



## **City of Philadelphia Policy Regarding Removal, Relocation and Deaccession of Publicly Displayed Artwork**

### **Definition**

*Removal of Publicly Displayed Artwork:* the removal of artwork from public display for the purpose of relocation, storage, extended loan or deaccession.

*Deaccession:* the disposition of formerly publicly displayed artwork.

### **Criteria for Removal of Publicly Displayed Art**

Publicly Displayed City Artwork may be removed from public display for one or more of the following reasons:

1. The work of art is damaged irreparably and/or repair is unfeasible or costs exceed the value of the work.
2. The work has been damaged or has deteriorated to the point that it can no longer be represented to be the original work of art.
3. The artwork has faults or inherent vices that require repeated and excessive maintenance efforts.
4. The artwork endangers public safety.
5. The condition or security of an artwork cannot be reasonably guaranteed.
6. If public protest of the artwork has occurred throughout a significant portion of a period of five years.
7. If the approved terms of the contract pursuant to which the artwork was installed have not been fulfilled.
8. Significant changes in the use, character or actual design of the site lead to a determination that there has been a sufficient change in the relationship of the artwork to the site such that removal is warranted.
9. A determination is made that the artwork is no longer suited to its location or is best suited to a new location.
10. Removal is requested by the artist.

### **Process for Removal**

1. Proposals for removal shall be initiated by the Public Art Director, after assessment by the Public Art Division of the Office of Arts, Culture and the Creative Economy, or any successor agency, of the condition and status of the artwork and evaluation of the artwork in relation to the above grounds for removal. The proposal shall include a determination of whether the Artwork should be relocated, stored, loaned or deaccessioned.
2. The Public Art Division shall notify in writing the artist, if living, or one or more members of the family of the artist, if known and readily contacted, of the reason for removal and shall provide the artist or family member(s) with 30 days to respond to the proposal.

3. In the case of a proposal to remove a work of art due to public protest, a public hearing will be held prior to further action on the proposal.
4. After the period of notice, and after any adjustment made to the proposal based on input received, the Public Art Division shall present the proposal to the Department of Parks and Recreation, in the case of artwork in the custody of that Department, or to the Department of Public Property, in the case of artwork in the custody of that Department, for the respective department's approval.
5. Upon approval by the relevant department, the Public Art Division shall present the proposal to the City's Art Commission for approval.
6. If the approved proposal is to deaccession the work of art, the Public Art Division shall, in conjunction with the Procurement Department and pursuant to subsections 6-500(d) and 8-203 of the Home Rule Charter, provide the necessary public notice of the intent to dispose of the artwork by sale or otherwise and receive bids in connection with such proposed disposal.
7. If the approved proposal includes disposal by means other than sale or trade, and the decision is made that such alternative disposal is in the best interests of the City, the Public Art Division shall provide notice to the artist and offer the artist a reasonable opportunity to recover the artwork pursuant to any agreement with the artist or pursuant to reasonable terms determined by the Public Art Director.

This policy was established in 2012, and was revised and approved by the Law Department in January, 2015.