

Tent Cities: An Interim Solution to Homelessness and Affordable Housing Shortages in the United States

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Tent cities have reemerged in the public view as a result of economic depression and the housing crisis in recent years. Despite the growing number of tent cities and their homeless residents, these encampments have received almost no academic attention or analysis. This Comment seeks to open the dialogue on tent cities in the context of informal housing law and policy in the United States. In doing so, it provides background on homelessness, informal housing, and tent cities, explores the benefits derived from tent cities both for encampment residents and for local government actors, and also considers the ethical and legal constraints associated with homeless encampments. The Comment then explores innovative government responses that have allowed tent cities to survive and sometimes thrive. Finally, the Comment proposes several ways in which tent cities can be acknowledged, addressed and improved. The complicated social and political context in which tent cities exist, and the substandard conditions that many tent city residents endure, underscore the immediacy of the issue, and the importance of addressing encampments in a coherent, cohesive, and compassionate manner.

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INTRODUCTION

In 2009, the Sacramento city government dismantled a “tattered encampment of . . . men and women along the American River,” the adopted home of “former owner[s] of the American dream” living under tents without access to running water or sanitary services.¹ After losing their jobs and homes, the encampment’s residents had found shelter in the only place they could, transforming a vacant city space into “a vivid symbol of a financial crisis otherwise invisible to most Americans.”²

As Americans have continued to struggle with a persistent economic depression, tent cities like the one constructed in Sacramento have reemerged in the public view. Reactions to these homeless encampments have been varied, both within the general public and between local governments. Some individuals point to tent cities as a sign of ingenuity and innovation. Others point to the inability of local governments to contend with and provide for their homeless populations and the injustice of leaving the homeless to live in sub-

1. Maria L. La Ganga, *In Sacramento’s Tent City, a Torn Economic Fabric*, L.A. TIMES, Mar. 20, 2009, <http://articles.latimes.com/2009/mar/20/local/me-tent-city20>; Richard Gonzales, *Sacramento Tent City Reflects Economy’s Troubles*, NAT’L PUB. RADIO (Mar. 16, 2009), <http://www.npr.org/templates/story/story.php?storyId=101900138>.

2. La Ganga, *supra* note 1.

standard conditions.³ Still others emphasize the blight and nuisance that homeless encampments can bring upon surrounding neighborhoods. Largely absent from the public and governmental dialogue surrounding tent cities, however, is a critical assessment of both the benefits and drawbacks associated with encampments, as well as a cohesive consideration of the legal context surrounding their development.

The varied responses of local governments toward tent cities may be partially explained by the varied nature of tent cities themselves. Tent cities often evade straightforward classification. Many tent cities have been around for decades, and though their sizes may have swelled in recent years, they are certainly not a new phenomenon. They can range from two individuals to several hundred, and may be found in vacant lots, under sheltered freeway underpasses, on church property, in public parks, or on privately donated land. Today, their residents may consist of the chronic homeless, as well as more recent victims of the housing crisis or job loss.

Tent cities develop along with a host of safety, sanitation, and habitability concerns. These concerns range from the absence of running water or proper means for sewage disposal to the structural stability of dwellings. Any sustainable policy or regulation concerning tent cities must address such concerns and the injustice of relegating impoverished individuals to substandard living conditions. However, even considering the inherent limitations and problems of tent cities, the benefits of such encampments are also considerable, especially within the context of the current housing crisis.

Tent cities are a relatively affordable temporary housing option. They generally require less economic support from local governments than do homeless shelters and other forms of subsidized housing, and are certainly more affordable to the indigent than hotels or apartments.⁴ An average tent city

3. The sheer magnitude of homelessness in the United States is one factor that makes it difficult to adequately address. On any given day in January 2008, 664,414 individuals in the United States were homeless, and between October 1, 2007 and September 30, 2008, a total of 1.6 million people were housed in a homeless shelter for some period of time (i.e., this does not include those who were homeless and unsheltered). OFFICE OF CMTY. PLANNING & DEV., U.S. DEP'T OF HOUS. & URBAN DEV., THE 2008 ANNUAL HOMELESS ASSESSMENT REPORT TO CONGRESS, 3, 8 (2009) [hereinafter HUD 4TH ASSESSMENT REPORT].

4. The amount of government funding put towards tent cities can be variable. Some cities have dedicated their own resources towards aiding the encampments, but for the most part, assistance tends to come from nonprofits and religious organizations. See, e.g., *Tent City Information*, CITY OF MERCER ISLAND, <http://www.mercergov.org/Page.asp?NavID=2458> (last visited May 6, 2011); *Tent City 4 (TC4) Frequently Asked Questions (FAQ)*, CITY OF REDMOND, <http://www.redmond.gov/tentcity/faqs.asp> (link no longer in service; archive copy obtained Jan. 5, 2009, on file with the California Law Review) [hereinafter REDMOND, *TC4 FAQ*] (explaining that the costs of tent cities to local government are minimal). Regardless of whether the local government or a local nonprofit is paying, the costs associated with tent cities are fairly low. For example, a nonprofit in Washington supports two tent cities, each with approximately one hundred residents, at a cost of \$4,000–\$6,000 per tent city per month. NAT'L COAL. FOR THE HOMELESS, TENT CITIES IN AMERICA: A PACIFIC COAST REPORT 22 (2010) [hereinafter TENT CITIES IN AMERICA].

might cost approximately \$30 to \$60 per person per month to operate, for example, while the average monthly cost of housing an individual in a homeless shelter, transitional housing, or permanent supportive housing is \$1,634 to \$2,308.⁵ Furthermore, certain tent cities can provide benefits—including community and a sense of security—that are less available on the street, or often even in homeless shelters. Though these benefits may not be consistently or simultaneously available in all tent cities, they can be found in certain manifestations of encampments throughout the United States.

Despite the benefits that can be associated with tent cities, local communities and government officials have frequently responded to the increasing prevalence and visibility of encampments with distaste and threats of eviction.⁶ Specifically, many local governments have expanded the use of traditional policies that criminalize homelessness, or have turned to health and safety codes to oppose local encampments.⁷ These government responses often undervalue the benefits offered by informal housing.

While acknowledging the serious drawbacks of tent cities and the need for more permanent solutions to homelessness, this paper argues that tent cities can, and should, fill a gaping hole in current government responses to homelessness. Rather than impede the resourcefulness reflected in tent cities, local governments and policy makers should facilitate, or at the very least allow, this innovation. Instead of evicting tent city residents, governments

5. See CITIZEN REVIEW PANEL ON HOUS. & SERVS. FOR SEATTLE'S UNSHELTERED HOMELESS POPULATION, RECOMMENDATIONS ON ENCAMPMENTS AND SEATTLE'S UNSHELTERED HOMELESS POPULATION 2 (final drft. Oct. 18, 2010) [hereinafter CITIZEN REVIEW PANEL], available at <http://mayormcginn.seattle.gov/wp-content/uploads/2010/10/Encampment-Recommendation-FINAL.pdf>; TENT CITIES IN AMERICA, *supra* note 4, at 18, 22; OFFICE OF POLICY DEV. & RESEARCH, U.S. DEP'T OF HOUS. AND URBAN DEV., COSTS ASSOCIATED WITH FIRST-TIME HOMELESSNESS FOR FAMILIES AND INDIVIDUALS, at ES-4, ES-7 (2010) [hereinafter HUD FIRST-TIME HOMELESSNESS]. Cost comparisons are discussed in greater detail in *infra* note 238.

6. This paper discusses only a fraction of the tent cities that have been moved and evicted throughout the country. For a few examples, see *California Eviction Notices Delivered in Tent City*, N.Y. TIMES, Apr. 14, 2009, at 15, for a discussion of the eviction of residents from a large tent city in Sacramento, California, and Michelle R. Smith, *Settlement Reached in Rhode Island Tent City*, SEATTLE TIMES, Aug. 14, 2009, http://seattletimes.nwsour.com/html/nationworld/2009664304_apustentcities.html, for a discussion of the eviction of a tent city in Rhode Island.

7. See, e.g., Stephen George, *Metro to Push Homeless Out of Temporary Tent City in Hickory Hollow*, THE CITY PAPER, June 1, 2010, <http://nashvillecitypaper.com/content/city-news/metro-push-homeless-out-temporary-tent-city-hickory-hollow>; *Agencies, Mayor Meet About 'Tent City'*, KCRA.COM (Mar. 13, 2009, 4:28 PM), <http://www.kcra.com/news/18927578/detail.html>; *Tent City Dismantled as Residents Face Arrest*, NEWS10/KXTV (Apr. 15, 2009, 1:02 PM), <http://www.news10.net/news/local/story.aspx?storyid=57844>; *Zoning Issue to Shut Down Tent City*, WKRN.COM (June 2, 2010, 3:50 PM), <http://www.wkrn.com/Global/story.asp?S=12584833>; see also NAT'L COAL. FOR THE HOMELESS & NAT'L LAW CTR. ON HOMELESSNESS & POVERTY, A DREAM DENIED: THE CRIMINALIZATION OF HOMELESSNESS IN U.S. CITIES (2006) (discussing examples of local ordinances that have been used to criminalize homelessness, constitutional challenges to these ordinances, and their application to homeless individuals and homeless encampments).

should change local ordinances, rezone certain lots for camping, and assist tent cities to attain living conditions that satisfy local health and safety codes. The current economic crisis, coupled with housing shortages and the inadequate reach of services for the homeless, emphasizes the urgency of considering tent cities in a holistic and analytical manner, and embracing tent cities as a temporary informal housing solution for the homeless.

This is not to say that local governments should rely solely, or even primarily, on the establishment of tent cities to combat the affordable housing crisis, or that they should neglect other efforts to house and service their homeless populations. However, so long as municipalities around the country remain unable to aid the homeless in attaining desirable or even habitable housing, it is unjust and dismissive to disregard the benefits offered by self-help solutions like tent cities. As Michael Stoops, director of community organizing at the National Coalition for the Homeless, explains, “[t]he argument against [tent cities] is that people need permanent homes and we should focus on low-income housing, but that takes years and in the meantime, homeless people have a right to set up their own societies.”⁸ These informal communities offer an alternative to life in shelters or on the streets, and serve as a valuable interim solution while governments continue to address the root problems that lead to homelessness.

Building on this introduction, Part I of this paper provides background on homelessness in the United States, reviews the research that has been produced regarding tent cities, and introduces tent cities in the context of the wide spectrum of informal housing that exists within the United States, with particular focus on *colonias*⁹ as a contrasting and instructive self-help model. Part II then discusses the many benefits that tent cities offer to their residents, including greater autonomy, self-governance, stability, and security. Part III considers several factors that constrain tent cities, including ethical dilemmas surrounding their development, community opposition to their establishment, and legal constraints in the form of housing codes, zoning restrictions, and local ordinances. Part IV then offers a contrast to these constraints on tent cities, examining several examples of innovative community and legal responses that have allowed for the survival, and often improvement, of tent cities. Part V outlines an initial proposal for local government actors, offering suggestions of how they might conceptualize and address tent cities within their borders. Finally, Part VI concludes that although tent cities should not be adopted as a permanent solution to housing shortages and homelessness, they should be

8. Claudia Rowe, *Tent City Residents Are Homeless on Their Own Terms*, SEATTLE POST-INTELLIGENCER, Dec. 11, 2004, http://www.seattlepi.com/local/203396_homeless11.html.

9. Colonias are a type of informal housing found in the U.S.-Mexico border region, which generally lack adequate potable water, sewage systems, and safe and sanitary housing. *Community Development Block Grant—Colonias*, U.S. DEP’T OF HOUS. AND URBAN DEV. (Nov. 29, 2010), <http://www.nls.gov/offices/cpd/communitydevelopment/programs/colonias/cdbgcolonias.cfm> [hereinafter HUD, *Colonias*].

accepted as an interim option that offers many benefits to local governments and the homeless alike.

I.

BACKGROUND

Although mentioned occasionally and briefly in literature on homelessness, very few studies have focused specifically on tent cities. Unfortunately, this leaves local governments with little information at their disposal with which to evaluate both the challenges and benefits associated with homeless encampments. Although such research is lacking, many large-scale studies of homelessness have been conducted and provide useful background related to encampments.

The Department of Housing and Urban Development (HUD), for example, has provided incredibly detailed data and analysis on both the state of homelessness in the United States¹⁰ and the costs associated with sheltering the homeless.¹¹ The National Coalition for the Homeless (NCH) has also contributed comprehensive studies to the literature on homelessness. In 2008, NCH produced a report analyzing the impact of the recent foreclosure crisis on homelessness, a unique study that complements the HUD reports.¹² Additionally, the NCH recently published what appears to be the first large-scale report on tent cities.¹³ Focusing on encampments in the Pacific Northwest, the report synthesizes information reported by various news sources throughout the country, and also includes insight based on local investigations and research.¹⁴ Perhaps the greatest value of the report is the implicit recognition that tent cities present an important policy issue that deserves greater attention than has previously been bestowed upon it. In addition to these large-scale reports, one subtopic of homeless encampments that has received limited academic attention is the interaction between the Religious Land Use and Institutionalized Persons Act and church sponsorship of tent cities.¹⁵ Though informative, examination of tent cities within this sub-topic is confined to their connection with local churches and religious organizations.¹⁶ Despite

10. See HUD 4TH ASSESSMENT REPORT, *supra* note 3.

11. See HUD FIRST-TIME HOMELESSNESS, *supra* note 5, at ES-4.

12. BOB ERLENBUSCH ET AL., NAT'L COAL. FOR THE HOMELESS, FORECLOSURE TO HOMELESSNESS: THE FORGOTTEN VICTIMS OF THE SUBPRIME CRISIS, A NATIONAL CALL TO ACTION (2008) [hereinafter FORECLOSURE TO HOMELESSNESS], available at http://www.nationalhomeless.org/publications/foreclosure/foreclosure_report.pdf.

13. TENT CITIES IN AMERICA, *supra* note 4.

14. *Id.*

15. See Daniel Dalton, *The Religious Land Use and Institutionalized Persons Act Update*, 40 URB. LAW. 603, 618 (2008); Shelley Ross Saxer, *When Religion Becomes a Nuisance: Balancing Land Use and Religious Freedom When Activities of Religious Institutions Bring Outsiders into the Neighborhood*, 84 KY. L.J. 507-09, 512 (1995).

16. See, e.g., Dalton, *supra* note 15, at 618; see also Jordan Talge, *Constitutional Limitations on Washington's Homeless Encampment Ordinances*, 85 WASH. L. REV. 781 (2010)

the tremendous value of existing research, these reports and articles leave considerable space for further analysis of the law and policy associated with homeless encampments in the United States.

Alternative types of informal housing have received slightly greater academic attention than tent cities. For example, there has been considerable academic debate on the use of titling policies to address shanties and slums in developing countries,¹⁷ and of colonias on the U.S.-Mexico border.¹⁸ Although literature on these related topics provides helpful background and policy analysis related to informal housing generally, it cannot substitute for examination of domestic homeless encampments.

In the absence of focused research on tent cities, this paper takes a multi-pronged approach to examining the topic. Local news sources have provided the most far-reaching information regarding encampments, reporting frequently on the development of new tent cities, local efforts to either support or dissolve encampments, and the views and opinions of tent city residents. Information produced directly by tent city residents and sponsoring organizations offers another invaluable perspective on tent cities. Additionally, city codes and ordinances offer another vantage point from which to evaluate tent cities and provide context for the legal environment in which encampments develop. Finally, nationwide studies on homelessness, as well as research on other forms of informal housing such as colonias, offer additional insight into affordable housing shortages and homelessness in the United States.

Because tent cities have existed in the United States for decades and appear to have increased in size and prevalence since the start of the economic crisis,¹⁹ it seems reasonable to assume that they will not disappear in the near

(examining municipal homeless encampment regulations with respect to the sometimes conflicting right of free exercise and local police power).

