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**Lakewood Tent City and Pinellas Hope:  
Building Social Capital Through Tent Communities**

**Caroline Malapero**

I. Introduction

Homelessness and associated forms of self-help are not a new concept in the United States. Shantytowns, which are usually illegal clusters of makeshift housing, are one of the main forms of self-help that the homeless can utilize to create a shelter for themselves. Documented shantytowns in the United States were first constructed by freed slaves after the Civil War. These former slaves built shantytowns following the Civil War until the United States government designated an area of land where they could live. At the time, due to prevailing laws, freed slaves were unable to own property and relied on the creation of locations like Freedman's Village.<sup>1</sup> The lag in reemployment after World War I led to another boom in shantytowns in the early 1920s.<sup>2</sup> Perhaps the most well documented shantytowns in the United States existed during the Great Depression. During this period, makeshift communities were constructed to house transient workers, who were primarily single men. These crude improvised "towns" were referred to as Hooverilles during the 1930s when the country blamed the poor economy on President Hoover.<sup>3</sup> The necessity for makeshift housing, whether it is in our nation's past or present, is related to employment, economy, housing, and societal change.

In the 1970s a slowing economy and an energy crisis impacted the country once again. Homelessness began to increase and aid and support was provided to those that were seriously

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<sup>1</sup> *Arlington House, The Robert E. Lee Memorial*, NATIONAL PARK SERVICE, *Freedman's Village*, <http://www.nps.gov/arho/historyculture/emancipation.htm> (last visited Apr. 26, 2013). Interestingly, Freedman's Village was established where the Arlington National Cemetery is now located.

<sup>2</sup> *Dictionary of American History*, ENCYCLOPEDIA.COM, <http://www.encyclopedia.com> (last visited Mar. 10, 2013).

<sup>3</sup> *Hooverilles*, HISTORY.COM, <http://www.history.com/topics/hooverilles> (last visited Apr. 27, 2013).

struggling. However during the 1980s and 1990s the United States experienced an increased period of prosperity. During this twenty-year period of economic flourishing, support and sympathy towards the homeless significantly diminished. Federal, State, and local governments enacted more bans that were meant to keep the homeless out of view. The government cited issues of public health and safety and the promotion of economic vitality for broad reaching anti-homeless laws and ordinances.<sup>4</sup> Organizations like the National Coalition for the Homeless and National Law Center on Homelessness and Poverty were established to raise awareness of issues surrounding homelessness and protect the rights of the homeless.<sup>5</sup>

The economic downturn in recent years has led to an increase of shantytowns across the country and a visual presence of the homeless.<sup>6</sup> Modern day shantytowns are often referred to as tent communities because residents use tents and similar structures for shelter. The combination of an economic recession, rising unemployment and the housing crisis has increased the number of homeless individuals in the nation. The National Alliance to End Homelessness estimates that there are 633,782 people experiencing homelessness on any given night in the United States.<sup>7</sup> Between 2.5 million and 3.5 million Americans experience homelessness for at least one night in a year.<sup>8</sup> In 2009 the homeless population was estimated to be 42 percent African-American, 39 percent white, 13 percent Hispanic, 4 percent Native American, and 2 percent Asian, although it

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<sup>4</sup> Maria Foscarinis, Kelly Cunningham-Bowers, & Kristen E. Brown, *Out of Sight - Out of Mind: The Continuing Trend toward the Criminalization of Homelessness*, 6 GEO. J. ON POVERTY L. & POL'Y 145 (1999).

<sup>5</sup> NATIONAL COALITION FOR THE HOMELESS, <http://www.nationalhomeless.org/> (last visited Apr. 20, 2013). and NATIONAL LAW CENTER ON HOMELESSNESS AND POVERTY, <http://www.nlchp.org/> (last visited Mar. 22, 2013).

<sup>6</sup> This recession is sometimes referred to as the Great Recession. INVEESTOPEDIA.COM defines the Great Recession as, "a buzz word that describes the recession that started on December 2007 in terms of the Great Depression of the 1930s. Generally, the Great Recession lasted longer and was more severe than prior recessions. However, the severity of economic decline has not eclipsed the levels reached by the Great Depression."

