OCCUPANCY TAXONOMY



Downtown Marketing & Development

By Barry Cassidy

While analyzing COVID's effects on downtowns across America, I realized we needed to segment these places to understand them fully. I want to conduct a three-year analysis to ensure the data remains relevant. The only one I have three data points for is Portland.

I am developing a comprehensive methodology to determine what the town is experiencing. I have divided the inventory into 3 distinct groups. They are based on three years of inventory:

Stable Tenancy

These storefronts have had the same tenant for three years. This is the base of the central business district. The business mix tells you a lot about the town's retail, the types of food establishments (with and without liquor), and the foundation of the service industry.

These businesses are grouped by NAICS code and assigned to an address. This makes mapping easier and helps identify concentrations of business types. You can also conduct a gap analysis to determine what your economic development strategy may wish to achieve.

Transitional Tenancy

These are buildings that have changed ownership or use, or were vacant at some point during the three years. I classify these units as active vacancies, and they tell the story of change in the district. The owners of these buildings are actively seeking and securing tenants.

Persistent Vacancy

These units have remained vacant for three years, and in many cases, there is no effort to move them toward rental. In some cases, the building struggles with poor financials, critical infrastructure issues, a tangled title, or a discouraged owner. These units have problems that must be addressed to move the process forward.

States are recognizing that activating vacant storefronts supports downtown revitalization and promotes economic resilience. They are using my occupancy taxonomy to some extent.

They are recognizing that small businesses are essential to economic vitality, job creation, and neighborhood character. Extended commercial vacancies reduce foot traffic, undermine public safety, lower local tax revenue, and diminish community vitality. Some short-term commercial activations have proven effective in reducing vacancy, supporting entrepreneurship, and reactivating underutilized commercial space.

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California signed a bill this week (AB 1679) requiring cities and counties to create a Temporary Commercial Activation permit for pop-up businesses in vacant storefronts — up to 120 days — to simplify approval for temporary retail or service uses.

A companion bill (AB 2418) establishes binding review timelines for permits for small commercial buildings and allows applicants whose permits are delayed to hire an approved private plan checker. Existing building, planning, and public health standards are primarily designed for permanent use and may be disproportionate when applied to short-term commercial activity. A temporary, low-risk pathway for commercial activation allows small businesses to test locations and concepts while safeguarding public health and safety.

Inconsistent local treatment of temporary commercial activation contributes to prolonged vacancies and uneven statewide economic recovery. Temporary commercial activation can support recovery efforts after natural disasters and other declared emergencies by enabling businesses to reopen in affected communities.

The California permit is aimed squarely at Persistent vacancy — storefronts sitting empty year after year — rather than at Transitional tenancy, which is exactly the distinction your taxonomy is built to make

Pennsylvania has addressed the same problem from two directions: Pittsburgh's Downtown Partnership ran a pop-up/short-term-lease program with reduced rents that filled empty downtown storefronts ahead of the NFL Draft, and the Shapiro administration put $22.7M into a $64M Harrisburg downtown plan whose strategy #2 is literally "Fill Storefronts and Grow Local Business."

Massachusetts announced $330M for 403 local projects across 207 communities through its Community One Stop for Growth — the program's largest round in its five-year history. One application covers fourteen grant programs, with dedicated lines for downtowns, vacant storefronts, and brownfields.

The state created separate grant lines for vacant storefronts and brownfields, which implicitly does what the taxonomy does explicitly — the Persistent vacancy distinction. And the single-application design is a nice contrast with Pennsylvania's fragmented programs.

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PA LEGISLATURE SENDS SHAPIRO A BILL REQUIRING LABELS ON AI-ALTERED ADS



By Ford Turner, The Center Square

A bill that would make it illegal to make stealthy use of artificial intelligence to create misleading advertising has passed the General Assembly and is awaiting the signature of Gov. Josh Shapiro.

The state already has laws about unfair advertising on the books, said prime sponsor Sen. Nick Pisciottano, an Allegheny County Democrat. The new law will be an extension of that concept, tailored to the developing new burst of technology that is AI.

Pisciottano said in an interview the governor planned to sign the bill.

It requires "clear and conspicuous disclosure" to be made in advertising in which AI-generated content is used "in a manner that creates a false consumer perception about the nature, origin, or authenticity of the goods or services being advertised."

Pisciottano said the bill's structure does not place the onus on a small business to insert AI disclosures in digital advertising purchased from a tech company. Rather, Pisciottano said, "It is the responsibility of the tech company to add these disclosures."

A violation could result in a civil fine of up to $3,000. Pisciottano said the figure came about in consultation with the office of Attorney General Dave Sunday, whose staff believed it was in line with existing consumer protection penalties.

A legislative analysis said it was unclear how much revenue the bill might generate because the number of potential violations was unknown.

However, the attorney general's office indicated enforcement would require the hiring of a deputy attorney general, a technologist, and an administrative assistant, according to the analysis. The cost to the state during a full year would be $498,000.

The bill took 16 months to wind its way through the Legislature.

It was introduced in early June, 2025. The final vote took place October 7.

In the that 163-40 House vote, 60 Republicans joined all 103 Democrats in sending the bill to the governor. Among those voting "no" was Blair County Republican Rep. Scott Barger, who in an interview cited several reasons.

One was what Barger called "vague" language in the bill.

A central phrase in it is "synthetic content." The definition of that is "Information, including an image, video, audio clip or text, that has been significantly modified or generated by artificial intelligence." Barger asked, "What does it mean to be 'significantly modified,' for example?"

He also wondered why the words "knowingly, recklessly, or willfully" were deleted from an earlier version of the bill.