17. See, e.g., Erica Field, *Property Rights, Community Public Goods, and Household Time Allocation in Urban Squatter Communities: Evidence from Peru*, 45 WM. & MARY L. REV. 837 (2004) (examining the impact of titling systems on informal communities); Sheila R. Foster, *Urban Informality as a Commons Dilemma*, 40 U. MIAMI INTER-AM. L. REV. 261 (2009) (discussing informal housing in Latin America); Carmen G. Gonzalez, *Squatters, Pirates and Entrepreneurs: Is Informality the Solution to the Urban Housing Crisis?*, 40 U. MIAMI INTER-AM. L. REV. 239 (2009) (arguing for more affirmative government action in the realm of informal housing).

18. See, e.g., Richard Delgado, *Rodrigo's Twelfth Chronicle: The Problem of the Shanty*, 85 GEO. L.J. 667 (challenging Larson's acceptance of colonias as a reasonable housing solution); Jane E. Larson, *Free Markets Deep in the Heart of Texas*, 84 GEO. L.J. 179 (1995) [hereinafter Larson, *Free Markets*]; Jane E. Larson, *Informality, Illegality, and Inequality*, 20 YALE L. & POL'Y REV. 137 (2002) [hereinafter Larson, *Informality*] (discussing colonias within Texas).

19. See TENT CITIES IN AMERICA, *supra* note 4 (noting the comparison between Hoovervilles and Tent City, as well as the recent growth of tent cities in America); Ben Ehrenreich, *Tales of Tent City*, THE NATION, June 22, 2009, <http://www.thenation.com/article/tales-tent-city> (describing tent cities as "a periodic but permanent feature of American urban life for at least the past two decades"); "Tent Cities" of Homeless on the Rise Across the US, TELEGRAPH, Sept. 19, 2008, <http://www.telegraph.co.uk/news/worldnews/northamerica/usa/2991742/Tent-cities-of-homeless-on-the-rise-across-the-US.html> [hereinafter "Tent Cities" of

future.²⁰ As such, the gap in research and analysis of the legal, economic and social contexts surrounding tent cities is startling. It leaves local government actors largely empty handed as they consider various policy options and, as a result, it may deny encampment residents the careful contemplation, consideration, and attention that they deserve. By focusing on the need for better policy solutions to address tent cities, this paper aims to draw greater attention to the complicated framework in which tent cities exist.

A. Economic Crisis and Homelessness

National data, though not determinative, suggests a link between the recent economic downturn and an increase in the homeless population. Consider the following numbers from HUD: on any given day in January 2008, an average of 614,414 individuals in the United States were homeless, 42 percent of whom were unsheltered;²¹ in total, between October 1, 2007 and September 30, 2008, 1.6 million people found themselves in a homeless shelter for some period of time.²²

HUD also estimated that in spite of the economic crisis, the total number of homeless individuals declined from 2007 to 2008, though the decrease was smaller than that seen between 2006 and 2007.²³ Because these statistics are current only through September 2008, at which point the economic crisis was still accelerating, it is likely that they do not fully reflect the changing demographics and numbers of the homeless.²⁴ Additional reports have estimated that the rate of homelessness has increased since the economic crisis began in 2007.²⁵ For example a report by the National Coalition for the Homeless (NCH) noted that 61 percent of state and local homeless coalitions reported an increase in homelessness in their region since the foreclosure crisis began.²⁶

The economic and housing crises also seem to have altered the demographics of the homeless. Between 2007 and 2008, the number of

Homeless]; see also *infra* Part I.A–B.

20. See Katherine Barrett Wiik, *Justice for America's Homeless Children: Cultivating a Child's Right to Shelter in the United States*, 35 WM. MITCHELL L. REV. 875, 878 (2009).

21. HUD 4TH ASSESSMENT REPORT, *supra* note 3, at 8.

22. *Id.* at 3. This is a more conservative estimate of homelessness, and does not include those individuals who were staying with friends or family, or those who were “living paycheck-to-paycheck and in danger of losing their housing at any point.” Eric S. Tars & Caitlin Egleson, *Great Scot!: The Scottish Plan to End Homelessness and Lessons for the Housing Rights Movement in the United States*, 16 GEO. J. POVERTY LAW & POL’Y 187, 187 (2009). Including both the literal homeless, and those facing immediate threats of homelessness, approximately 3.5 million people may be counted among the homeless on an average year in the United States. *Id.*

23. *Id.* at 9.

24. HUD 4TH ASSESSMENT REPORT, *supra* note 3, at 5, 75.

25. FORECLOSURE TO HOMELESSNESS, *supra* note 12, at 5.

26. *Id.*; see also Tars & Egleson, *supra* note 22, at 187–88 (noting that the foreclosure crisis has impacted both homeowners and renters and caused homelessness for both groups—homeowners lose their homes and life savings, either of which can lead to homelessness, and renters face evictions, another immediate cause of homelessness).

homeless individuals entering a shelter or transitional housing who reported that they had been homeless prior to entering the shelter decreased.²⁷ Similarly, the number of individuals who reported that they had just recently lost their housing and that they were new to the shelter system increased.²⁸ As the 2008 HUD report noted:

[p]eople who lost their housing because they could no longer pay for it or because a rental unit was foreclosed may have first stayed with friends or family, but then turned to the homeless services system after wearing out their welcome or tiring of the situation. These changes may be early signs of the impact of the economic downturn on homelessness.²⁹

Furthermore, during the same one-year period between 2007 and 2008, the number of homeless families (rather than individuals) increased.³⁰ In fact, 38 percent of all homeless people were living as part of a family during this time period.³¹ Moreover, the number of sheltered homeless individuals in suburban and rural areas increased by 9 percent between 2007 and 2008.³²

B. Homelessness and Tent Cities

Within the United States, there remains a large gap between the number of homeless individuals and the availability and desirability of homeless shelters—a gap that has likely grown as a result of the recent economic crisis. Between 2007 and 2008, the peak bed capacity for homeless individuals in the United States was 473,838.³³ This estimate aggregates the available beds in both emergency shelters and transitional housing programs.³⁴ Over 90 percent of emergency shelter beds and 83 percent of transitional housing beds were occupied on average.³⁵ An additional 196,000 beds were available in permanent supportive housing.³⁶ Though invaluable, permanent supportive housing serves a fairly specific population, namely formerly homeless individuals with disabilities.³⁷ The total bed capacity for homeless persons is thus far below the number of homeless individuals nationally.³⁸ Furthermore, distribution of beds throughout the country, and between rural, urban, and suburban areas,

27. FORECLOSURE TO HOMELESSNESS, *supra* note 12, at 47.

28. *Id.*

29. *Id.* at 48.

30. HUD 4TH ASSESSMENT REPORT, *supra* note 3, at iv, 43.

31. *Id.* at 34.

32. *Id.* at 75. The increase in homelessness in suburban and rural areas is linked to the increase in homelessness among families. *Id.* at 57. Both trends are likely related to the recent economic recession. *Id.*

33. *Id.* at 62, 73.

34. *Id.* at 62, 73.

35. HUD 4TH ASSESSMENT REPORT, *supra* note 3, at 66, 68.

36. *Id.* at 61.

37. *Id.* at 60.

38. *See supra* Part I.A.

ultimately influences the capacity of homeless individuals to take shelter on any given night.³⁹ The lack of traditional shelters forces many homeless individuals to seek alternative options, including tent cities.

Tent cities can range in size from just a few individuals to several hundred, all of whom live in a community with one another, and find shelter under tents, tarps, and other makeshift housing materials.⁴⁰ These encampments have gained increasing attention as they have grown in size and materialized throughout the country.⁴¹ The specific circumstances surrounding tent cities can vary widely. They are located on vacant lots, beneath freeway underpasses, in wooded areas, in church parking lots, in public parks, and on other public and private lands.⁴² Some are unauthorized and survive with little support from the local community, while others receive considerable support from local governments, nonprofits, and church groups.⁴³ For the purposes of this paper, the focus is on those tent cities that have attained a certain level of permanence and have grown beyond the size of a few individuals. It is in these more established tent cities that the benefits of communal living can be most clearly seen, though it is also often the case that these larger encampments exhibit many of the drawbacks and difficulties associated with informal housing.

C. Informal Housing in the United States

Self-help housing is not a new phenomenon within the United States, nor do tent cities represent the only current-day example of housing informality. Examples of informal housing, which tend to reflect a lack of sufficient and adequate affordable housing options, include the Hoovervilles that developed during the Great Depression, migrant farm worker camps in California during the early twentieth century, and colonias in present-day Southern Texas.⁴⁴

39. *Id.* at 63–66.

40. *See* TENT CITIES IN AMERICA, *supra* note 4 (describing the tents and other building materials used in several homeless encampments, as well as the estimated numbers of residents).

41. *See, e.g.*, Ehrenreich, *supra* note 19; “*Tent Cities*” of Homeless, *supra* note 19.

42. *See* Meghan E. Irons, *Tent City Raises Issues About Use of Public Park*, BOS. GLOBE, Oct. 8, 2009, http://www.boston.com/news/local/massachusetts/articles/2009/10/08/cambridge_tent_city_raises_issues_over_use_of_public_park; Jennifer Levitz, *Cities Tolerate Homeless Camps*, WALL ST. J., Aug. 11, 2009, <http://online.wsj.com/article/SB124994409537920819.html>; Shannon Moriarty, *More Tent Cities Popping Up Around the U.S.*, CHANGE.ORG (Apr. 26, 2009), http://homelessness.change.org/blog/view/more_tent_cities_popping_up_around_the_us (discussing a homeless encampment in a wooded area).

43. For example, Tranquility City in Chicago, Illinois, worked with multiple nonprofit organizations—including the Mad Housers of Atlanta and the Chicago Coalition for the Homeless—as well as with local schools, churches, and other advocacy organizations. MICHAEL P. SMITH, *MARGINAL SPACES* 39 (1995).

44. *See* Brian Q. Cannon, “*Keep on A-Go’in*”: *Life and Social Interaction in a New Deal Farm Labor Camp*, 70 *AGRIC. HIST.* 1 (1996) (discussing migrant worker camps in California in the first half of the twentieth century); Ehrenreich, *supra* note 19 (mentioning the common comparison made between tent cities and Hoovervilles); Larson, *Informality*, *supra* note 18 (discussing colonias in Texas).

Among these and other examples of self-help housing, there exists a spectrum of informality, ranging from the most informal housing solutions to those that are the most well-established. Tent cities can be placed toward the middle of this spectrum. Encampment residents can experience a level of stability and permanence greater than that of the individual homeless, but their living structures are generally make-shift, and their communities are frequently forced to either relocate or disband. At the most established end of the spectrum are colonias and similar “unincorporated urban areas” throughout the country.⁴⁵ Colonias have sparked a relatively extensive academic debate on informal housing, offering insight into many of the advantages and disadvantages shared with tent cities.

The Department of Housing and Urban Development defines colonias as “any identifiable community in the U.S.-Mexico border regions . . . that is determined to be a colonia on the basis of objective criteria, including lack of potable water supply, inadequate sewage systems, and a shortage of decent, safe and sanitary housing.”⁴⁶ These communities, found largely in Southern Texas and Arizona, generally develop without regulation on purchased or leased land.⁴⁷ As in tent cities, colonia residents construct their homes themselves, and housing generally takes a “nonstandard form” in comparison to typical homes within the United States.⁴⁸ Although the scale and permanence of colonias are much greater than those of tent cities, both informal housing solutions have “emerged as a strategy for economic survival within the United States.”⁴⁹ Specifically, as Jane Larson explains in her article *Informality, Illegality, and Inequality*, colonias have evolved and grown largely as a result of insufficient social services, declining wages, and decreasing provision of affordable housing.⁵⁰

A significant distinction between colonias and tent cities is the legal circumstances under which they have developed. Most colonias were initially established when it was still legal to sell and purchase rural land for residential purposes, even when such land lacked access to public services or provision of basic infrastructure.⁵¹ Although there are now some infrastructure requirements, there are no zoning laws, nor housing or building codes, in the unincorporated areas on which colonias have developed.⁵² As a result, local

45. For a discussion of “unincorporated urban areas” see Michelle Anderson, *Cities Inside Out: Race, Poverty, and Exclusion at the Urban Fringe*, 55 UCLA L. REV. 1095 (2008).

46. HUD, *Colonias*, *supra* note 9.

47. *Id.* at 145. In Texas alone, there are an estimated 2,333 colonias, with a total of approximately 400,000 residents. COLONIA INITIATIVES PROGRAM, OFFICE OF TEX. SEC’Y OF STATE, TRACKING THE PROGRESS OF STATE-FUNDED PROJECTS THAT BENEFIT COLONIAS, 13 (2006).

48. HUD, *Colonias*, *supra* note 9, at 141.

49. Larson, *Informality*, *supra* note 18, at 142 (discussing colonias in Texas).

50. *Id.*

51. *Id.* at 140.

52. Larson, *Free Markets*, *supra* note 18, at 182.

government actors have few regulatory tools with which to prohibit the development of these informal housing settlements on private land.⁵³ Another difference, mentioned above, is that a majority of colonias are located on purchased land.⁵⁴ Developers sell this land at affordable prices to low-income families,⁵⁵ though purchases are not without problems, and fraud, abuse, and predatory lending are fairly common within the market.⁵⁶

In contrast, tent cities have more frequently developed within, rather than outside, municipalities and, therefore, local governments can exert more control over their development. This paper does not advocate that local governments utilize municipal codes to over-regulate tent cities, such that they cannot develop at all, nor that they permit unlimited development, as is often seen in colonias. Rather, there is a strong argument to be made that local governments use the proximity of tent cities in order to improve their conditions, provide assistance to residents, and foster an environment in which tent cities are a temporary stepping-stone for residents towards more permanent housing solutions.

Another significant and informative difference between colonias and many tent cities is the permanence of the structures. Though some tent cities, such as Dignity Village, a city government-recognized encampment in Portland, Oregon, have evolved into more permanent dwellings, and other tent cities have been developed using old cars, trailers, and other structures,⁵⁷ many homeless encampments are less structurally permanent, consisting of actual tents and less secure building materials. In comparison, colonia residents build fairly permanent homes over time, as resources become available.⁵⁸ Though building materials frequently remain sub-standard, many families eventually live in housing structures that are much more stable than those found in the majority of tent cities.⁵⁹ Local governments, in contemplating tent city development, might work to improve the safety of structures and the comfort of life for tent city residents. However, the impermanence of the structures is not always a negative factor, especially where tent cities are used as an interim solution and local governments are working to improve affordable housing options within their jurisdictions.

53. *Id.* at 193, 198. County governments are particularly constrained in Texas because they are unable to enact local ordinances and can only exercise regulatory powers delegated directly to them by the state government. *Id.* at 198–99.

54. Larson, *Informality*, *supra* note 18, at 145; *see also* Larson, *Free Markets*, *supra* note 18, at 193–94 (noting the misleading and often predatory tactics utilized by colonia developers to encourage the purchase of land).

55. Larson, *Free Markets*, *supra* note 18, at 185.

56. *Id.* at 193–95.

57. *See* GWENDOLYN A. DORDICK, SOMETHING TO LOSE: PERSONAL RELATIONS AND SURVIVAL AMONG NEW YORK'S HOMELESS (1997); Deborah N. Kaplan, *Dispatches from the Street*, 1 J. INT'L & INTERCULTURAL COMM. 269, 280 (2008).

58. Larson, *Free Markets*, *supra* note 18, at 192; Larson, *Informality*, *supra* note 18, at 145–46.

59. *See* Larson, *Informality*, *supra* note 18, at 145–46.

