Through activities including capital improvements, street cleaning, providing security and marketing the area, the BID aims to make designated places attractive, safer, cleaner and more marketable.

As a generic term, 'Urban Improvement District' refers to the statutory BID, HID or NID<sup>3</sup> models in Germany with common constituent features such as supporting state legislation, ballot procedures for implementation, limited duration, joint financing from private proprietors through compulsory self-assessment<sup>4</sup> and the integration of free riders. Especially the integration of free riders with the obligatory levy is seen as an important asset and advantage of the different legislative models compared to informal town centre management and the like. This should help distinguish these models from the existing voluntary, informal and/or publicly sponsored networks of proprietors in area development and the different models of Town Centre Management.

Open space or public realm management activities are integral to all forms of UIDs. Specific operations and activities depend on the particular context and available UID budgets (which depend on property tax values). City centre locations tend to have higher property values

<sup>1</sup> For detailed information on the BID Model and its European evolution please refer to Kreutz (2009).

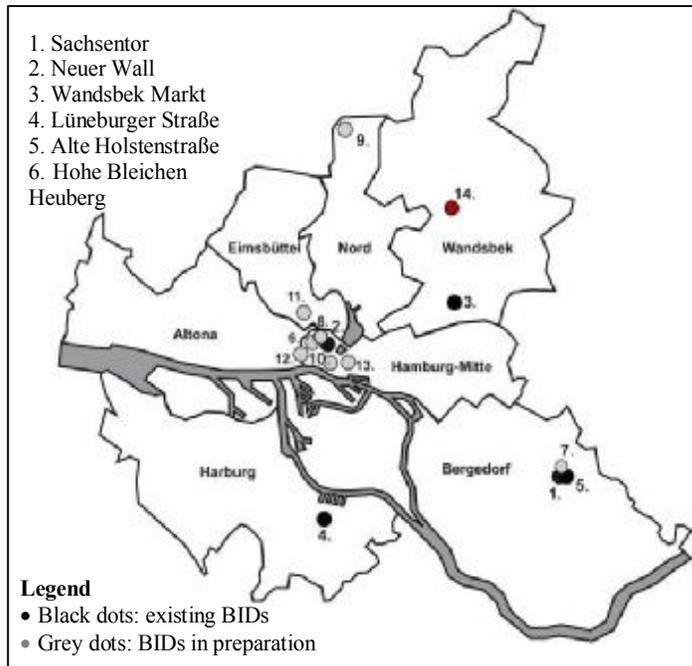
<sup>2</sup> Bremen, Hamburg, Hesse, North Rhine Westphalia, Saarland and Schleswig-Holstein.

<sup>3</sup> HID: Housing Improvement District; NID: Neighbourhood Improvement District.

<sup>4</sup> Unlike the UK BID model, German UIDs are financed through a levy from proprietors, not from business.

than smaller commercial areas in outer neighbourhood centres, which can significantly influence a BID's financial impact. Associated issues regarding place-making and place-keeping also differ by BID: some districts are well-maintained or have been recently regenerated, while others suffer severe problems due to their location in deprived areas.

Seven BIDs have been successfully created in Hamburg (see map). *Sachsantor* and *Neuer Wall* BIDs were established in 2005, shortly after legislation was introduced. The four other BIDs in Hamburg were established between summer 2008 and summer 2009. *Sachsantor* was renewed in a second ballot and started its second term<sup>5</sup> in mid-2009.



<sup>6</sup> The two longer-running BIDs differ greatly regarding location, budget and tasks. *Sachsantor*, a shopping pedestrian street in the centre of the District Bergedorf, has a modest budget of €150,000 for the first three years and €600,000 for the second round (five-year duration), while *Neuer Wall* (city-centre location) has a budget of almost €6 million, over five years. Both budgets are financed by local proprietors. *Neuer Wall* achieved major capital improvements with new streetscaping to reflect the 'exclusiveness' of the place and the resident companies (e.g.

Armani, Bulgari, Boss and Cartier). Street cleaning services were enhanced (i.e. increased frequencies and improved flexibility), and a private service and security team was implemented. *Sachsantor* concentrates more on small-scale marketing and maintenance activities: similar to traditional voluntary Town Centre Management programmes in Germany or other countries – but financed through the obligatory levy. So *Sachsantor* does not really reflect the wide gamut of BID activities and investments in the public realm.

