

MEMORANDUM

The Transitional Village Model: Part of the affordable housing solution

TO: Housing Land Advocates

FROM: Samantha Petty

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“Today, my house is mine because I designed it to reflect my personality. I participated in the physical building of the structure. I pounded the nails to make it stand and I decorated it, inside and out, to suit my taste and needs. I live in it. This is my house.”

– Resident of Dignity Village

I. Summary

The Transitional Village Model is an approach to providing housing to the low or no income population, especially those who experience homelessness. Planners, who tend to think of homelessness as a social service problem, rarely take this population into account. Yet planners are necessary to create the regulatory environment that allows for creative solutions like the Transitional Village Model.

II. The Transitional Village Model

Tent encampments are as old as time, but the Transitional Village Model (TVM) refers to a specific type of encampment. The TVM proposes a self-governing community, each residing within their own shelter with shared community spaces. Shelters can be tents, yurts, or permanent micro-housing structures. These communities serve as a transition to permanent housing and are a bottom up approach to homelessness. The TVM incorporates the values of self-reliance, community cohesion, privacy, and self-determination, traits commonly lacking in traditional shelter models. These democratically run tent cities benefit from local support, partnering with nearby nonprofits, accepting donations from neighbors, and sometimes even receiving official legal sanction from local government. Transitional Villages are self-sustaining, do not use taxpayer dollars, and lead to high rates of civic participation among residents. Like other tiny house movements they create limited environmental impacts (Heben, 2011).

The Transitional Village Model is not meant to replace other forms of service delivery to the homeless like shelters or rent subsidies. It simply is another tool to address the complex problem

of homelessness and support the Americans who do not find available models to be a good fit. Transitional Villages are especially popular on the West Coast with its milder climate and provide housing units in significant numbers (NCH, 2010). The TVM appears to fill a service gap in the federal continuum of care model. As such, it may be eligible for federal dollars (NCH, 2010).

III. Rising unmet needs

Catalyzed by the Great Recession, tent cities are a growing phenomenon in the United States. A media survey of news reports from 2008 to July 2013 documents over 100 tent communities in 46 of 50 states and the District of Columbia (NLCHP, 2014). Weak social safety nets and a lack of affordable housing underlie tent cities. According to a survey by the United States Conference of Mayors 17% of homeless persons needing services did not receive them in 2012 (NLCHP, 2014). Moreover, some homeless people find that shelters do not meet their needs (Heben, 2011). In this context the TMV provides a safe place to sleep off the streets and supplies needed services like showers and food.

In the Portland region the minimum wage of \$9.10 per hour is about half of the wage needed to afford a fair market rent two-bedroom apartment (Greater Portland Pulse, 2014). Portland residents who find themselves unable to find affordable housing become homeless and may not be able to find accommodation even at a homeless shelter. There are a total of 3,000 - 6,000 homeless people in Portland on the streets on any given night, but far fewer shelter beds (PHB, 2011).

IV. Legal context

The United States Constitution does not explicitly protect an individual's right to housing. However, the rights of individuals residing in tent cities have been upheld by case law. Homeless individuals legally defended their right to reside in tent cities by citing the necessity principle, known as "the right to survive." This principle mandates that a city condone illegal conduct if it is necessary for survival and no alternative are provided (NLCHP, 2014).

Local governments target tent cities on public land for sweeps, citing quality of life ordinances and anti-camping ordinances, or sue residents for trespass, nuisance, or encroachment. Cities who wish to clear tent cities face legal limitations. The courts have largely upheld sweeps that follow due process, with formal eviction notice and attention to private property protection. Failure to follow due process procedures or discarding of the belongings as a deterrent tactic is not legal (NLCHP, 2014). Cities must also consider the impact of the sweep. Individuals in tent cities have successfully argued that destruction of their camps and property violates the Fourteenth Amendment's fundamental interest in bodily integrity. The Supreme Court interpreted this amendment to mean that local government cannot intervene in ways that put people in physical danger, called state-created danger. Destroying tent cities in winter when there are no available shelter beds arguably exposes their former residents to danger.