Perhaps the most significant comparison for the purpose of evaluating tent cities can be drawn from the lack of infrastructure and resulting widespread health hazards in colonias. Colonias frequently lack access to potable water and sewer systems, paved roads, and electricity.⁶⁰ Residents have, in most cases, developed their own sewage systems, a practice that has resulted in untreated human waste and ultimately the contamination of ground water.⁶¹ As a result, individuals frequently develop health problems from drinking the water, or even simply from bathing in it.⁶² The health implications can be serious, including diarrhea, vomiting, skin rashes, and yeast infections.⁶³ Residents of some colonias also experience increased rates of insect bites, hepatitis A, and tuberculosis.⁶⁴

State and local actors have in many cases stepped in to affirmatively address these health and sanitation issues. For example, in Texas, the Office of Rural Community Affairs, the Department of Transportation, the Water Development Board, and the Department of Housing and Community Affairs have all developed programs in recent years to assist colonia residents, both to address health and safety concerns, as well as to improve the overall stability and quality of life for residents.⁶⁵ Programs have included funding for clean water supplies and wastewater services; provision of technical assistance and infrastructure improvements to residents; assistance in converting “contract for deeds” on land and housing purchases into traditional mortgages; improvement of roadways; and transportation for those with jobs, or those seeking employment.⁶⁶ Additionally, in the 1990s El Paso County began to use traditional regulatory powers to require colonia developers to provide basic infrastructure to newly developing colonias.⁶⁷

Just as colonias have had to address substandard health, sanitation and safety conditions, local government actors have expressed concern about conditions within tent cities as they contemplate the suitability of encampments as a temporary housing solution. In fact, sanitation has been a motivation for the closure of several tent cities, such as a large encampment in Sacramento.⁶⁸ Sanitation concerns have also led to the formal regulation of certain encampments, such as many of those in Washington State, which are required to partner with host agencies and sponsoring organizations, as well as maintain

60. *What is a Colonia?*, TEX. SEC'Y OF STATE, http://www.sos.state.tx.us/border/colonias/what_colonia.shtml (last visited May 6, 2011).

61. See Larson, *Free Markets*, *supra* note 18, at 187–88.

62. *Id.*

63. *Id.* at 189.

64. *Id.* at 189–90.

65. LEGISLATIVE BUDGET BD., STATE OF TEX., COLONIAS PRIMER 1 (2009).

66. *Id.* at 1–2.

67. Larson, *Free Markets*, *supra* note 18, at 199–201.

68. See, e.g., Katharine Q. Seelye, *Sacramento and Its Riverside Tent City*, N.Y. TIMES (Mar. 11, 2009, 6:22 PM), <http://thelede.blogs.nytimes.com/2009/03/11/tent-city-report> (discussing concerns about unsanitary conditions and outbreaks of diseases in the Sacramento tent city).

access to clean water and proper sewage disposal systems.⁶⁹ Sanitary and health issues can present a serious danger to tent city residents, and act as a constraint on local acceptance or sanction of encampments. Any local government must contend with these issues in the development of municipal policy regarding tent cities in order to minimize or avoid the health problems found in colonias.

II.

BENEFITS DERIVED FROM TENT CITIES

Tent cities provide a number of benefits to homeless individuals that are absent in homeless shelters or life on the streets. Specifically, encampments can provide residents with community, potential for self-governance, security, stability, and increased self-reliance and autonomy. As Michael P. Smith explains in reference to his study of a tent city in Portland, Oregon, “[w]hat squatters gain from the self-organization of encampments and why encampments are ‘chosen’ as opposed to shelters are questions that speak to the desire for community, autonomy, and privacy.”⁷⁰

A. Community and Autonomy

Several of the benefits associated with tent cities can be considered within the concept of community. Often, tent cities are considered more for the impact they will have on nearby residential communities, rather than for the community generated within their bounds. However, it is precisely this second concept of community that is so valuable to tent city residents and that stands in stark contrast to the isolation of life as an individual on the streets.⁷¹ Tent city residents gain neighbors and friends when they join an encampment. A resident of a tent city in Rhode Island underscored this benefit, describing his tent city as a “family” and expressing contentment about living as part of the group.⁷²

69. See, e.g., OLYMPIA MUN. CODE §§18.50.000–.060 (2010), available at <http://www.codepublishing.com/wa/olympia>; SPOKANE MUN. CODE §10.08C (2010), available at <http://www.spokanecity.org/services/documents/smc/?Chapter=10.08C>; WOODINVILLE, WASH., ORDINANCE No. 369 (2004), available at <http://www.ci.woodinville.wa.us/Documents/CityHall/Ordinances/Ordinance 369.pdf>.

70. SMITH, MARGINAL SPACES, *supra* note 43, at 38. The experience of Tranquility City, on which Smith bases his study, is fairly unique among tent cities because it was a pre-planned effort to bring attention to the problem of homelessness. *Id.* at 41–43. However, Tranquility City has been studied to a greater extent than most tent cities, and the sense of community experienced among its residents is suggestive of the community found in other tent cities around the country.

71. Erik Sten, City Commissioner for Portland, Oregon, has commented on this benefit of tent cities, noting that Dignity Village in Portland “gives hope, a sense of self-worth and community to people who come there from complete isolation on the streets.” See *Testimonials*, TENT CITIES TOOL KIT, <http://www.tentcitystoolkit.org/page5/page6/page6.html> (last visited May 6, 2009).

72. Michelle R. Smith, *Tent City Residents on the Move Again*, TURNTO10.COM (Sept. 5, 2009), http://www2.turnto10.com/news/2009/sep/05/tent_city_residents_moving_again_this_summer-ar-55679.

In contrast to most homeless shelters, tent cities also provide residents the opportunity to live with partners. Living with a partner can be very difficult within the shelter system, as shelters generally segregate men from women unless a couple has children, in which case they are housed as a family.⁷³ One homeless encampment in Ventura, California, was created in part as a direct response to the rules against couples and pets that exist in many homeless shelters.⁷⁴ A resident of another tent city emphasized this advantage when speaking with reporters, high-lighting the ability to live with his girlfriend, from whom he would have had to separate every evening within the shelter system.⁷⁵

The experience of this Rhode Island couple is emblematic of another benefit offered by tent cities: they provide for greater autonomy than do shelters. This element of autonomy allows residents a measure of independence unavailable within the shelter system, beyond even the benefit of living as a couple. In explaining the value of autonomy, one resident of a tent city in Oregon described the shelter system as an “oppressive, depressive, repressive environment.”⁷⁶ Another couple, living in a tent city named Nickelsville, in Washington, noted that in shelters there were mandatory wake up times and bed times, as well as specifically allotted shower hours and several other restrictive rules.⁷⁷ Though Nickelsville has restrictions on conduct, such as those against drug and alcohol use, the extent of freedom and autonomy is much greater than that offered within the shelter system.⁷⁸ In another community in Arizona, members of the encampment have expressed a deep sense of self-reliance and individualism, and a strong distaste for reliance on government institutions.⁷⁹ These varied expressions of independence represent a central benefit of tent cities to those who live in them.

The combination of community and autonomy can also foster increased political mobilization and participation. In Nickelsville, for example, residents have written letters to city and state government leaders, advocating for their right to establish a permanent homeless encampment.⁸⁰ Similarly, other encampments have engaged with the public, government, and other tent cities

73. For examples of the shelter options available to the homeless, see *Shelters and Emergency Housing: Nevada*, U.S. DEP'T OF HOUS. & URBAN DEV., <http://www.hud.gov/local/nv/homeless/shelters.cfm> (last visited May 6, 2011), and *Shelters and Emergency Housing: Colorado*, U.S. DEP'T OF HOUS. & URBAN DEV., <http://www.hud.gov/local/co/homeless/shelters.cfm> (last visited May 6, 2011); for the definition of family within the shelter system, see HUD 4TH ASSESSMENT REPORT, *supra* note 3, at 3.

74. TENT CITIES IN AMERICA, *supra* note 4, at 60.

75. Smith, *supra* note 72.

76. Sam Howe Verhovek, *In Oregon, a City Provides Public Land for Homeless*, N.Y. TIMES, Sept. 10, 2001, <http://www.nytimes.com/2001/09/10/us/in-oregon-a-city-provides-public-land-for-homeless.html>.

77. Rick Horvath, *Real Stories: Meet Bruce and Donna*, CHANGE.ORG (June 2, 2009), http://homelessness.change.org/blog/view/real_stories_meet_bruce_and_donna.

78. *Id.*

79. Kaplan, *supra* note 57, at 284.

80. TENT CITIES IN AMERICA, *supra* note 4, at 28.

through use of wikis and websites.⁸¹ These examples illustrate the organizational and political benefits that can also attach to tent cities.

B. Self-Governance in Tent Cities

The sense of autonomy that many residents feel in encampments does not mean that tent cities lack rules. Rather, in many tent cities residents have created participatory systems of self-governance that allow individuals to shape the contours of their own community.

For example, a tent city in Providence, Rhode Island, named Camp Runamuck gained national attention for innovations such as a written compact, a strong prohibition on fighting, and a requirement that everyone share in the labor of the camp.⁸² The compact also stated that “[n]o one person shall be greater than the will of the whole.”⁸³ In conjunction with this ultimate limitation on power, the camp vested leadership in a “chief”—one of the founding members of the encampment—and a five-member leadership council.⁸⁴

Camp Quixote in Olympia, Washington, provides another example of self-governance, as residents have developed both a set of rules and a code of conduct. Camp Quixote is a unique camp, hosted on a rotating basis by churches within Olympia. One of the hosting churches reproduced the camp rules on its website, providing a detailed account of government structure.⁸⁵ Camp decisions are made by a majority vote of all citizens during open meetings. The camp also designates a rotating group of three moderators, each of whom serve three week terms, and who are “to liaison with the community and the camp,” “be the spokespeople for the camp,” keep order in the camp, and call special meetings.⁸⁶

The rules, written by the camp residents, prohibit alcohol and drugs, violence, bullying, and theft, among other things.⁸⁷ They also provide against leaving the camp for more than seven days without informing the camp; require all citizens to participate in the life of the camp (including six hours of camp

81. See, e.g., DIGNITY VILLAGE, <http://www.dignityvillage.org> (last visited Feb. 21, 2011) (Editor’s note: At the time of publication, the Dignity Village website was offline. Archived copies of the referenced site are on file with the California Law Review and older versions are available at http://wayback.archive.org/web/*/dignityvillage.org); *Tent City Section Intro*, THE INT’L HOMELESS FORUM (Oct. 8, 2009, 11:06 PM), <http://www.homelessforums.org/showthread.php?t=4492> (an online forum created to facilitate communication and assistance between different tent cities throughout the United States).

82. Nicole Bengiveno, *Living in Tents, and by the Rules, Under a Bridge*, N.Y. TIMES, July 30, 2009, <http://www.nytimes.com/2009/07/31/us/31land.html>.

83. *Id.*

84. *Id.*

85. *Camp Quixote Rules*, reprinted in A Statement from Faith Community Leaders in Thurston County 10 (June 21, 2008), available at http://www.theunitedchurches.org/host_orientation_document_06-21-08.web.pdf.

86. *Id.*

87. *Id.*; see *Quixote Village*, CAMP QUIXOTE, <http://quixotevillage.com/quixote-village> (last visited May 6, 2011).

service per week); require citizens to keep the camp clean; prohibit dogs other than service dogs; hold all citizens responsible for maintaining camp safety (including mandatory shifts at the security table at the camp entrance); require cooking in compliance with health codes and rules of the host church; and require treating “all community people courteously.”⁸⁸ Furthermore, there are strict rules for admitting new residents to the camp, waiting-list protocols, admission of visitors, and admission of overnight guests.⁸⁹ The camp rules are taken seriously, and state explicitly that if the rules are broken “the offender MUST be evicted for at least 30 days or permanently.”⁹⁰ Furthermore, the procedures for charges and expulsion have been formalized: all charges “must be brought by 3 citizens with substantial evidence,” and eviction must be decided by “the moderators or at a specially called meeting.”⁹¹

Upon admittance to the camp, all new Camp Quixote residents are required to sign a Code of Conduct acknowledging the rules of the camp, which camp residents both write and enforce.⁹² The Code also indirectly acknowledges the sometimes tenuous relationship of the camp with surrounding neighborhoods by prohibiting “trespassing or loitering on private property” surrounding the camp.⁹³ The Code of Conduct is location specific, and thus may vary depending on the hosting church.

A similar example of self-governance is found in Dignity Village in Portland, Oregon. Initially founded by eight homeless individuals in December 2000,⁹⁴ Dignity Village has grown considerably, both physically and organizationally, over the past nine years. It is considerably more developed than most tent cities, and it now consists primarily of “eco-friendly temporary living structures” that are built of recycled and donated materials.⁹⁵ In line with this higher level of construction and permanence, its organizational structure is very well developed.⁹⁶ It is now an officially incorporated nonprofit—Dignity

88. *Id.* at 10-11.

89. *Camp Quixote Rules*, *supra* note 85, at 11.

90. *Id.* at 10.

91. *Id.*

92. *Camp Quixote Code of Conduct*, reprinted in A Statement from Faith Community Leaders in Thurston County, *supra* note 85, at 12.

93. *Id.*

94. *News, on December 16, of the Year 2000*, DIGNITY VILLAGE, http://www.dignityvillage.org/content/index.php?option=com_content&task=view&id=1&Itemid=2 (last visited Nov. 26, 2009) (website offline, *see* Editor’s Note *supra* note 81).

95. *Builders Report, First Report!*, DIGNITY VILLAGE, http://www.dignityvillage.org/content/index.php?option=com_content&task=view&id=23&Itemid=2 (last visited Nov. 27, 2009) (website offline, *see* Editor’s Note *supra* note 81). Although Dignity Village began as a mobile tent city, its high level of development now sets it apart from encampments across the country, and suggests that it should no longer be considered a tent city or homeless encampment. TENT CITIES IN AMERICA, *supra* note 4, at 17. Nonetheless, the Village has come to represent an extremely organized community that began as a modest tent city, and might serve as a model for encampments throughout the United States. *See id.*

96. Dignity Village’s website testifies to the community’s formal organization and high level of development. For more information regarding the bylaws, rules, history, or construction

Village, Inc.⁹⁷—and has developed detailed bylaws pertaining to purpose, membership, and leadership.

The Village government structure is also highly developed. Dignity Village has an administrative branch, comprised of a Council, Chairperson, Vice Chairperson, and other council members. The entire membership of Dignity Village comprises the legislative branch, and this branch must approve all new laws, rules, or contracts. The Village is also working to establish a judicial branch, but at the moment the Council (administrative branch) is filling the judicial role as well. Finally, the Village has five primary rules: “No violence to yourself or others. No theft. No alcohol, illegal drugs or drug paraphernalia on the property or within a one-block area. No continuous disruptive behavior. You must contribute to the maintenance and operation of the village.”⁹⁸

The highly developed government structures of these tent cities suggest the considerable self-reliance, determination, and capability of most tent city residents. This self-governance also shows the strong desire of many homeless individuals to create a stable, secure, and long-lasting community in which to live, and a high level of motivation to succeed.

C. Attention, Advocacy, and Assistance

Tent cities can also put a spotlight on the lack of affordable housing and challenges faced by the homeless in the United States. This increased attention has been especially evident since the beginning of the recession, when tent cities became a symbol of hardship and poverty throughout the nation.⁹⁹ Although this attention may not always be positive, and could conceivably compound challenges faced by tent city residents, it can also bring benefits.

For example, the media attention given to the large tent city in Sacramento spurred concrete proposals by the local government to address the lack of affordable housing and shelter in the city.¹⁰⁰ It also appeared to spur the “SafeGround” movement, through which tent city residents and homeless advocates came together to lobby the Sacramento government for a city-sanctioned encampment.¹⁰¹ The Nickelsville tent city in Seattle, Washington, also suggests a link between media attention and increased political support.

of the Village, see DIGNITY VILLAGE, <http://www.dignityvillage.org/content/> (last visited Nov. 27, 2009) (website offline, see Editor’s Note *supra* note 81).