The other BIDs have differing budgets and priorities: *Wandsbek Markt* has almost €4 million (over 5 yrs) for capital improvements and streetscaping. *Hohe Bleichen Heuberg* has a budget of €2 million (5 yrs) for streetscaping. *Lüneburger Straße* has almost € 550,000 (3 yrs) for cooperation, marketing and public space management. *Alte Holstenstraße* BID has a relatively modest budget of €330,000 (3 yrs) for cooperation, marketing and management.

With these differences in size, budgets, activities and location in mind, this case study examines the experience to date of the seven Hamburg BIDs to reflect on the relationship between place-making, place-keeping and the BID management model.

<sup>5</sup> This 'term' arrangement is discussed later.

<sup>6</sup> Source for map: Ministry of Urban Development and the Environment Hamburg (BSU)

### The projects and the 'place-keeping' approach

Due to the similarities in the BID and the NID legislation in Hamburg (referred to under the umbrella term UID), the legal framework is described here for both models.

UIDs are a self-taxing funding mechanism for a duration of five years (with the possibility for extension after a new ballot) funded by real-estate proprietors in a formally designated area. The BID proposal needs the backing of only 15 per cent of the proprietors<sup>7</sup> in the envisaged BID area: that is both 15 per cent representation of the number of properties situated in the area and 15 per cent of the size of the total area.

If the proposed Business Plan (Implementation and Financing Plan) for the UID is accepted by the public administration (i.e. Hamburg's District Authority), the proposal is put on public display for a month, after which time a proprietor ballot is held. If *less* than one-third of the affected proprietors (again in terms of both numbers and size) explicitly reject the proposal the UID will be designated by a public statute, and all affected proprietors within the clearly defined UID area must pay an additional statutory levy based on property values. The UID area borders are defined as a part of the application by those proprietors proposing the UID.

Businesses, residents<sup>8</sup> or other parties have no right to vote on the UID proposal; proprietors only have this right as they decide on their joint investment via their own levy. A minimum of 15% support for the proposal is required for Phase 1 (Initial Preparation). The only opportunity for objections to the proposal is part of Phase 2 (Formal Application and Approval). The levy is collected and administered by the Local Authority but, minus an administration fee, it is passed to the responsible UID Management Body.

For an extension to an existing UID, the first 'round' procedure is repeated and a new ballot is held. There is no maximum duration for BIDs – some examples from the US (e.g. New York City) show that BIDs might run for decades with an extension process every five years. In Hamburg, only Sachsentor BID has applied (successfully) for an extension (in 2009).

A dedicated management body or task manager (*Aufgabenträger*), which can be an agency, company or a single person, is responsible for the application and implementation of the public space management. In two Hamburg BIDs this is a construction company (Neuer Wall and Wandsbek Markt); in two others this is an economic development and marketing agency (Sachsentor and Alte Holstenstraße). For Hohe Bleichen Heuberg, the management body is a landscaping company and in Lüneburger Straße, a private urban planning company.

The management body receives a levy from the proprietors via the public tax authority, managed by the Chamber of Commerce. A Steering Committee oversees the implementation process. The local authority supports the UID's initial phase with expertise, and audits the proposals to ensure that they conform with public interest and check the urban development plans before the ballot is held. Experience to date in Hamburg shows that there have been no conflicts with public interest in the established BIDs. Once the UID is in place, the local authority has almost no formal influence on its activities — apart from the extension process involving public approval. The idea behind this is that all activities are clarified and fixed by contract before implementation and should follow the agreed terms and conditions.