Tent cities on private land have stronger protections. The right of a religious institution to host a tent city is likely protected by the First Amendment. In this case, hosting a tent city is seen as a means of practicing one's faith. Secular private hosts may be able to show that disbanding a tent city violates the Fair Housing Act given that much of the homeless population falls into one or more federally protected classes (NLCHP, 2014).

V. The Role of Planners

The legal context renders jurisdictions vulnerable to litigation over tent cities. As such, it behooves then to work proactively to address this phenomenon. Residents of transitional villages already work with planners and lawyers to move from unsanctioned encampments to permanent permitted land uses. Most avoid some code violations by not hooking up to city utilities and not including kitchens in individual units, bypassing parking and other regulations (Tent Cities Toolkit). Zoning is a powerful tool that can help or hurt this model. In Oregon, state zoning allows for two transitional campgrounds per municipality, sanctioning the existing transitional village called Dignity Village. Right 2 Dream Too, a currently unsanctioned transitional village, is hoping to become the second allowed use. Eugene uses the same transitional campground zoning for its transitional villages (NCH, 2010). California's Housing Accountability Act, commonly known to as the "anti-NIMBY law," ensures that zoning encourages and facilitates emergency shelters and limits the denial of emergency shelters and transitional and supportive

housing. This act makes transitional villages viable in the state, though local anti-camping ordinances can conflict with the state legislation (Heben, 2014). Seattle has used conditional use permits to justify transitional villages (NCH, 2010).

Even as they become sanctioned through zoning and code adjustments, transitional villages face challenges that planners can help overcome. Siting these villages near support services (often in the central city) brings opposition from business owners and housed residents. Planners can facilitate good neighbor agreements, and educate the public on the regulatory framework that allows these land uses. In her work *Out of place: Homeless Mobilizations, Subcities, and Contested landscapes* (1997), academic Talmadge Wright argues that homelessness is not merely as an issue of social welfare, but a land use issue directly connected to gentrification, displacement, and the cultural imaginings of city character by those who have the power to shape development. Framing the issue this way puts planners in a central role.

VI. Conclusions

The TVM's success is in part based on a tactical urbanism framework that empowers citizens to take unsanctioned actions to address ongoing problems and then work with local governments to find the legal fix (Lydon, 2010). Enthusiasm from architects, designers and environmentalists offers opportunity to partner on sustainable green micro housing structures, though it is important to keep in mind the original intent of the villages. Residents must be wary of having their vision replaced by a purely environmental agenda. Opposition from neighbors is a challenge, but may spur a conversation about the lack of affordable housing and permanent solutions to homelessness. The presence of such villages may even create new housing advocates out of upset neighbors (Heben, 2011). Rather than treating all tent cities the same, cities should consider considering code revisions and new zoning designations to incorporate the TVM. Any revisions should be reflected in consolidated and comprehensive planning efforts as well as 10 Year Plans to End Homelessness. Embracing TVMs recognizes the many shades of affordable housing and the range of people who reside in such housing.

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Appendix

2010 West Coast Tent Cities

Camp	Location	Population	Year Est.	Stable/Mobile	Legal Status	Structures
Dignity Village	Portland, OR	60	2000	Permanent	City Ordinance	Wooden
Tent City 3	Seattle, WA	100	2000	Mobile	City Ordinance	Tents
Tent City 4	Seattle, WA	100	2006	Mobile	Local Ordinances	Tents
Nickelsville	Seattle, WA	55	2008	Mobile	Not sanctioned	Tents
Camp Quixote	Thurston County, WA	25-30	2007	Mobile	Local Ordinances	Tents
Safe Ground	Sacramento, CA	150-200	1930s-2009	Permanent	Not sanctioned	Tents
Village of Hope	Fresno, CA	66	2004	Permanent	Zoned for Camping	Wooden
Community of Hope	Fresno, CA	60	2007	Permanent	Zoned for Camping	Wooden
New Jack City & Little Tijuana	Fresno, CA	150-200	2002-2009	Permanent	Not sanctioned	Tents & Wooden
THSA	Ontario, CA	70	2007	Permanent	Temporary City Approval	Tents
River Haven Community	Ventura, CA	21	2005	Permanent	City Conditional Use Permit	U-Domes

Source: Tent Cities in America: A Pacific Coast Report (2010). National Coalition for the Homeless