97. *Articles of Incorporation*, DIGNITY VILLAGE, http://www.dignityvillage.org/content/index.php?option=com_content&task=view&id=35 (last visited Nov. 27, 2009) (website offline, see Editor’s Note *supra* note 81).

98. *Who We Are*, DIGNITY VILLAGE, http://www.dignityvillage.org/content/index.php?option=com_content&task=view&id=18&Itemid=28 (last visited Nov. 27, 2009) (website offline, see Editor’s Note *supra* note 81).

99. See TENT CITIES IN AMERICA, *supra* note 4, at 42.

100. *Id.* at 37.

101. *Id.* at 37, 39.

Nickelsville residents have been very vocal about establishing a permanent tent city, as well as resistant to continued relocations.¹⁰² This resistance and activism, in turn, garnered considerable media attention.¹⁰³ Ultimately, it appears that this media coverage caught the attention of local politicians, including the governor, who has recently announced the selection of a permanent location for the Nickelsville encampment in a former peanut butter factory.¹⁰⁴ In another example, a local resident of Providence, Rhode Island, offered tent city residents the use of his private property after learning of the camp's eviction from a previous location on city property.¹⁰⁵

Apart from media attention and political outreach, the public-nature, density, and tangibility of homeless encampments also foster advocacy and volunteerism in a manner distinct from homeless populations living in shelters and on the streets.¹⁰⁶ Because the homeless population in a tent city is congregated in one place, outreach and assistance are more easily organized and condensed.¹⁰⁷ Furthermore, where tent cities are located near a church or a homeless advocacy nonprofit, the proximity facilitates the convenient provision of meals and other services.¹⁰⁸

D. Stability and Security

In addition to the sense of community and autonomy, the ability for self-governance, and the potential for increased advocacy and assistance, tent cities offer several related benefits. First, they provide a sense of permanence and stability often unavailable either on the street or in the shelter system. On the street, homeless individuals may struggle by themselves, and are sometimes forced to move from place to place because they are subjected to anti-camping ordinances, vagrancy laws, and other statutes criminalizing homelessness.¹⁰⁹ In the shelter system, homeless individuals often cannot leave their belongings during the day, and thus must pack up and move everything when they leave in

102. *Id.* at 26–28.

103. *Id.* at 28.

104. *See id.* at 27–28 (discussing communication between the camp and the Governor's office, and the large media attention the camp received); Steve Shay, *Mayor Chooses Permanent Nickelsville Site in SODO, Not West Seattle*, W. SEATTLE HERALD, Nov. 9, 2010, <http://www.westseattleherald.com/2010/11/09/news/mayor-chooses-permanent-nickelsville-site-sodo-no>.

105. Smith, *supra* note 72.

106. *See* TENT CITIES IN AMERICA, *supra* note 4, at 16–17.

107. *See id.*

108. *See id.* at 23, 40–41 (discussing the provision of meals to tent city residents in Tent Cities 3 and 4, as well as the proximity of the Sacramento tent city to Loaves and Fishes, a homeless service organization that provides services to encampment residents).

109. *See* Jamie Michael Charles, Note, “America’s Lost Cause”: *The Unconstitutionality of Criminalizing Our Country’s Homeless Population*, 18 B.U. PUB. INT. L.J. 315 (2009); Robert C. McConkey III, Comment, “Camping Ordinances” and the Homeless: *Constitutional and Moral Issues Raised by Ordinances Prohibiting Sleeping in Public Areas*, 26 CUMB. L. REV. 633 (1996).

the morning, only to return again later that evening.¹¹⁰ Neither of these options lends itself to a sense of permanence or stability.

Although many tent cities often lack complete stability (especially those that are not officially sanctioned, or are not housed on church property), the community environment and potential for longer-term stability are often perceived as significant benefits for residents. For example, one reporter who wrote a story on Tent City 4 in Washington found that many of the residents she interviewed “found more stability in a tent than in traipsing into the shelters each night.”¹¹¹ Many also said the collective nature of tent cities had increased their quality of life.¹¹² Another couple, living in a tent city outside of Seattle, described a sense of permanence in their situation, despite the fact that the city had asked them to move their encampment at least six times since they moved there.¹¹³ The community and organizational elements of the camp, regardless of moves or ultimate location, have provided a sense of continuity and stability unavailable to those who live alone, or even in pairs, on the streets.

Second, tent cities also offer a measure of security to their residents. Again, this benefit goes hand-in-hand with the benefits of community and self-governance, as most tent cities have developed twenty-four-hour security systems, and all community members are required to contribute to security efforts.¹¹⁴ What this means for tent city residents is that they may leave the camp and their belongings unattended, and enjoy the freedom of movement as well as the ability to more easily access services from homeless support centers, seek employment, or even leave town to visit friends or family. This security also provides a measure of safety for residents, who might otherwise be left to fend for themselves on the street,¹¹⁵ or who find shelters to be overcrowded and unsafe.¹¹⁶ Though it is possible that a tent city might also be crowded, for the most part it appears that tent city residents have more space

110. One resident of Camp Runamuck in Rhode Island explained that he preferred the tent city to shelters because individuals cannot leave their belongings during the day. Smith, *supra* note 6.

111. Rowe, *supra* note 8.

112. *See id.*

113. *See* Horvath, *supra* note 77.

114. For example, Camp Quixote runs a “7-day a week, 24-hour a day” security system that is operated by camp residents, volunteers from the host church, and members of the larger Olympia community. *What to Know and What to Do as Hosts, Purpose for Security “Hosting,”* reprinted in A Statement from Faith Community Leaders in Thurston County, *supra* note 85, at 17. The security system consists primarily of a host table situated at the entrance to the camp, where security staff must check the authorization of all visitors, report “unruly residents” to the encampment leadership, and observe the surrounding neighborhood for loitering either by camp residents or others. *See id.*; *Camp Quixote “Operations and Security” Plan*, reprinted in A Statement from Faith Community Leaders in Thurston County, *supra* note 85, at 8–9, 16.

115. For example, one resident of Camp Runamuck in Rhode Island explained that tent city residents benefited from “safety in numbers,” something unavailable in shelters or on the street. Smith, *supra* note 72.

116. *Id.*

for themselves and their belongings than they do in shelters, and have the added safety of well-planned security and community awareness.

Because academic literature on tent cities is sparse, many of these benefits have not been extensively documented or studied. However, as the above discussion indicates, tent city residents around the country have shared their thoughts on tent cities with reporters. The informed opinions of those who have lived in tent cities, and the homeless activists who have worked closely with them, demonstrate the strong capacity for tent cities to be highly organized, incredibly participatory, and also quite varied. The benefits are many, but local governments and non-homeless neighbors have often been slow to accept tent cities as a temporary informal housing solution to homelessness.

III.

CONSTRAINTS ON TENT CITIES

As outlined above, tent cities struggle with many of the same health, sanitation, and safety concerns that have long been associated with other forms of informal housing, such as colonias. Encampments may have difficulty accessing clean water, may have no sanitary means of sewage disposal, and may suffer from pests, insects, and disease. Furthermore, housing structures may be unstable and unsafe, or simply too impermanent to sufficiently protect inhabitants from the elements. These problems have serious implications for the health and safety of tent city residents. They also cause legal complications for encampments, as poor health and sanitation may violate local housing codes. Alongside these serious practical problems, there are also significant ethical dilemmas surrounding tent cities, especially inasmuch as a policy that sanctions informal housing implies that substandard conditions are acceptable for certain populations. Local governments must address all of these constraints as they contend with tent cities and local homeless populations.

A. Ethical Constraints

There are a number of ethical problems implicated by any policy that sanctions substandard living conditions. In *Rodrigo's Twelfth Chronicle: the Problem of the Shanty*, Richard Delgado closely scrutinizes the acceptance of informal housing as suitable for the lower socio-economic classes, particularly in the context of colonias.¹¹⁷ The lower standards for sanitation, access to infrastructure, or structural stability of buildings in colonias creates conditions riddled with health, safety, and quality of life concerns. Noting that municipalities would never allow such substandard conditions in wealthy areas, Delgado suggests that sanctioning substandard conditions in impoverished areas implies that the problems are more ordinary, less severe, and less

117. Delgado, *supra* note 18.

unconscionable because they are more “normal” for these individuals.¹¹⁸ In turn, this acceptance reinforces the idea that such individuals “deserve nothing better” and slows momentum among the larger public to improve living conditions for the poor.¹¹⁹

Tent cities can experience many of the same health, sanitation, and safety issues found in colonias. Although several tent cities—especially those that have paired with nonprofit organizations—have attained high levels of sanitation and safety, others struggle to attain safe and sanitary standards.¹²⁰ For example, a large Sacramento tent city developed without any running water, garbage disposal system, sewage system, or electricity.¹²¹ Similarly, Camp Runamuck II in Providence, Rhode Island, had no bathroom facilities, no clean water, and no means to dispose of garbage.¹²² One report described the Sacramento tent city as having “third-world conditions,” while attorneys for the city of Providence stated that the encampment was “not suitable for human habitation.”¹²³ Both of these encampments, which were eventually dismantled by city officials, represent the physical, as well as moral, hazards of sanctioning unorganized tent cities.

In addition to concerns about health and safety that arise in the absence of traditional infrastructure, there are also ethical dilemmas surrounding the physical location of homeless encampments. Although some tent cities are housed on church lots, or on relatively safe public lands, others have developed in fairly hazardous settings. For example, one tent city in Fresno, California, known as Little Tijuana, developed on private property owned by the Union Pacific Railroad.¹²⁴ After the encampment had developed, Union Pacific discovered an old underground storage tank that required removal and environmental remediation.¹²⁵ The Railroad would have preferred to evict the tent city residents in order to perform the remediation.¹²⁶ Pointing to the lack of

118. *Id.* at 674.

119. *Id.*

120. *See, e.g.*, TENT CITIES IN AMERICA, *supra* note 4, at 20–22 (describing the operation of Tent Cities 3 and 4, where residents have their blankets washed weekly, have systems for sewage and garbage removal, and operate their own twenty-four-hour security system to prevent crime); *but see* TENT CITIES IN AMERICA, *supra* note 4, at 38 (explaining that the Sacramento tent city lacked sanitation, garbage disposal, electricity, or running water); *California Officials to Relocate Members of Homeless Encampment*, GUARDIAN, Mar. 20, 2009, <http://www.guardian.co.uk/world/2009/mar/20/sacramento-tent-city-relocation-california> (describing the conditions at the Sacramento tent city and observing that there were no bathroom or shower facilities).

121. TENT CITIES IN AMERICA, *supra* note 4, at 38.

122. Paul Davis, *Residents of Camp Runamuck II Can Stay for Another Few Days*, PROVIDENCE J., Sept. 10, 2009, http://www.projo.com/news/content/HOMELESS_CITIES_IN_COURT_09-10-09_3SFLSMH_v17.31ce630.html.

123. TENT CITIES IN AMERICA, *supra* note 4, at 38; Davis, *supra* note 121.

124. TENT CITIES IN AMERICA, *supra* note 4, at 49, 52.

125. *Id.* at 52.

126. *Id.*

affordable housing alternatives in the area, however, the city convinced Union Pacific to delay evictions, and the storage tank was removed without creating a health hazard for encampment residents.¹²⁷ While the city's actions are in many ways laudable, inasmuch as the government recognized the lack of alternative options for the homeless, its actions also highlight the compromise that tent cities represent. It is unlikely that the Mayor of Fresno would support the establishment of a housing development on a site requiring environmental remediation, or that a wealthy community would tolerate the hazard posed by such a site. Nonetheless, such a site was deemed sufficiently habitable for those who had few housing alternatives.¹²⁸

Unquestioning acceptance of the sub-standard conditions within tent cities does a disservice to their residents, implying that they can neither obtain, nor deserve, anything better. Local efforts to improve conditions within encampments may make us more comfortable with tent cities during the current housing crisis. However, tent cities, by definition, are unlikely ever to meet the standards we expect of more traditional and permanent housing, and most policy makers would agree that their residents deserve a higher standard of living than that attainable in an encampment. With these ethical implications in mind, tent cities may best be viewed as a temporary solution, one that can be embraced only so long as local governments are unable to afford or arrange for more suitable long-term solutions.

B. Community Opposition

Another significant challenge confronting tent cities is community opposition to the establishment of homeless encampments in, or near, neighborhoods. This form of NIMBY-ism,¹²⁹ often reflecting distrust or misunderstanding of the homeless, has most frequently been expressed as concern over the possibility of increasing crime rates, decreasing public safety, and decreasing property values.¹³⁰

In Tampa, Florida, for example, the City Council faced tremendous opposition from local residents when it considered officially sanctioning a tent

127. *Id.*

128. See Delgado, *supra* note 18, at 676, 679–80 (highlighting the injustice of allowing homeless individuals to live next door to a gas station or a battery factory when such adjacent uses would never be tolerated for more permanent housing).

129. “Not in my backyard,” or NIMBY, refers to an attitude of exclusion with respect to one’s neighborhood or community. Deirdre Oakly, *Housing Homeless People: Local Mobilization of Federal Resources to Fight NIMBYism*, 24 J. URB. AFF. 97 (2002).

130. There is little concrete evidence regarding how tent cities affect property values. One realtor who sold two homes across the street from the rotating Tent City 3 has stated that the tent city did not appear to be an issue, and that prices received for the properties were not affected. *Tent City FAQ*, MEADOWBROOK NEIGHBORS, <http://www.meadowbrookneighbors.org/faq> (last visited May 6, 2011) [hereinafter MEADOWBROOK, *Tent City FAQ*]. Despite this type of anecdotal evidence, neighbors remain skeptical and concerned about the effect a tent city might have on property values in their neighborhood.

city.¹³¹ Neighbors questioned the suitability of the location for an encampment, and expressed deep concern that tent city residents would increase crime rates in the area.¹³² Distrust surrounding Tent Cities 3 and 4 in Washington has also been evident. In some cases, potential host organizations have voted against hosting the tent cities. For example, in 2005, members of a church in Bellevue cited concerns about the safety of children attending preschool at the church, as well as safety in the surrounding community, in voting against hosting Tent City 4 on church property.¹³³ Later, a group of citizens in Mercer Island, concerned about safety and the potential for the encampment to be an eyesore, filed a lawsuit to prevent a local church from hosting the encampment.¹³⁴ In yet another Washington community, Meadowbrook, several homeowners neighboring a tent city aimed surveillance cameras at the encampment, citing concern for neighborhood safety.¹³⁵

In addition to concern about crime and safety, various communities have expressed concerns about declining property values and the possibility that tent cities will discourage new businesses. In Lubbock, Texas, residents, as well as the City Council, expressed fears that a growing tent city would hamper downtown revitalization and prevent the city from attracting new businesses.¹³⁶ Communities in Hillsborough, Florida, and Meadowbrook, Washington, have also expressed concern that tent cities will decrease property values.¹³⁷ These concerns have motivated both neighborhoods to oppose the local establishment of tent cities.¹³⁸

Although this opposition can pose serious barriers to the establishment of tent cities, evidence suggests that concerns are largely unfounded. For example, at least two Washington police departments have analyzed crime in connection with the presence of Tent City 4.¹³⁹ The police chiefs of both cities, Kirkland

131. Chandra Broadwater, *Planned Tent City for the Homeless Strikes Out Again with Hillsborough Neighbors*, ST. PETERSBURG TIMES, Aug. 26, 2009, <http://www.tampabay.com/news/planned-tent-city-for-the-homeless-strikes-out-again-with-hillsborough/1030978>.