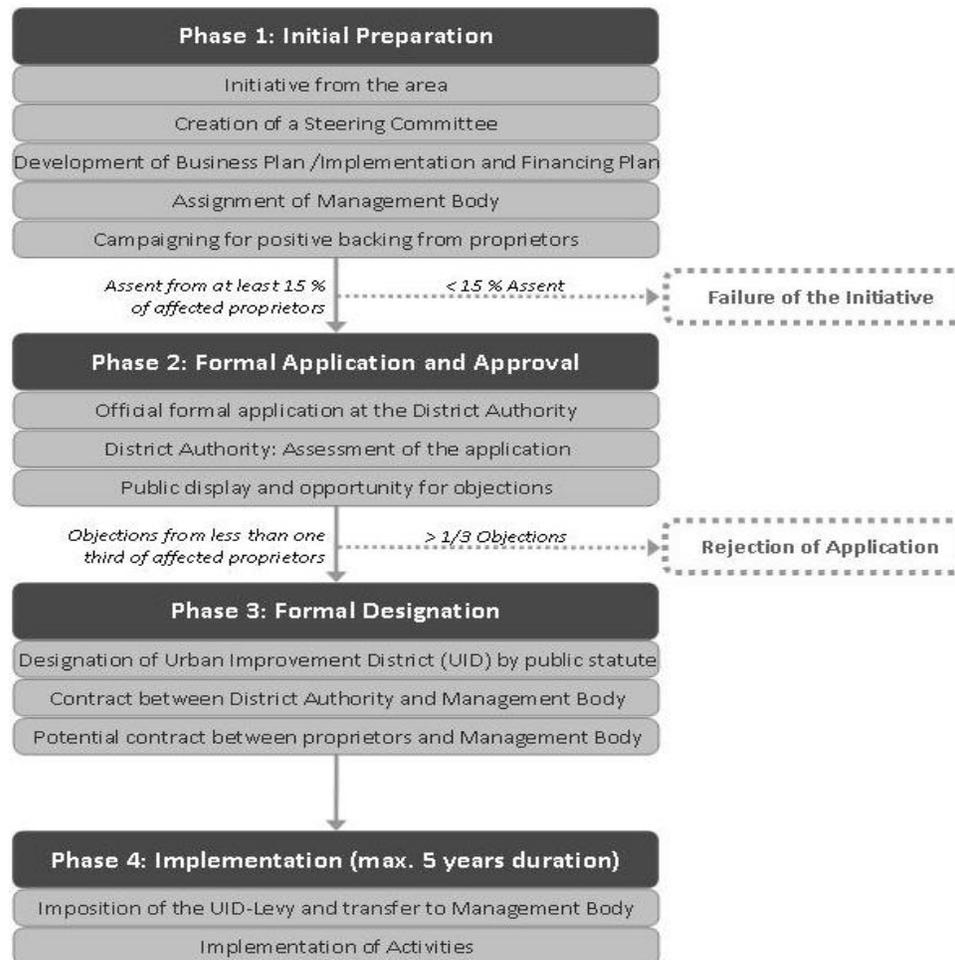
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<sup>7</sup> For an HID/NID proposal the positive backing must be at least 30 per cent.

<sup>8</sup> For an HID/NID proposal a public hearing in the neighbourhood is desired but not obligatory.

Examples of feasible UID activities in Hamburg include: the preparation of concepts for area development; realisation of services, such as additional cleaning, security or customer-related services; implementation of image campaigns and organisation of public events; joint procurement or purchasing of goods or services by the proprietors or shopkeepers; formal and informal lobbying for proprietor interests. In addition, there are improvements to technical infrastructures, landscaping and environmental improvements in the public realm to, e.g., streets, pavements, squares, parks and playgrounds.

**Flowchart of the Hamburg UID process**



Source: Author / Revised Version of an illustration from Gorgol 2009.

It is important to stress that according to the law all UID activities have to be supplementary to those provided by public bodies such as the local authority. They do not substitute public services. The private funds are used primarily for purchasing additional services (e.g. maintenance, sanitation, security and promotion) and for realising capital improvements in the UID area (e.g. street furniture and lighting) beyond those services already provided by the city, i.e. ‘above and beyond’ the public standard. Part of the funds pays the management fee for the UID body, and there is a small administrative fee for the local authority.

Of special interest here are the Hamburg BID place-making and place-keeping activities. With the legislative BID model, proprietors have a much stronger influence on the design and

maintenance of the public realm than in the past. The three place-making BIDs in Hamburg (Neuer Wall, Wandsbek Markt and Hohe Bleichen Heuberg) show what can be done in this new form of private-led partnership. The redesign of streetscaping and squares financed with the BID levy shows a design and quality of public open space which is of a higher standard, e.g. regarding materials, planting and overall design of the open space.

**Place-making in BID Neuer Wall**

*Public standard before (bottom) and BID standard after the redesign (top)*



Source (all photos above): F. Büttner (2009) BSU, Hamburg's BID-Representative.

**Place-making in BID Hohe Bleichen Heuberg**  
*Envisaged redesign of streetscaping with new planted trees*



**Place-keeping in BID Neuer Wall**  
*Dedicated Streetcleaning and Service staff*



Source: Website BID Hohe Bleichen Heuberg/ Design from Breimann & Brun <http://www.bid-hohebleichen.de> (left) and F. Büttner (2009) BSU, Hamburg's BID-Representative (right).

### **Examples of place-making in BID Wandsbek Markt**

*Public standard before (left) and BID standard after the redesign (right)*



Source: Website BID Wandsbek Markt <http://www.bid-wandsbek.de>

The importance of place-keeping activities varies in the Hamburg BIDs depending on specific circumstances and available budgets. Neuer Wall BID contracted a Facility Management company to provide a daily cleaner/caretaker. Due to the restricted budgets, the larger BIDs focus on physical improvements in the public realm first and maintenance activities and the like later on. Smaller BIDs implement temporary activities, e.g. graffiti-removal or seasonal planting. The Neuer Wall BID is a fairly unique project due to its very large budget, which is both place-making and place-keeping activities are carried out here. It is expected that the place-keeping activities will receive more attention in the BIDs once capital improvements have been carried out and arrangements for extended BIDs are in place.

### **Partnerships**

All BID projects evolve from local interest, usually from proprietors. Sometimes this emerges from existing associations (e.g. Neuer Wall) or starts up as a new initiative (e.g. Hohe Bleichen Heuberg). The Initial Preparation Phase process focuses on a visioning phase and questions such as 'where do we want to go?' and 'what do we want to improve?' are asked before work on the compulsory Business Plan begins.

The private partners (proprietors) tend to involve the public administration quite early in the process both to support the BID and to clarify the necessary activities. The Steering Committee consists of active proprietors, representatives from the public administration (Ministry of Urban Development and the Environment and the District administration). Architects, planners and consultants are also involved in the process to provide external expertise, prepare and plan specific activities.

Before the application is lodged, the process is relatively informal, although the Steering Committees can fix a set of rules of internal procedures (e.g. regarding membership and voting mechanisms). The phase before submission of the formal application is not regulated by legislation and can be organised independently.

The formal process begins with the application process. The proposed Business Plan (Implementation and Financing Plan) has to be presented to the Local Authority by the chosen Management Body. Once a UID has been approved, this Management Body fully represents the proprietors and is fully responsible for the successful implementation of the plans. The three Hamburg BIDs with a focus on physical improvements in the public realm selected a Management Body from the construction business to manage the overall implementation of activities: Otto Wulff Bauunternehmung GmbH for BID Neuer Wall and BID

Wandsbek Markt and Zum Felde GmbH for BID Hohe Bleichen Heuberg. In each BID initiative the proprietors choose the Management Body they want, i.e. they expect to carry out the tasks in the best way. As far as known the experience with the chosen companies are positive up to now. The BID legislation in North Rhine Westphalia is different from the other German BID laws regarding the Management of a BID: here the proprietors themselves must set up a Management Organisation and not contract a third party. So far there is no practical experience with this model.

### **Governance and Engagement**

UIDs can be described as a specific form of area-based public-private-partnerships where proprietors have an important role in leading the UIDs. UIDs are sometimes called a hybrid<sup>9</sup> between traditional local government and a new form of urban governance by which private financial participation can be made obligatory.

The public sector has an important role in this model of approving the proposed UID: site-related activities carried out under private responsibility have to be in accordance with the urban development goals and should not conflict with general public interests. This is the point at which the Local Authority can halt or avoid unwanted developments in UID-areas.

As discussed earlier, apart from direct or indirect contact prior to the BID being granted, residents, the local authority and other stakeholders make no contribution to the process, because proprietors are the only stakeholders who contribute financially in this model. No Hamburg BID has encountered opposition from the wider public (residents, shopkeepers or others) to date. It is therefore difficult to know what would happen in a case where opposition was met. Formally the public has no vote or influence, but it is expected that the District Authority would take any local resistance into account when deciding on the case for approval. Concerns have been raised by academics in the US and elsewhere about exactly how 'public' spaces are if they are managed and maintained by the private sector, who may not allow activities such as leafleting, demonstrating or busking<sup>10</sup>.

### **Policy**

In Europe, only England, Scotland, Republic of Ireland and some German Federal States currently have BID legislation. Such legislation applies in six<sup>11</sup> of Germany's sixteen Federal States with twelve statutory BID projects formally established as of December 2009. The Federal legal basis is Section 171f of the Federal Building Code (*BauGesetzbuch BauGB*) on "Private Initiatives in Urban Development". Hamburg was the first German Federal State to introduce legislation for the formation of Business Improvement Districts (BID) in 2005 with the *Law to Strengthen Retail and Service Areas*. Hamburg was also the first European city to legally apply the legislative BID model to residential and mixed use areas (HID/NID) in 2007 (*Law to Strengthen Residential Areas through Private Initiatives*).