132. *Id.*

133. Jessica Blanchard, *Bellevue Church Says No to Hosting Next Tent City*, SEATTLE POST-INTELLIGENCER, Jan. 31, 2005, http://www.seattlepi.com/local/210053_tentcity31.html.

134. Natalie Singer, *Judge Rules Mercer Island "Tent City 4" Can Open*, SEATTLE TIMES, July 28, 2011, http://seattletimes.nwsourc.com/html/localnews/2008077491_webtentcity28m.html; Peyton Whitely, *Lawsuit Filed to Stop Tent City 4 from Moving to Mercer Island*, SEATTLE TIMES, July 24, 2008, http://seattletimes.nwsourc.com/html/localnews/2008069661_tentcity24m.html; *Tent City 4 Moving to Mercer Island*, KIROTV.COM (Aug. 5, 2008), <http://www.kirotv.com/news/17099403/detail.html>.

135. Linda Byron, *Neighbors Using Cameras to Watch Seattle Tent City* (Jan. 24, 2011, 7:07 PM), <http://www.king5.com/news/local/tent-city-neighbors-surveillance-cameras-114521769.html>.

136. Christie Post, *Tent City More Than Doubles in One Month, Now Facing Relocation*, KCBDB.COM, (Feb. 23, 2011, 4:59 PM), <http://www.kcbd.com/Global/story.asp?S=14088261>.

137. STOP TENT CITY, <http://www.stoptentcity.com/our-objections.php> (last visited May 6, 2011); MEADOWBROOK, *Tent City FAQ*, *supra* note 130.

138. STOP TENT CITY, *supra* note 136; MEADOWBROOK, *Tent City FAQ*, *supra* note 129.

139. *Tent City Police Reports*, CITY OF MERCER ISLAND, <http://www.mercergov.org/page.asp?navid=2514> (last visited Feb. 24, 2011).

and Issaquah, classified the hosting of the tent city as a “non-event.”¹⁴⁰ Although there were approximately two arrests per month connected to Tent City 4, these arrests created no spike in overall crime in the cities, which average 350 arrests per year, and did not drain police resources.¹⁴¹

Additionally, some tent cities, including Camp Quixote in Olympia, have enacted specific policies to address community concerns. For example, security personnel are responsible for “surveillance for the protection of the immediate neighborhood against unwarranted intrusion or interference by camp residents or those who might otherwise be drawn to the camp area by the presence of the camp.”¹⁴² In practice, this policy has not been implicated, and the tent city in Olympia has had a relatively mild impact on the surrounding community.¹⁴³ The Tent City 4 website provides additional insight about crime, noting that hosting municipalities have not reported increased crime during the operation of the camp, that there have been no reported crimes against neighbors, children or students in the area, that alcohol, drugs, weapons, and abuse of any kind are not tolerated in the encampment, and that the King County Sheriff’s Department checks all residents for outstanding warrants and sex offender status, though it does not conduct general background checks.¹⁴⁴

The effect of tent cities on neighboring property values is less clear, and the topic does not appear to have been examined in depth. Several tent city fact sheets, designed by hosting organizations to facilitate communication with local communities, suggest that tent cities do not negatively impact property values. Their evidence, however, is anecdotal, referencing the opinion of a realtor that the proximity of a tent city did not impact the prices obtained for two homes sold across the street from Tent City 4.¹⁴⁵ Opponents maintain, however, that it is obvious that the presence of a tent city would decrease the value of surrounding properties.¹⁴⁶

C. Legal Constraints

Beyond the ethical constraints and community resistance surrounding tent cities, there are legal constraints that directly impact the development, growth, and survival of tent cities throughout the country. Municipal housing codes,

140. *Id.*; but see Amanda Pinto, *West Haven Boots ‘Tent City’ Plagued by Drug Use, Violence*, NEW HAVEN REG., Aug. 13, 2010, <http://www.nhregister.com/articles/2010/08/13/news/doc4c64bf698cfb2450350402.txt> (citing crime, violence, and a drain on police resources as primary reasons for the closure of a small New Haven tent city).

141. *Id.*

142. *What to Know and What to Do as Hosts, Purpose for Security “Hosting”*, *supra* note 113; see also TENT CITIES IN AMERICA, *supra* note 4, at 21, 28, 47 (noting the twenty-four-hour security provided by residents at several different tent cities).

143. *Id.*

144. *FAQ*, TENT CITY 4, <http://tentcity4.info/faq> (last visited May 6, 2011).

145. See, e.g., MEADOWBROOK, *Tent City FAQ*, *supra* note 130.

146. See *id.*

zoning restrictions, and anti-camping ordinances represent three of the primary legal restrictions on tent cities. Although municipalities can change local ordinances, grant temporary use permits, issue consent decrees, or even create new zoning land use categories to accommodate tent cities, these legal restrictions have frequently been utilized to dismantle homeless encampments and evict tent city residents.¹⁴⁷

1. Municipal Housing Codes

Municipal housing codes represent a significant limitation on tent cities. Where tent cities are located in residential areas and are unable to meet the standards set forth for health and safety in residential dwellings, these codes can present an obstacle to the development or survival of outdoor encampments.

Although codes vary depending on the specific needs or conditions of a municipality, they often share a common structure and similar breadth.¹⁴⁸ Housing codes are principally concerned with the function, condition, and safety of structures meant for human habitation,¹⁴⁹ and they generally address such issues as ventilation, plumbing, and heating, among other things.¹⁵⁰ Structural stability is addressed in both municipal housing and building codes.¹⁵¹ Development and enforcement of housing codes is primarily the responsibility of local government.¹⁵²

Housing codes were initially established in many cities with the intent of improving urban slums and preventing landlords from maintaining their property in squalid conditions.¹⁵³ In this respect, they were designed to aid the urban poor. However, they have also become an obstacle to those who cannot afford to own or rent any form of permanent shelter, and whose attempts to shelter themselves do not meet code requirements. In cities throughout the country, such codes have either prevented the formal establishment or sanctioning of tent cities, or have been grounds for dismantling those encampments that have nonetheless developed. Tent city advocates have attempted to circumvent

147. See THE DENVER TENT CITY INITIATIVE, A PROPOSAL FOR THE CREATION OF A TENT CITY IN DENVER (2004), available at www.dignityvillage.org/DenverTentCityProposal.pdf (website offline, see Editor's Note *supra* note 81) (listing the various ways in which the city of Denver could alter its local ordinances to permit the legal establishment of a tent city); Talge, *supra* note 16, at 784 n.20 (noting the actions that several Washington State municipalities have in fact taken to allow for the legal establishment of tent cities).

148. Shaun Yancey, *Turning a Blind Eye: The Effect of a Lack of Comprehensive Housing Codes on the Rural South*, 3 S. REGION BLACK L. STUDENTS ASS'N L.J. 99, 101, 104-06 (2009).

149. *Id.*

150. H. Laurence Ross, *Housing Code Enforcement and Urban Decline*, 6 J. AFFORDABLE HOUSING & COMMUNITY DEV. L. 29, 31 (1996); see, e.g., SACRAMENTO CITY CODE ch.15, available at <http://www.qcode.us/codes/sacramento>.

151. See Yancey, *supra* note 148, at 101, 104-06 (2009); Ross, *supra* note 150, at 31.

152. Yancey, *supra* note 148, at 108-09.

153. *Id.* at 100.

housing codes either by seeking to amend the codes, or by advocating for rezoning of encampment grounds so that they do not fall under residential housing and building restrictions. However, there are few examples of success with either approach, and, more often than not, housing codes have been a strong legal tool for the prevention or dismantling of tent cities.

Hillsborough County, Florida, provides one example of the barrier inherent in local housing codes. In early 2009, Catholic Charities, a nationwide charitable organization,¹⁵⁴ proposed to develop and sponsor a tent city in Tampa, Florida. The proposal was to house 250 homeless individuals in tents and temporary shelters, or *casitas*.¹⁵⁵ However, opponents of the encampment emphasized that these casitas did not meet housing code requirements.¹⁵⁶ The Hillsborough County Housing Code covers all buildings and structures intended for use as dwellings¹⁵⁷ and sets minimum standards for such things as plumbing, hot and cold water supply, heating facilities, cooking equipment, garbage disposal, bathrooms, electricity, structural integrity, light and ventilation, sanitation, and fire safety.¹⁵⁸ Catholic Charities requested a zoning variance that would allow for the encampment within an area currently zoned as residential/multi-family/commercial.¹⁵⁹ The county commissioners also directed staff to work with Catholic Charities to rewrite the housing code in order to allow for the legal establishment of homeless encampments.¹⁶⁰ Ultimately, however, the city council did not approve either proposal, and in the winter of 2009 the proposal to establish a tent city in Tampa was denied, in

154. Catholic Charities USA serves as the umbrella group for over 1,700 Catholic Charities throughout the United States. See *Career Center*, CATHOLIC CHARITIES USA, <http://www.catholiccharitiesusa.org/Page.aspx?pid=1435> (last visited June 29, 2011).

155. Damien Cave & Lynn Waddell, "Tent City" of Homeless Is Rejected in Florida, N.Y. TIMES, Oct. 13, 2009, <http://www.nytimes.com/2009/10/14/us/14homeless.html>.

156. See Broadwater, *supra* note 131.

157. HILLSBOROUGH CNTY. CODE, ch. 16 ½ § 11, available at http://library.municode.com/HTML/11544/level3/PII_C16.5_AII.html#PII_C16.5_AII_s16.5-11.

158. HILLSBOROUGH CNTY. CODE, at ch. 16½ § 19, available at http://library.municode.com/HTML/11544/level3/PII_C16.5_AII.html#PII_C16.5_AII_s16.5-19 (minimum standards).

159. Application for Rezoning to Planned Development District (Mar. 25, 2009), available at <http://www.stoptentcity.com/resources/Proposal.pdf>; Recommendation of the Land Use Hearing Officer, Hillsborough County, Florida, (June 10, 2010), available at <http://www.stoptentcity.com/resources/Zoning%20Master%20Findings.pdf>; see also Chandra Broadwater, *Tent City for Homeless in Hillsborough Goes Back to Start*, ST. PETERSBURG TIMES, Aug. 11, 2009, <http://www.tampabay.com/news/growth/article1026636.ece> (noting that Catholic Charities requested that the land be rezoned to allow for temporary housing).

160. Chandra Broadwater, *Opponents of Hillsborough County Tent City Say Catholic Charities Get Special Treatment*, ST. PETERSBURG TIMES, Sept. 13, 2009, <http://www.tampabay.com/news/growth/opponents-of-hillsborough-county-tent-city-say-catholic-charities-gets/1035761>; Grayson Kamm & Laura Kadechka, *Update: Proposed Tent City Voted Down*, 10CONNECTS.COM (Oct. 13, 2009, 1:41 PM), <http://www.wtsp.com/includes/tools/print.aspx?storyid=115299> (noting that an ordinance to change the code was under consideration by the Hillsborough County commissioners).

part on the grounds that it would violate local housing codes.¹⁶¹ No tent city has since been established in the county,¹⁶² though Hillsborough County has approximately 10,000 homeless individuals, which is among the highest homeless populations of any county in the country.¹⁶³

2. Zoning

Zoning restrictions can place a broad constraint on tent cities, limiting the permissible uses for a parcel of land and thus restricting the geographical location of encampments. An example of this can be found in Nashville, Tennessee, where a local resident offered a segment of his private land for the relocation of a tent city.¹⁶⁴ Local business owners strongly opposed the establishment of the tent city in the area and quickly noted that the land was zoned for commercial use as part of a shopping area.¹⁶⁵ As such, it could not be used for temporary housing.¹⁶⁶ Faced with this restriction, tent city residents sought a zoning variance to allow for camping, but were unable to obtain one.¹⁶⁷ As a result, in June 2010 the Metro Department of Codes and Building Safety announced that the recently relocated tent city would have to disband or relocate once again.¹⁶⁸

In comparison to the experiences in Hillsborough and Nashville, in 2004 the city of Fresno, California, decided to rezone a parcel of land to allow for camping, in order to accommodate a tent city.¹⁶⁹ This zoning modification allowed for relaxed building code standards, including those relating to running water, use of weatherproof materials in construction, and sanitation

161. Recommendation of the Land Use Hearing Officer, *supra* note 158; Kamm & Kadechka, *supra* note 159.

162. Cave & Waddell, *supra* note 154; Kamm & Kadechka, *supra* note 159; Mitch Perry, *Failing the Homeless in Hillsborough County*, CREATIVE LOAFING (June 10, 2010), <http://cltampa.com/tampa/failing-the-homeless-in-hillsborough-county/Content?oid=2035985>.

163. Kathy Steele, *Hillsborough Postpones Decision on Tent City for Homeless*, THE TAMPA TRIB., July 21, 2009, <http://southtampa2.tbo.com/content/2009/jul/21/211356/vote-controversial-tent-city-scheduled-today>.

164. Jonathan Martin, *Businessman Donates Land for Tent City*, WSMV NASHVILLE (May 28, 2010, 8:43 AM), <http://www.wsmv.com/news/23700735/detail.html>.

165. *Temporary "Tent City" Must Go*, NEWSCHANNEL5.COM (June 2, 2010, 9:59 AM), http://fwix.com/nashville/share/08d0e5c261/temporary_tent_city_in_antioch_must_go.

166. Nicole Young, *Homeless Displaced by Nashville Flood to Lose New Camp in Antioch*, THE TENNESSEAN, June 16, 2010, <http://www.tennessean.com/article/20100616/NEWS01/6160359/Homeless-displaced-by-Nashville-flood-to-lose-new-camp-in-Antioch>.

167. Theresa Laurence, *Homeless Outreach Workers Scramble to Relocate Tent City*, CATHOLIC NEWS SVC. (June 23, 2010), <http://www.catholicnews.com/data/stories/cns/1002605.htm>.

168. Stephen George, *Metro to Push Homeless Out of Temporary Tent City in Hickory Hollow*, THE CITY PAPER, June 1, 2010, <http://nashvillecitypaper.com/content/city-news/metro-push-homeless-out-temporary-tent-city-hickory-hollow>; *Zoning Issue to Shut Down New Tent City*, WKRN.COM (June 2, 2010, 3:50 PM), <http://www.wkrn.com/story/12584833/zoning-issue-to-shut-down-new-tent-city>.

169. TENT CITIES IN AMERICA, *supra* note 4, at 44.

requirements.¹⁷⁰ The contrast between the outcomes in Nashville and Hillsborough with the outcome in Fresno shows the tremendous impact that local zoning restrictions, as well as willingness to alter these restrictions, can have on the ultimate success of tent cities.

3. *Anti-Camping and Trespass Ordinances*

When land is specifically zoned for camping, anti-camping ordinances are not at issue. Where such ordinances become relevant is in residential, commercial, industrial, or recreational zones, where they place specific restrictions on the use of temporary shelters on public and/or private lands. In several cases, pre-existing anti-camping ordinances have been used to evict tent city residents from their encampments, or new anti-camping ordinances have been enacted in direct response to tent cities.

For example, Sacramento, California's anti-camping ordinance prohibits all camping on public land and also restricts camping on private land to twenty-four-hour periods.¹⁷¹ Sacramento city officials used threatened, as well as actual, enforcement of this code to dismantle the large Sacramento tent city.¹⁷² Providence, Rhode Island officials cited a similar anti-camping ordinance in evicting Camp Runamuck II residents from the public park in which they were living.¹⁷³ The enforcement of the municipal ordinance, which prohibits individuals from staying in the park between the hours of 9:00 p.m. and 7:00 a.m., was one of several different tactics the city utilized to disband local tent cities.¹⁷⁴ The city of Merced, California, utilized a more recent anti-camping ordinance to dismantle a local homeless encampment.¹⁷⁵ Following a City Council vote to begin enforcement of the code, tent city residents began to relocate and approximately thirty police officers swept the camp and evicted remaining residents.¹⁷⁶

170. *Id.*

171. SACRAMENTO CITY CODE § 12.52.030 (2000), available at http://www.qcode.us/codes/sacramento/view.php?topic=12-12_52-12_52_030.

172. David Bienick, *Tent City to Be Shut Down, Official Says*, KCRA.COM (Mar. 12, 2009, 12:30 AM), <http://www.kcra.com/news/18908891/detail.html>; *Tent City Dismantled as Residents Face Arrest*, NEWS10/KXTV (Apr. 15, 2009, 1:02 PM), <http://www.news10.net/news/local/story.aspx?storyid=57844>.

173. Davis, *supra* note 122.

174. *Id.*; PROVIDENCE MUN. CODE, § 18-2, available at http://library.municode.com/HTML/11458/level3/PII_C18_AI.html#PII_C18_AI_s18-2.

175. Ameera Butt, *Homeless Vacate Merced Camps: Police, Officials on Hand as Ordinance Is Enforced*, MERCED SUN-STAR, Oct. 14, 2010, <http://www.mercedsunstar.com/2010/10/14/1610077/homeless-vacate-merced-camps.html> (describing a city council vote to enforce its anti-camping ordinance, and the subsequent enforcement against tent city residents). It is unclear whether Merced's anti-camping ordinance was enacted to address homelessness more generally or tent cities in particular. The relatively recent enactment of the ordinance, which was codified in 2008, suggests a possible link to recent increases in homelessness and perhaps to the growing visibility of tent cities. See MERCED MUN. CODE § 9.51 (2008), available at http://library.municode.com/HTML/16096/level2/TIT9PUPEMOWE_CH9.51CASTPEPR.html.

176. Butt, *supra* note 175.

Beyond enforcing existing ordinances, some cities have gone so far as to enact new anti-camping ordinances in order to combat homeless encampments. Colorado Springs, Colorado, for example, passed an anti-camping ordinance in February 2010 in reaction to the estimated 300–500 individuals living in encampments on public land throughout the city.¹⁷⁷

In addition to enforcing anti-camping ordinances, a number of cities have enforced trespassing laws to disperse encampments located on city land. Cities that have utilized such laws include Portsmouth, New Hampshire,¹⁷⁸ Northampton, Massachusetts,¹⁷⁹ Ontario, California,¹⁸⁰ and Providence, Rhode Island.¹⁸¹ Trespass laws can also be enforced to evict tent city residents from private land upon consent or request of property owners, as has occurred in cities such as Gainesville, Florida.¹⁸² Although not all municipalities have specific trespassing laws, in those that do, the ordinance often makes it a misdemeanor for an individual to remain on private property after being given notice to leave.¹⁸³ Trespassing laws have been employed by several local governments to disperse encampments located on city land.

IV.

INNOVATIVE COMMUNITY AND GOVERNMENT RESPONSES

Though local governments have commonly responded to tent cities with non-acceptance and eviction, there have been certain important exceptions. In several instances, encampments have been allowed to persist, either through protections provided in federal law, or through the explicit acceptance of local

177. Barbara Cotter, *City Council Votes to Ban Camping on Public Property*, GAZETTE, Feb. 10, 2010, <http://www.gazette.com/articles/council-93912-public-camping.html>.

178. Charles McMahon, *Homeless for the Holidays: Portsmouth Police Serve No-Trespass Notice on Tent City Camper*, FOSTER'S DAILY DEMOCRAT, Dec. 29, 2009, http://www.fosters.com/apps/pbcs.dll/article?AID=/20091229/GJNEWS_01/712299957/-1/FOSnews010103.

179. James F. Lowe, *'Tent City' Dwellers in Northampton Must Leave: Police Say Riverbend Camp Falls Inside Wildlife Park*, GAZETTENET.COM (Aug. 18, 2010), <http://www.gazettenet.com/2010/08/19/tent-city-dwellers-must-leave?SESSec79f10a819dc71a8118eacdc3355469=gnews>.

180. Andrea Bennett, *Campsites Around Tent City Empty Out*, INLAND VALLEY DAILY BULL., May 1, 2008, http://www.dailybulletin.com/tentcity/ci_9126846.

181. Davis, *supra* note 122.

182. Lise Fisher, *Homeless Will Have 1 Week, Not 2, To Leave Portion of Land in Tent City*, THE GAINESVILLE SUN, June 13, 2009, <http://www.gainesville.com/article/20090613/ARTICLES/906131017/1002?Title=Homeless-will-have-1-week-not-2-to-leave-portion-of-land-in-Tent-City>.

183. *See, e.g.*, ONTARIO MUN. CODE § 5–9.01 (2010), available at [http://www.alegal.com/nxt/gateway.dll/California/ontario/cityofontariocaliforniamunicipalcodevolutitle5publicwelfaremoralsandconduct/chapter9trespassing?f=templates\\$fn=default.htm\\$3.0\\$vi d=amlegal:ontario_ca\\$anc=JD_5-9.01](http://www.alegal.com/nxt/gateway.dll/California/ontario/cityofontariocaliforniamunicipalcodevolutitle5publicwelfaremoralsandconduct/chapter9trespassing?f=templates$fn=default.htm$3.0$vi d=amlegal:ontario_ca$anc=JD_5-9.01); SACRAMENTO CITY CODE § 9.16.140 (2011), available at http://qcode.us/codes/sacramento/view.php?topic=9-9_16-9_16_140; SEATTLE MUN. CODE, § 12A.08.040 (2011), available at <http://clerk.ci.seattle.wa.us/~scripts/nph-brs.exe?d=CODE&s1=12A.08.040.snum.&Sect5=CODE1&Sect6=HITOFF&l=20&p=1&u=/~public/code1.htm&r=1&f=G>. For an example of a state trespassing law, see CAL. PENAL CODE § 602 (2011).

government actors. Taken together, these instances offer examples of ways in which local governments might escape or adapt existing restrictions in order to support the existence of tent cities within their jurisdictions.

A. Free Exercise

Zoning restrictions can pose a significant impediment to tent cities. However, under the First Amendment's Free Exercise Clause, "[t]he majority of jurisdictions throughout the United States have concluded that religious uses may not be excluded from areas zoned for residential use only."¹⁸⁴ Although there is disagreement among the courts regarding what constitutes a "religious use" or an "accessory use" of church property,¹⁸⁵ the leniency afforded religious organizations has particular relevance with respect to tent cities. Church programs to feed or house the homeless may be classified as "accessory uses" because they are supported by a religious purpose¹⁸⁶ and may be considered a form of worship.¹⁸⁷ As a result, the Free Exercise Clause can provide for the establishment of tent cities where they otherwise would not be permitted.

In 1993, Congress reaffirmed and strengthened the right to freely exercise one's religion when it enacted the Religious Freedom Restoration Act (RFRA).¹⁸⁸ One of the purposes of RFRA was to support "substantive neutrality" with respect to religious uses, not simply the "formal neutrality" often supported by the courts.¹⁸⁹ In other words, RFRA addressed the frequency with which courts allowed laws that were facially neutral towards religion to burden religious practices.¹⁹⁰ "Under RFRA, the constitutional standard to be applied to neutral and generally applicable land use ordinances that burden religious freedom is the rule from *Sherbert v. Verner*, which requires that laws imposing a burden on religious practice be narrowly tailored to advance a compelling state interest."¹⁹¹ The Religious Land Use and Institutionalized Persons Act (RLUIPA), passed in 2000, further reinforced this sentiment.¹⁹² RLUIPA is intended to protect individuals, churches, and other religious organizations from discrimination in land use and zoning law.¹⁹³ In

184. Saxer, *supra* note 15, at 512.

185. *See id.* at 513–25. Both religious uses and accessory uses of church property are permitted in residentially zoned areas. *Id.* at 513–14, 519–20.

186. *Id.* at 522–24.

187. *Id.* at 524; *see also* *W. Presbyterian Church v. Bd. of Zoning Adjustment*, 862 F. Supp. 538 (D.D.C. 1994).

188. Saxer, *supra* note 15, at 527.

189. *Id.* at 527.

190. *Id.* at 527.

191. *Id.* at 528–29.

192. CIVIL RIGHTS DIV., U.S. DEP'T OF JUSTICE, PROTECTING THE RELIGIOUS FREEDOM OF ALL: FEDERAL LAWS AGAINST RELIGIOUS DISCRIMINATION 7 (2005), *available at* http://www.justice.gov/crt/spec_topics/religiousdiscrimination/religiousfreedom.pdf.

193. Religious Land Use and Institutionalized Persons Act of 2000, 42 U.S.C. § 2000cc (2006) [hereinafter RLUIPA]; *Religious Land Use and Institutionalized Persons Act*, CIVIL

order to achieve this purpose, RLUIPA prohibits zoning ordinances that substantially burden the free exercise of religious activities.¹⁹⁴

Although religious institutions are at times still constrained by other laws, such as those concerning public nuisance¹⁹⁵ or by local health and safety restrictions,¹⁹⁶ the generally permissive use of church lands for “accessory uses” and the RLUIPA prohibitions against burdening religious exercise provide a potential loophole in recent anti-camping and other criminalization policies. The free exercise protections elaborated in RFRA and RLUIPA have been invoked with respect to a diverse range of accessory uses, including food programs and shelters for the homeless, drug treatment centers, and schools.¹⁹⁷ The courts’ reception to the accessory use exception has been mixed, with some courts adopting a broad interpretation of religious use, and others a narrower, restrictive reading.¹⁹⁸

RIGHTS DIV., U.S. DEP’T OF JUSTICE, <http://www.justice.gov/crt/about/hce/rluipeexplain.php> (last visited May 6, 2011) [hereinafter *DOJ RLUIPA Website*].

194. See RLUIPA, 42 U.S.C. §§ 2000cc, 2000cc-5; *DOJ RLUIPA Website*, *supra* note 192.

195. See, e.g., Saxon, *supra* note 15, at 524; *W. Presbyterian Church v. Bd. of Zoning Adjustment*, 862 F. Supp. 538, 546 (D.D.C. 1994).

196. See, e.g., SPOKANE MUN. CODE § 10.08C.120 (2008), available at <http://www.spokanecity.org/services/documents/smc/?Section=10.08C.120> (outlining specific health and safety conditions for the establishment of tent cities, including those sponsored by religious organizations); LYNNWOOD MUN. CODE Ch. 21.74 (2010), available at <http://www.mrsc.org/mc/lynnwood/Lynnwood21/lynnwood2174.html> (explaining that local encampments sponsored by religious or other organizations are subjected to all local codes).

197. See, e.g., *W. Presbyterian Church*, 862 F. Supp. 538 (addressing a program to feed the homeless); see also Saxon, *supra* note 15, at 536–45 (discussing several cases involving services for the homeless); Shelly Ross Saxon, *Faith in Action: Religious Accessory Uses and Land Use Regulation* (Pepperdine Univ. Sch. of Law, Working Paper No. 2008/7), available at <http://ssrn.com/abstract=1090654> (discussing the expansion of religious institutions into traditionally secular activities and several court cases addressing accessory use). *But see* *Stuart Circle Parish v. Bd. of Zoning Appeals*, 946 F. Supp. 1225 (E.D. Va. 1996) (addressing a meals service for low-income and homeless individuals); *Daytona Rescue Mission, Inc. v. City of Daytona Beach*, 885 F. Supp. 1554, 1560 (M.D. Fl. 1995) (addressing a homeless shelter and food bank); *Jesus Ctr. v. Farmington Hills Zoning Bd. of Appeals*, 544 N.W.2d 698 (Mich. Ct. App. 1996) (addressing a shelter); *St. John’s Evangelical Lutheran Church v. City of Hoboken*, 479 A.2d 935 (N.J. Super. Ct. Law Div. 1983) (addressing a homeless shelter); *Slevin v. Long Island Jewish Med. Ctr.*, 319 N.Y.S.2d 937 (N.Y. Sup. Ct. 1971) (addressing a drug treatment center); *Jirtle v. Bd. of Adjustment*, 622 S.E.2d 715 (N.C. Ct. App. 2005) (addressing a food pantry).

198. Compare *W. Presbyterian Church*, 862 F. Supp. 538 (finding a church program to feed the homeless to qualify as an accessory use), *Jesus Ctr.*, 544 N.W.2d 698 (upholding the provision of shelter services as an accessory use), *St. John’s Evangelical Lutheran Church*, 479 A.2d 935 (finding a homeless shelter, operated on church property, to be a religious use), *Slevin*, 319 N.Y.S.2d 937 (holding a drug center to be a religious use of property), and *Jirtle*, 622 S.E.2d 715 (upholding a food pantry as an accessory use), with *Daytona Rescue Mission*, 885 F. Supp. at 1560 (M.D. Fl. 1995) (holding that homeless shelters and food banks were not accessory uses to a church and thus required conditional use permits), *First Assembly of God v. Collier Cnty.*, 775 F. Supp. 383 (M.D. Fla. 1991) (holding for the city, against the church, and noting that the church had not demonstrated that its religious beliefs required “having a homeless shelter on the grounds of their church”), and *Seward Chapel, Inc. v. City of Seward*, 655 P.2d 1293 (Alaska 1982) (finding that a parochial school located on school property could be excluded from qualifying as an accessory use).

There are a small number of cases in which this exception has been invoked with respect to tent cities. One such example is *City of Woodinville v. Northshore United Church of Christ*.¹⁹⁹ In *City of Woodinville*, a tent city was hosted on a ninety-day rotating basis on various church grounds around the Seattle, Washington, area.²⁰⁰ However, Seattle has an anti-development ordinance for certain property zones, and at least one of the hosting churches was subject to this zoning restriction.²⁰¹ The city refused to issue permits for the church to host the tent city either on site at their church or on an alternate property not affected by the anti-development ordinance.²⁰² Moreover, the city sought a restraining order against the establishment of the tent city without a permit.²⁰³ The district court ruled against the Church and Tent City 4, and the court of appeals affirmed, finding that Seattle's zoning laws reflected "a neutral law of general applicability" that did not have a purpose of restricting religious practices.²⁰⁴ As a result, the invocation of a city ordinance against a tent city located on church property was found not to violate the First Amendment.²⁰⁵ Furthermore, under RLUIPA, the Court of Appeals found that the Church had alternative options to "minister to the homeless on its property," so there was "a failure to show the existence of a substantial burden on its free exercise of religion."²⁰⁶ In 2009, however, the Washington Supreme Court overturned this ruling, holding that the City of Woodinville's refusal to process a permit application by the Church violated the state's constitution.²⁰⁷

As *Woodinville* suggests, the First Amendment and RLUIPA do not provide a foolproof means for the legitimate establishment of tent cities. RLUIPA is a relatively new statute, and interpretations may evolve, but currently it does not provide tent cities with the concrete support advocates might wish for. Furthermore, it offers no protection to tent cities that are not supported by a religious organization on private land because the very basis for RLUIPA is that city zoning must not burden religious exercise on church land, a part of which exercise might be to minister to the homeless. Because of these restrictive elements, religious use exceptions may not take local governments

199. 162 P.3d 427 (Wash. Ct. App. 2007).

200. *Id.* at 430.

201. *Id.* at 430–31.

202. *Id.* at 431.

203. *Id.*

204. *Id.* at 431, 435.

205. *Id.* at 434–35.

206. *Id.* at 437.

207. *City of Woodinville v. Northshore United Church of Christ*, 211 P.3d 406, 410–11 (Wash. 2009). In applying Article I, Section 11 of the Washington State Constitution, which extends broader protection than the First Amendment of the Constitution, the Washington Supreme Court found that the city's total refusal to process a permit application burdened the religious exercise of church members. Having decided the issue based on state constitutional grounds, the court did not address RLUIPA. *Id.*; see WASH. CONST. art. I, § 11; Gregory Provenzano, *Church Prevails in Tent City Case*, WASH. ST. COAL. FOR THE HOMELESS (July 22, 2009), http://endhomelessnesswa.org/news/277/church_prevails_in_tent_city_case.

or homeless advocacy groups as far as they would like in legitimizing and formalizing tent cities. However, as the *Woodinville* decision indicates, they can be useful tools, and should not be overlooked.