The relationship between the local authority and the UID body is regulated by law and the fixed contract made between the two parties. These contracts clarify aspects such as the duration of the UID, the agreed activities, the available funding and participation of the proprietors. All these details derive directly from the Business Plan for the UID, created in Phase 1. The proprietors can also conclude a private contract with the commissioned UID

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<sup>9</sup> Kersten, 2007.

<sup>10</sup> Kohn, 2004; Kreuz, 2009.

<sup>11</sup> Bremen, Hamburg, Hesse, North Rhine Westphalia, Saarland and Schleswig-Holstein.

body to retain influence on the implementation process – and this is usual practice in Hamburg. The local authority provides expertise support for the initial phase of a UID and must audit the proposals, ensuring they conform with public interest before the ballot is held. Once the UID is in place, the local authority has almost no more formal influence on any of its activities, except where objections have been lodged. There is complete reliance on the contractual arrangement which clarifies the activities before implementation.

**Finance**

The table shows the range of budgets in Hamburg’s BIDs and the allocation of the wholly private funds to different activities. The collective UID levy has a statutory ceiling which is 10% of the average property tax value (*Einheitswert*). Hence, prime locations (e.g. Neuer Wall) can collect a higher levy than lower-grade locations (e.g. Lüneburger Straße).

When broken down, an average of 52% of BID budgets go towards place-making costs while only 13% go on place-keeping activities (the other 35% is spent on services, marketing and administration). Taken together, the place-making and place-keeping costs vary considerably from approximately 20% of the overall BID budget (Sachsantor, Lüneburger Straße and Alte Holstenstraße), to 70% or more (Neuer Wall and Hohe Bleichen Heuberg). In some of the Hamburg BIDs, public funds have also been made available for open space improvements and are combined with the private funds from the BID levy.

**Overview of the BID budgets in Hamburg**

BID Project	Duration	Budget	Focus of activities
Sachsantor 1	2005-2008	€ 150.000 € 37.500 p.a.	<ul style="list-style-type: none"> <li>• Marketing</li> <li>• Maintenance</li> <li>• Management</li> </ul>
Sachsantor 2 (extension)	2009-2013	€ 600.000 € 120.000 p.a.	<ul style="list-style-type: none"> <li>• Marketing</li> <li>• Improving Amenities</li> <li>• Management</li> </ul>
Neuer Wall	2006-2010	€ 5.996.000 € 1.199.200 p.a.	<ul style="list-style-type: none"> <li>• New Streetscaping</li> <li>• Service and Maintenance</li> <li>• Management</li> </ul>
Wandsbek Markt	2008-2012	€ 3.990.000 € 798.000 p.a.	<ul style="list-style-type: none"> <li>• New Streetscaping</li> <li>• Management</li> </ul>
Lüneburger Straße	2009-2011	€ 548.000 € 182.666 p.a.	<ul style="list-style-type: none"> <li>• Maintenance Open Space</li> <li>• Marketing</li> <li>• Management</li> </ul>
Alte Holstenstraße	2009-2011	€ 330.000 € 110.000 p.a.	<ul style="list-style-type: none"> <li>• Safety</li> <li>• Beautification</li> <li>• Management</li> </ul>
Hohe Bleichen Heuberg	2009-2013	€ 1.947.000 € 389.400 p.a.	<ul style="list-style-type: none"> <li>• New Streetscaping</li> <li>• Management</li> </ul>

Source: Compilation of data from BID project websites by the author

## Evaluation

As yet, there are no evaluation methods in place in the Hamburg BIDs, however some comments regarding the success of the Hamburg projects can be made at this stage. It can be argued that the Neuer Wall BID has significantly increased property values and rent levels since it was established in 2005, according to a survey with businesspeople<sup>12</sup> in 2009.

The proprietors in Sachsenator opted for an extension in 2009 which was directly attributed to the positive response to the BID model to date. Expectations of proprietors and shopkeepers of maintenance standards arguably rise over time, especially after a redesign of the public realm. However, there is a need for a comprehensive evaluation of the German BID model as evidence is currently scarce.