B. Permits, Revised Ordinances, and Relocation

Local governments have utilized a variety of other strategies in attempts to accommodate tent cities. They have issued temporary use permits, revised local ordinances, relocated tent cities to more politically palatable locations, or limited encampment size by issuing individualized permits to approved residents.²⁰⁸ Such responses have been adopted in various forms in Ontario, California; Reno, Nevada; Seattle, Washington; Lacey, Washington; Portland, Oregon; and Santa Barbara, California, among other cities.²⁰⁹

With respect to local ordinances, it appears that only a small number of municipalities have actually changed local laws to accommodate homeless encampments. Furthermore, even where ordinances have been amended, they generally do not provide for the ad hoc establishment of tent cities. In fact, many require that a tent city have a host agency that supports it, that the encampment apply for a permit, that the encampment comply with health and safety regulations, and that residents follow a set of rules and regulations governing factors such as proximity to public transportation, public meetings with adjoining neighborhoods, notification of schools, population limitations, security, screening, and codes of conduct.²¹⁰

Cities have employed varying strategies when changing local ordinances to accommodate homeless encampments. The city council in Lacey, Washington, changed the municipal code to officially allow for homeless encampments, and the new ordinance provides a good example of such

208. See, e.g., David Kelly, *Ontario Stakes Out Its New Rules for Tent City*, L.A. TIMES, Mar. 18, 2008, <http://articles.latimes.com/2008/mar/18/local/me-tents18> (discussing a tent city permitting system in Ontario, California); Jody Pollock, *Tent Cities in Sacramento?*, NEXT AM. CITY (Jan. 27, 2009), <http://americancity.org/buzz/entry/1300> (explaining a permitting system in Reno, Nevada); Verhovek, *supra* note 76 (discussing the repeated relocation of a tent city in Oregon); Minutes of a Regular Meeting of the Lacey City Council (Mar. 12, 2009), *available at* http://www.ci.lacey.wa.us/city-government/city-council/city-council-2/city-council-meetings/council-meetings/2009-council-agendas-minutes/3-12-2009-council_minutes (describing a new ordinance in Lacey, Washington).

209. Memorandum of City of Lawrence Planning & Dev. Servs. (Apr. 7, 2009), *available at* http://www.ci.lawrence.ks.us/web_based_agendas/2009/05-05-09/05-05-09h/camping_survey_other_cities.html.

210. See, e.g., LACEY MUN. CODE ch. 16.64, *available at* <http://www.ci.lacey.wa.us/city-government/municipal-code/zoning/homeless-shelters>; LYNNWOOD MUN. CODE, ch. 21.74 (2010), *available at* <http://www.mrsc.org/mc/lynnwood/Lynnwood21/lynnwood2174.html>; SPOKANE MUN. CODE § 10.08C.120 (2008), *available at* <http://www.spokanecity.org/services/documents/smc/?Section=10.08C.120>; see also City of Mercer Island, Mercer Island Temporary Encampment Comparison Matrix (Oct. 1, 2009), *available at* http://www.mercergov.org/files/Exhibit_D-TC_Comparison_Chart.pdf (comparing the tent city ordinances of Mercer Island, Bellevue, Bothell, Issaquah, Kirkland, Redmond, and SeaTac).

restrictions.²¹¹ The ordinance requires that tent cities have a host agency, that they are hosted on land owned by this agency,²¹² and that the Lacey Community Development Director approves the permit for the tent city.²¹³ Similarly, in Woodinville, Washington, the city responded to community concerns about the lack of affordable housing and the denial of a temporary use permit to a church wishing to host a tent city by revising local zoning codes to allow for temporary encampments on public land.²¹⁴ The ordinance still requires that the encampment be sponsored by SHARE/WHEEL, a group that has been particularly active in homeless encampment issues in Washington State, as well as by a local church sponsor.²¹⁵ The ordinance additionally mandates that encampment residents apply for a temporary use permit that must be approved by the City Manager.²¹⁶ However, it allows for encampments not only on church property, but also on public land.²¹⁷

Ontario, California, provides an example of a distinct permitting system, as well as an effort led by local government actors rather than nonprofit organizations. Initially, the city responded to its homeless population by directing homeless individuals throughout to a piece of land located outside the city center, near the Ontario Airport.²¹⁸ However, when the tent city population grew to approximately 400 individuals, the city began a permitting system that required encampment residents to prove their ties to the city of Ontario.²¹⁹ Those who could establish their connection to the area received ninety-day renewable permits.²²⁰ Ontario also developed a system whereby permits are re-issued every ninety-days to those permit holders who comply with tent city rules.²²¹ Some residents were unhappy with the rules imposed on the encampment—including a curfew, a ban on alcohol, and restrictions on minors and visitors—as well as the fact that non-Ontario residents cannot reside within the encampment, but residents also benefit from security patrols and meal

211. Minutes, *supra* note 208.

212. LACEY MUN. CODE § 16.64.030(A)(1).

213. LACEY MUN. CODE § 16.64.040.

214. WOODINVILLE, WASH., ORDINANCE NO. 369 § 2 (Authorization for Temporary Location of Tent City 4).

215. *Id.* SHARE/WHEEL is comprised of two partner organizations (Seattle Housing and Resource Effort (SHARE) and Women's Housing, Equality and Enhancement League (WHEEL)), and is run by homeless and formerly homeless individuals, operating fifteen indoor shelters and two rotating Tent Cities. *Welcome to SHARE/WHEEL*, SHARE/WHEEL, <http://www.sharewheel.org/Home> (last visited May 6, 2011).

216. WOODINVILLE, WASH., CITY ORDINANCE NO. 369.

217. *Id.*

218. David Kelly, *Ontario Opens Arms to the Homeless*, L.A. TIMES, Feb. 3, 2008, <http://www.latimes.com/news/local/la-me-tentcity3feb03,0,6912374.story>.

219. Kelly, *supra* note 208.

220. *Id.*

221. *Id.*

services provided by the city government.²²² Though imperfect, Ontario's tent city represents a unique, if somewhat restrictive, permitting model.

The city of Reno, Nevada, has taken a similar approach, unofficially sanctioning an encampment of over 150 residents that developed in 2008 on city property.²²³ Although the city has closed the encampment on several occasions, responding to periodic increases in the availability of shelter beds,²²⁴ officials have taken an active role to support the tent city. Rather than issuing individual permits to residents, the city began requiring that residents register with the camp, and that they check in with city officials on a weekly basis regarding their progress in finding jobs and other housing options.²²⁵ Despite these short-term closures, Reno has taken an active role in supporting and organizing the encampment, providing fencing, security and fresh water.²²⁶ The city has also worked with tent city residents to establish more concrete rules and regulations for the camp, as well as a more permanent "SafeGround" within the city.²²⁷

Relocation has also been embraced as a strategy by several local governments that do not wish to entirely disband tent cities. As with Camp Runamuck in Rhode Island, relocation can sometimes be a short-term solution that ultimately ends in permanent eviction. However, in some cases relocation has become a longer-term solution. In Ontario, city officials relocated homeless individuals throughout the city to an encampment located outside the city

222. Ehrenreich, *supra* note 19; *see also* Tent City Guidelines (effective date Mar. 24, 2008), available at http://lang.dailybulletin.com/projects/pdfs/tent_city_guidelines.pdf (describing the wristband and ninety-day permitting system, and listing the twenty "Safety Rules for Homeless Services Area").

223. Pollock, *supra* note 208.

224. *Id.* (noting the closure of the tent city following the opening of two new shelters in Reno); *see also* *Reno Tent City for Homeless to Be Dismantled for Parking Lot*, LAS VEGAS REV.-J., June 25, 2008, <http://www.lvrj.com/news/21251524.html> (explaining that the tent city would be closed to make space for a parking lot for a new homeless services complex); Daniel Chanin, *Tent City Closing Its Doors to Men on Monday*, KOLOTV.COM (Oct. 6, 2008, 4:43 AM), <http://www.kolotv.com/home/headlines/30474369.html> (explaining that male residents of the tent city would be required to leave the encampment for a winter overflow shelter, and that women would soon be required to leave upon the opening of a women's only shelter).

225. Evelyn Nieves, *Reno's Tent City Not the Only One*, LAS VEGAS REV.-J., Sept. 22, 2008, <http://www.lvrj.com/news/29233274.html>.

226. Seth Doane, *In Casinos' Shadows, Life in Tent City*, CBS EVENING NEWS (Oct. 1, 2008), <http://www.cbsnews.com/stories/2008/10/01/eveningnews/main4493104.shtml>.

227. Frank X. Mullen Jr., *New Regulations to Bring Order to Reno's "Tent City,"* RENO-GAZETTE J., Mar. 25, 2010, <http://pqasb.pqarchiver.com/rgj/access/1993050821.html?FMT=ABS&date=Mar+25%2C+2010> (pay site) (noting that rules will include weekly registration requirements, assigned sleeping sites, bans on drugs and alcohol, and restrictions on speaking with media); Frank X. Mullen Jr., *Reno's Homeless Tent City Will Remain Pitched*, RENO-GAZETTE J., Mar. 27, 2010, <http://pqasb.pqarchiver.com/rgj/access/1995626561.html?FMT=ABS&date=Mar+28%2C+2010> (pay site) (explaining that the new tent city rules, aimed at increasing the health and safety of the camp, were written by thirteen tent city residents and then approved by the mayor and homeless center staff).

center.²²⁸ In Oregon, the now well-established Dignity Village began as an encampment that was frequently relocated by local officials.²²⁹ In 2001 alone, the tent city residents, sometimes numbering as many as seventy, were asked to pack up and move at least six times before they were able to settle in a more remote location that has become Dignity Village's permanent home.²³⁰ Though located far from the Portland city center and initially envisioned as a temporary location for the tent city,²³¹ the encampment remains there today, almost ten years later.²³²

Similarly, Sacramento utilized a temporary relocation strategy, offering homeless individuals the option of relocating from the campground on the American River to a location on state fairgrounds for approximately three months, before requiring that they leave that site as well.²³³ In Washington, Camp Quixote and Tent Cities 3 and 4 have utilized an alternative relocation approach. These camps relocate every ninety days, a strategy that addresses community concerns about the long-term presence of the encampments in their neighborhoods, increases local awareness and participation with the camp, and disperses the costs sometimes associated with hosting the encampment.²³⁴

There are both positive and negative implications of relocation. Although relocation does not completely disband a tent city, movement to more remote places can make it more difficult for residents to access food or other homeless support services, and can also erect a barrier for those individuals who are seeking employment or who are already employed.²³⁵ However, it may be a viable solution when tent cities become large or when cities wish to exert greater control over city planning and development.²³⁶ One example of an

228. Ehrenreich, *supra* note 19.

229. Verhovek, *supra* note 76.

230. *Id.*

231. *Id.*

232. See DIGNITY VILLAGE, <http://www.dignityvillage.org> (last visited Jan. 5, 2009) (website offline, see Editor's Note *supra* note 81).

233. Jesse McKinley, *Residents of Sacramento's Tent City to Move to Fairground*, N.Y. TIMES, Mar. 25, 2009, <http://www.nytimes.com/2009/03/26/us/26sacramento.html> (reporting that the Sacramento tent city would be moved from its riverside location to the state fairground for several months); Don Thompson, *Sacramento Tent City Emptying Under City Deadline*, SEATTLE TIMES, Apr. 15, 2009, http://seattletimes.nwsource.com/html/politics/2008890630_apsacramentotentcity.html (explaining that tent city residents were being evicted from the encampment, and that beds were available in several city shelters, including a new shelter at the state fairground).

234. Camp Quixote residents have noticed that frequent moves help prevent NIMBYISM, educate the public about homelessness, and increase church participation. TENT CITIES IN AMERICA, *supra* note 4, at 33. Tent Cities 3 and 4 have experienced similar benefits from moving, including community education and increased advocacy. *Id.* at 21. Additionally, because host churches sometimes absorb a portion of the costs associated with the tent cities, routine moves may help to disperse these costs between different host agencies. See *id.* at 23.

235. See, e.g., TENT CITIES IN AMERICA, *supra* note 4, at 14.

236. Regardless of the circumstances, and despite the benefits provided by tent cities, this paper does not advocate forced relocation of homeless individuals, either from the street or the

attempt to balance city-planning concerns with relocation concerns is the practice of giving bus tickets through Seattle's SHARE/WHEEL program.²³⁷ When paired with a location near a bus line, such a program facilitates residents' mobility and access to needed services despite a more removed encampment location.

As these varied strategies suggest, there is no single formula for government-sanctioned tent cities. Local homeless groups may work with local religious organizations to utilize federal laws and establish tent cities on church property. Alternatively, local governments may officially change zoning ordinances, allowing homeless encampments to be legally established on public or private property either independently or in conjunction with a sponsoring organization. Additionally, municipalities may unofficially sanction encampments without changing local land use laws by choosing not to strictly enforce restrictive codes and ordinances during affordable housing shortages. When these strategies meet resistance, local officials can also choose to relocate tent cities to less contentious areas of the city. The innovative policy changes that have been employed in several cities around the country suggest a shift in the perception of homeless encampments in these regions, as well as an acknowledgement of the benefits that informal housing can offer when other housing options are unaffordable or otherwise unattainable.

V.

PROPOSAL

Although tent cities present significant ethical, health, and safety problems that limit their suitability as a long-term solution to homelessness, the benefits they offer to their residents must not be summarily dismissed. The following Part outlines several suggestions for local policy makers that would enable them to adopt cohesive, compassionate, and supportive policies that acknowledge the benefits provided by tent cities and the lack of sufficient and acceptable alternatives for many homeless individuals. This paper does not advocate the establishment of tent cities on the scale of colonias, nor the sale and titling of land to tent city residents. Furthermore, it does not suggest that tent cities be accepted as a permanent solution to homelessness, particularly because such permanence would likely detract from other efforts to provide more habitable, equitable, and comfortable affordable housing. Rather, the proposal offered here suggests flexibility within municipalities struggling with homelessness, open-mindedness about the benefits of tent cities as a temporary

shelter system, into tent cities. Such a strategy of encouraged or mandated relocation is not unheard of. For a discussion of the topic, see Nicole Stelle Garnett, *Relocating Disorder*, 91 VA. L. REV. 1075 (2005).

237. See TENT CITIES IN AMERICA, *supra* note 4, at 22 (noting that SHARE/WHEEL provides bus tickets for residents at an average cost of \$1,100 per month for approximately one hundred residents).

housing solution, and government as well as community support to improve conditions in tent cities where resources are available.

Moreover, specific policy decisions may vary from city to city, depending on local circumstances. Tent cities may be longer-lasting in regions with few resources to expand affordable housing options, or may provide a shorter-term solution in communities that are closer to closing the gap between homelessness and government assistance programs. Regardless of the specific local conditions, there are several considerations that should guide government policy-making. In particular, local governments must acknowledge the benefits of tent cities with respect to local housing needs, actively address the difficulties associated with informal housing, attend to community opposition to local homeless encampments, contemplate the best geographical locations for a tent city, and continue to actively and aggressively work towards more permanent housing solutions.

A. Acknowledgment of Benefits and Local Need

On the most basic level, local governments should acknowledge that tent cities represent a self-help solution to the current lack of affordable housing. Tent cities embody particular determination in the face of hardship, and local governments should support, rather than hinder, these efforts, especially where the city fails to offer viable alternatives.

A closely related consideration is the economic capacity of local governments to provide for their homeless citizens. At a time when local governments around the country are suffering from the economic crisis and cities have little money to spare for the provision of social services, tent cities provide governments with a less costly solution to homelessness than do most alternatives, including rent vouchers, subsidized housing, and shelters.²³⁸ Tent

238. The costs associated with the operation of tent cities and other supportive housing options vary widely depending on geographical location and specific services provided, among other factors. No studies have directly compared the costs of operating a homeless encampment with the cost of operating a homeless shelter. However, NCH and HUD reports offer insight into individual costs of homeless encampments and other supportive housing options respectively. HUD FIRST-TIME HOMELESSNESS, *supra* note 5; TENT CITIES IN AMERICA, *supra* note 4. Comparison of the estimates provided in both reports offers a general, if imperfect, analysis of the relative costs of these two different options to house the homeless.

For example, NCH estimates that Tent Cities 3 and 4 in Washington have populations of 100 individuals, and cost between \$4,000 and \$6,000 per month to operate, which equates to approximately \$40 to \$60 per month per person. TENT CITIES IN AMERICA, *supra* note 4, at 18, 22. The higher range of \$60 per person accounts for costs such as bus tickets for tent city residents and salary for support staff, but it does not include meals, which are often provided by hosting organizations. *Id.*; CITIZEN REVIEW PANEL *supra* note 5, at 2. Another tent city in Washington, Nickelsville, is estimated to operate at a cost of just \$3,000 per month for one hundred people, or approximately \$30 per person per month. *Id.* A third tent city, Camp Quixote, operates at an estimated cost of \$17,000 per year for twenty-five to thirty residents, or approximately \$47–\$57 per person per month. TENT CITIES IN AMERICA, *supra* note 4, at 31, 33. Additional estimates for tent cities with more permanent dwellings, such as “U-Domes,” approximate costs at \$300 per

cities are often incredibly self-reliant and frequently partner with local churches or nonprofit organizations for additional support. Existing partnerships suggest that local community groups can often provide the support that local governments cannot, or will not, provide.²³⁹

Policy-makers must also consider the preferences of tent city residents and the multiple benefits that tent cities offer homeless individuals when developing their local policies. In particular, local officials should consider that tent cities provide residents with a sense of community and freedom unmatched in shelters or on the streets. This is not to suggest that most tent city residents would choose to live in a camp over the option of permanent housing. However, many tent city residents express a preference for tent cities over the shelter system, even where beds are available, and this preference should not be ignored. Unless municipalities are able to offer tent city residents affordable and permanent housing options, they should respect the preferences of those who prefer life in a homeless encampment to life in a shelter or on the streets.

B. Addressing the Dangers and Difficulties Associated with Informal Housing

In addition to acknowledging the benefits of tent cities, local governments must address the many concerns and difficulties surrounding tent cities. Proactive and supportive involvement by policy makers will ultimately increase the acceptance of tent cities among neighbors and the suitability of tent cities as a temporary housing option. Perhaps the greatest concern associated with tent cities is the way in which substandard sanitation and safety conditions can impact both tent city residents and surrounding communities. However, this problem is not insurmountable.

person per month. *See id.* at 59, 63 (estimating the cost of a U-Dome camp with twenty-one residents to be \$84,000 annually, or approximately \$333 per month per resident); Tom Armstrong, *Mayor's Homeless Task Force Envisions Legal Homeless Encampment Next Spring*, SACRAMENTO HOMELESS BLOG (Aug. 11, 2009), <http://sacramentohomeless.blogspot.com/2009/08/mayors-homeless-task-force-envisions.html> (estimating the cost of a proposed "U-Dome" encampment at \$10 per person per night—approximately \$300 per person per month—without hired security services, or approximately \$22 per person per night—\$666 per person per month—with such security).

In comparison, HUD estimated the average cost of emergency shelter, transitional housing, and permanent supportive housing to range from \$408 to \$1,817 in Des Moines, Iowa; Houston, Texas, and Jacksonville Florida. HUD FIRST-TIME HOMELESSNESS, *supra* note 5, at ES-4 ex. 1. This variability reflects differences between both the program type and the specific city. These estimates include costs for supportive services and meals, although the percentage of cost attributed to supportive services varies significantly between the different housing options analyzed in the study.

239. *See, e.g., About Us*, SHARE/WHEEL, <http://www.sharewheel.org/aboutus> (last visited May 6, 2011); PINELLAS HOPE, <http://pinellashope.org> (last visited May 6, 2011); *Safe Ground*, SACRAMENTO LOAVES & FISHES, <http://www.sacloaves.org/safeground> (last visited May 6, 2011). Each of these organizations provides extensive assistance to homeless encampments in its respective region.

Many tent cities, especially those partnered with churches or non-profit organizations, have already arranged for assistance to reach higher levels of health and safety, and these relatively small steps can make a tremendous difference. For example, one homeless advocacy group in the Seattle area, SHARE/WHEEL, has established a formal tent city sponsorship program and is advocating the establishment of a large, permanent, eco-friendly tent city or village.²⁴⁰ SHARE/WHEEL's policies provide one example of an intermediate level of support for tent cities.

Though tent cities are not provided the same level of infrastructure offered in traditional residential neighborhoods, SHARE/WHEEL does provide tent cities with trash removal and portable toilets, and helps to organize "litter patrols" in and around the encampments.²⁴¹ For example, in one of its sponsored tent cities, known as Tent City 4, SHARE/WHEEL provides a dumpster that is regularly collected, a sufficient number of portable toilets to serve the community, and hand washing stations next to the toilets.²⁴² The tent city also has a portable shower that is moved with the encampment when it relocates every ninety days.²⁴³ Churches hosting SHARE/WHEEL tent cities are simultaneously required to comply with all Washington state and city codes, relating to such things as electrical systems, cooking and food handling, and potable water connections.²⁴⁴ In order to comply, portable toilets are emptied three times a week by SHARE/WHEEL, and churches often allow tent cities to connect to church water and electrical supplies, as well as to dispose of the shower and sink water through the church sewage system.²⁴⁵ SHARE/WHEEL volunteers also deliver meals to the encampment almost every evening, and SHARE/WHEEL provides bus tickets to all residents so that they can apply to jobs, attend meetings, or get to work.²⁴⁶

This partnership with a sponsoring organization minimizes the pressure on and cost to governments to provide for the homeless. Additionally, these dynamics suggest that it actually may be quite inefficient for local governments

240. *Id.*; *Welcome to SHARE/WHEEL*, *supra* note 214.

241. *Tent Cities*, SHARE/WHEEL, <http://www.sharewheel.org/Home/tent-cities> (last visited May 6, 2011).

242. *Tent City Information*, *supra* note 4.

243. REDMOND, *TC 4 FAQ*, *supra* note 4.

244. *See, e.g.*, Planning & Cmty. Dev. Dep't, City of Kirkland, Tent City 4—Temporary Use Permit Notice of Approval, Conditions of Approval ¶ 2.a.(1) (Jan. 12, 2011), *available at* <http://www.kirklandwa.gov/Assets/!Global+PDFs/TC4+KCC+Notice+of+Approval.pdf>

(conditioning approval on compliance "with Washington State and City Codes including those concerning but not limited to drinking water connections, human waste, solid waste disposal electrical systems, and fire resistant materials"); City of Mercer Island, Mercer Island's Tent City Temporary Use Agreement (Aug. 4 2008), *available at* www.mercergov.org/files/TCAgreementComparisonChart.pdf (incorporating by reference both city and state codes regarding drinking water, solid waste disposal, human waste, electrical systems, cooking and food handling, and fire).

245. *See* REDMOND, *TC4 FAQ*, *supra* note 4.

246. *Tent Cities*, SHARE/WHEEL, *supra* note 241.

to reject tent cities outright when they have no alternative housing readily available for residents and when local citizen groups are willing to use their financial and social resources to assist in the development and maintenance of the encampments. With sponsorship through a group like SHARE/WHEEL or similar sponsoring or hosting organizations, the costs to the city are minimal. Primarily, costs involve those associated with sanitation and health inspections²⁴⁷ and potentially the relatively low costs associated with increased security patrols, discussed in more detail below.²⁴⁸

Even where local partnership or sponsorship is unattainable for a tent city, the costs of supporting an encampment can still be relatively low for local governments. For example, the City of Ontario pays all costs associated with maintenance of the Ontario tent city.²⁴⁹ Although the city initially spent \$100,000 in start-up and construction costs, the Temporary Homeless Services Area can now accommodate up to 100 residents at a cost of \$25,000 per month.²⁵⁰ This \$25,000 covers the provision of tents, portable toilets, security fencing, showers, a food distribution area, and a private security patrol.²⁵¹ \$11,000 of this \$25,000 is spent exclusively on the private security patrol, a responsibility that is often assumed by tent city residents themselves in other encampments around the country.²⁵² A report by the National Coalition for the Homeless observed that “there is no indication that a privately hired security force provides any more protection or reduction in crime or incidents than security shifts assigned to residents.”²⁵³ This suggests that a city government could operate a fairly safe and clean tent city for under \$15,000 a month without any assistance from a sponsoring organization, a relatively low cost compared to other housing options. Thus, many local governments around the country should be able to raise the standard of living in tent cities by committing to relatively minimal inputs, while simultaneously investing in longer-term solutions to homelessness.

C. Contending with Attitudes of “Not In My Backyard”

Government officials considering homeless encampment policies must acknowledge and confront the potential for opposition within neighboring communities, particularly on issues of public safety, crime, and property values. This NIMBY-ism presents a tremendous barrier to the sanctioning of tent cities. It may prove to be politically insurmountable in some regions, but in other areas government efforts might successfully placate local distrust. Local

247. See, e.g., REDMOND, *TC4 FAQ*, *supra* note 4.

248. See, e.g., *Tent City Information*, *supra* note 4.

249. TENT CITIES IN AMERICA, *supra* note 4, at 57.

250. *Id.* at 56–57.

251. *Id.* at 57.

252. *Id.* at 58.

253. *Id.*

officials or advocacy groups might initiate public awareness campaigns, drawing attention to the hardships faced by the homeless, the benefits of tent cities, and the relative lack of tension experienced between a well-organized and self-governed tent city and the surrounding neighborhood. Additionally, officials might emphasize that a number of police departments have analyzed tent cities for their effect on local crime, and they have found no spike in criminal activity associated with the presence on homeless encampments. Loaves and Fishes, a homeless advocacy group in Sacramento that has been especially active on issues surrounding the Sacramento tent city, offers one example of an active educational campaign.²⁵⁴

On a smaller scale, city governments might simply provide more information to local residents on their government websites. For example, the City of Redmond and the City of Mercer Island, both in Washington, have posted answers to commonly asked questions about tent cities on their websites, addressing the primary concerns regarding tent city sponsorship, sanitation, provision of services, and security.²⁵⁵

Finally, government officials and local advocates working to combat NIMBY-ism should emphasize the transitions that have occurred in other cities hosting tent cities. For example, in Kirkland, Washington, City Council members and tent city residents alike have observed a dramatic change in perception regarding Tent City 4.²⁵⁶ When a church in Kirkland initially proposed to host Tent City 4, it faced strong community opposition.²⁵⁷ However, as local residents became familiar with tent city residents, concerns and misperceptions largely evaporated.²⁵⁸ Public meetings regarding Tent City 4 are now focused on ensuring the comfort and safety of tent city residents, rather than voicing opposition to the encampment.²⁵⁹ Tent City 4 has now been successfully hosted five times within Kirkland.²⁶⁰ Because Kirkland itself began as a community strongly opposed to the encampment, it provides a particularly valuable example of how community concerns may be largely unfounded, and may broaden the understanding of uncertain communities elsewhere.

D. Locating Tent Cities

The prospect of pre-planning and pre-determining the location and development of tent cities leads to an additional consideration for local policy makers: where to locate tent cities. This issue may in some contexts be

254. See *Safe Ground*, *supra* note 239.

255. See *Tent Cities Information*, *supra* note 4; REDMOND, *TC4 FAQ*, *supra* note 4.

256. Matt Phelps, *Neighbors' Concerns About Kirkland Tent City Have Changed to Homeless' Safety, Rather than Threat to Community*, KIRKLAND REP. (Mar. 31, 2010), http://www.pnwlocalnews.com/east_king/kir/news/89642377.html.

257. *Id.*

258. *Id.*

259. *Id.*

260. *Id.*

strongly related to NIMBY-ism. In the face of strong neighborhood opposition, one option for local governments is to work with local communities and homeless individuals to site tent cities in locations that will be minimally invasive to current residents. Such a tactic has been employed by the cities of Portland and Ontario, both of which located encampments far from the city center, near airports.²⁶¹

Decisions related to the location of tent cities must be made with consideration of the needs of tent city residents themselves. Most encampment residents rely on public transportation to apply to jobs, attend work, and to travel in general, so accessibility to local bus lines or subway systems is vital. Additionally, many homeless individuals, including those in tent cities, rely heavily on the aid provided by local homeless assistance centers. Thus, proximity to these centers, or at a minimum, ability to access the centers through use of public transportation, should be central to planning efforts. A proposal in Sacramento, California, yet to be approved, would locate a tent city in between two independent homeless assistance organizations, a plan that responds directly to the needs of homeless individuals.²⁶² Where location in proximity to local services is unrealistic, cities must consider the added cost of transportation for encampment residents, and might consider subsidizing this expense with bus passes or other transportation alternatives.²⁶³

E. Permanent Solutions

Tent cities should be accepted as an interim solution to homelessness as long as governments are unable to provide adequate alternative housing options. They should also be accepted inasmuch as some homeless individuals prefer them to alternative temporary housing options such as shelters and there remain no permanent housing options available. Perhaps most importantly, where local governments choose to accept or adopt tent cities as a temporary solution to the shortage of affordable housing, they must not abandon efforts to develop more permanent solutions to homelessness. Municipalities must not use tent cities as an excuse to avoid stronger, more equitable, and potentially more expensive, action. These permanent solutions will vary from city to city, but may include expansion of public housing voucher systems, utilization of homes that have been foreclosed or otherwise left vacant, or construction of additional low-income housing units. Regardless of the strategy chosen, local governments must simultaneously acknowledge the short-term benefits of tent cities and the long term need for more permanent housing solutions.

261. Verhovek, *supra* note 76; Ehrenreich, *supra* note 19.

262. *Safe Ground*, *supra* note 239.

263. *See supra* note 237 and accompanying text.

CONCLUSION

Tent cities are not a new phenomenon, but they have become more common, more populated, and more visible in recent years as the country has suffered economic depression and a housing crisis. Reactions by local communities and local governments have been varied, but have frequently been guided by distrust, worry, and misunderstanding. These feelings, though perhaps understandable, are misguided. Tent cities offer a wide range of benefits to both homeless individuals and local governments alike. They represent significant innovation, self-reliance, organization, and community in the face of tremendous hardship and a dearth of other options.

This is not to say that tent cities are an optimal solution to homelessness or that local governments should allow tent cities to detract from other efforts to house and assist homeless populations. However, problems associated with encampments can be proactively addressed, and when sanctioned by local governments and assisted by local community groups, tent cities offer security, community, and autonomy to the homeless at a low cost to the municipality. It is both unjust and unwise for governments to evict encampment residents when they are unable or unwilling to fund alternative housing solutions. Rather, local officials should follow the example of those few municipalities that have worked with homeless advocacy groups, changed city ordinances, and established permitting systems for the establishment of tent cities.

Homeless encampments may offer only an interim solution for local governments as they work on more permanent measures. Or, they may act simply as a stepping-stone for the recently homeless who are working to get back on their feet. However, even as a temporary solution, tent cities represent a valuable effort on the part of homeless individuals to do what local governments have not: address homelessness in a way that is endorsed and advocated by many who suffer from it. As such, tent cities must be accepted, legitimized, and assisted as local governments around the country continue to develop more permanent solutions to homelessness.