Regarding the long-term management of an area once a BID comes to an end, no comments can be made at the moment, because the BID is a very recent phenomenon in Germany. But it can reasonably be expected that the advantages of area-based place-keeping activities would cease. This is due to the fact that as UIDs can only offer additional or supplementary standards and activities, the area would fall back to the average public standard, which would mean a worsening of the situation could be expected.

## Transferable aspects of the case study

This type of private initiative is a recent phenomenon in Germany, one which has rapidly risen up the political agenda. There is therefore little evidence documenting practical experience and revisiting this case study again would be useful. UIDs require dedicated legislation for implementation. Such legislation is not yet Europe-wide, but other countries, (e.g. the Netherlands and Sweden) are considering adopting the legislation.

The legislative UID model allows the collection of a levy from all affected proprietors in a designated area to finance improvements above and beyond the public standard. This helps to lever private investment for area-development and to overcome the problem of free riders through the possibility of persuading, even forcing, proprietors to pay for the envisaged activities. However, without the underlying legislation in place, such a levy cannot be collected, indicating limited scope for transferability.

## Glossary

**Place-making:** creating high quality places that people want to visit, experience and enjoy. It implies a people-centred approach which emphasises designing spaces that promote health, wellbeing and happiness. Such spaces engender a sense of belonging and connection for those who use them.

**Place-keeping:** relates to maintaining the qualities and benefits – social, environmental and economic – of places through long-term management. The management required to maintain these qualities and benefits, the approach adopted and the timescale will depend on the ‘place-making’ aims, the available resources and the life span of the ‘place’.

**Partnership:** is defined as agreed shared responsibility between public, private and community sectors. It is a relationship which, in this context, is normally formed between governmental and non-governmental sectors – i.e. it is a manifestation of governance relationships.

**Engagement:** is a cross-cutting issue which describes successful models of working with communities and encouraging appropriate use. Engagement is an aspect of governance particularly relevant in forms of participatory governance and is intrinsic to the concept of ‘governance’ as defined below.

**Governance:** relates to the relationship between and within government and non-governmental forces. The term implies wider participation in decision-making than representative democracy or other forms of government, recognising a wider range of actors other than the state, and allowing for varying governance contexts and processes.

<sup>12</sup> Aufgabenträger BID Neuer Wall (2009): Quartiersbefragung 2009 / Mieterbefragung BID Neuer Wall 2009, unpublished internal paper.

**Finance:** describes financial models for efficient long-term management.

**Policy:** is discussed within the context of embedding best practice into spatial planning and other policy.

**Valuation:** describes the economic impacts of improvements to open spaces, but also relates to wider socio-economic and environmental benefits.

**Notes on this report**

This report forms part of the output from MP4 Making Place Profitable – Public and Private Open Spaces, a project funded by the EU through its Interreg IVB North Sea Region programme 2007-2013.

This report is based on the findings from a telephone interview carried out September 23<sup>rd</sup> 2009 with Mr. Sebastian Binger (Otto Wulff Bauunternehmung) BID Manager for BID Neuer Wall and BID Wandsbek Markt, who granted permission for MP4 members to use his responses in this report. This interview was semi-structured and conducted using the question schedule used in the data collection for all the case studies.

In addition desktop research on the BID projects; personal visits of some of the BIDs in Hamburg and the participation at different events and congresses on BID over the last years were used. The author is researching on Urban Improvement Districts (BID, NID etc.) since the beginning of 2007 incl. intense literature research.

In addition, the sources of secondary data which provided the contextual information are referenced in the footnotes. The photos are reproduced with the owners' permission. The map is provided by the Ministry of Urban Development and the Environment Hamburg.

**Websites of the BID projects in Hamburg**

BID Sachsenor	<a href="http://www.bid-1.de">www.bid-1.de</a>	BID Lüneburger Straße	<a href="http://www.bid-lueneburgerstrasse.de">www.bid-lueneburgerstrasse.de</a>
BID Neuer Wall	<a href="http://www.bid-neuerwall.de">www.bid-neuerwall.de</a>	BID Alte Holstenstraße	<a href="http://www.bid-alte-holstenstrasse.de">www.bid-alte-holstenstrasse.de</a>
BID Wandsbek Markt	<a href="http://www.bid-wandsbek.de">www.bid-wandsbek.de</a>	BID Hohe Bleichen Heuberg	<a href="http://www.bid-hohebleichen.de">www.bid-hohebleichen.de</a>

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