<sup>7</sup> *Snapshot of Homelessness*, NATIONAL ALLIANCE TO END HOMELESSNESS, [http://www.endhomelessness.org/pages/snapshot\\_of\\_homelessness](http://www.endhomelessness.org/pages/snapshot_of_homelessness) (last visited Apr. 20, 2013).

<sup>8</sup> Robert Green, *Florida tent city offers hope to homeless*, REUTERS.COM (June 16, 2009, 8:55 PM), <http://www.reuters.com/article/2009/06/17/us-usa-homeless-tentcity-idUSTRE55G01Z20090617>.

varies widely depending on the region of the country.<sup>9</sup> Rising rates of homelessness, coupled with inadequate low income housing and shelters has increasingly led homeless individuals to band together to employ self-help tactics.

It is fairly easy to see the path that leads people to homelessness and communities like tent cities. Many individuals and families have lost their homes and all forms of shelter due to the staggering rise of foreclosures across the country. Homelessness begins with the loss of a job, which correlates to the high unemployment rate.<sup>10</sup> The newly unemployed individual must tap into their savings and try to search for new job. Eventually the savings runs out and the individual is unable to make their rent payment or mortgage payment.<sup>11</sup> The individual is then evicted or foreclosed upon after failing to make their rent or mortgage payments. For a period of time they stay with friends or family. If they have no support system then they end up homeless. The individual is left with no money and no place to call home. The space in shelters is limited and sometimes unpleasant and dangerous. In many places, shelters often maintain impoverishment and dependency among patrons.<sup>12</sup>

The United States Department of Housing and Urban Development (HUD) estimated 12 million renters and homeowner households currently pay more than 50 percent of their annual incomes for housing.<sup>13</sup> HUD also found that families with one full-time worker earning minimum wage cannot afford the local fair-market rent for a two-bedroom apartment anywhere

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<sup>9</sup> *How Many People Experience Homelessness?*, NATIONAL COALITION FOR THE HOMELESS (July 2009), [http://www.nationalhomeless.org/factsheets/How\\_Many.html](http://www.nationalhomeless.org/factsheets/How_Many.html).

<sup>10</sup> The unemployment rate is currently 7.7%, but in October of 2009 the national unemployment rate was 10%. *Unemployment rate- Seasonally Adjusted*, GOOGLE PUBLIC DATA, [https://www.google.com/publicdata/explore?ds=z1ebjpgk2654c1\\_&met\\_y=unemployment\\_rate&idim=country:US&fdim\\_y=seasonality:S&dl=en&hl=en&q=united%20states%20unemployment%20rate](https://www.google.com/publicdata/explore?ds=z1ebjpgk2654c1_&met_y=unemployment_rate&idim=country:US&fdim_y=seasonality:S&dl=en&hl=en&q=united%20states%20unemployment%20rate) (last visited Mar. 26, 2013).

<sup>11</sup> The average American family only has \$3,800 in savings and 25% have no savings at all. 38% of American adults have no emergency fund set up at all. *American Family Financial Statistics*, STATISTIC BRAIN (last modified July 26, 2012), <http://www.statisticbrain.com/american-family-financial-statistics/>.

<sup>12</sup> ROBERT R. DESJARLAIS, *SHELTER BLUES: SANITY AND SELFHOOD AMONG THE HOMELESS* 241 (1997).

<sup>13</sup> *Affordable Housing*, HUD.GOV DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (last modified Mar. 13, 2013), <http://www.hud.gov/offices/cpd/affordablehousing/index.cfm>.

in the United States.<sup>14</sup> The current housing system is unsustainable if it remains in its current state. The working poor population is harmed most drastically by the current economic recession and housing crisis. The working poor is more likely to experience risk factors for homelessness than the general working population.<sup>15</sup> Many of the working poor struggle to find shelter once they become homeless and must resort to living in a tent community.

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<sup>14</sup> *Id.*

<sup>15</sup> Anna Blasco, *Economy Byte: Working Poor at High Risk for Homelessness*, NATIONAL ALLIANCE TO END HOMELESSNESS (Dec. 8, 2010), <http://www.endhomelessness.org/blog/entry/economy-byte-working-poor-at-higher-risk-for-homelessness#.UUI4exnCdqc>.

Foreclosures and the housing crisis also contribute to the creation of tent cities. A 2011/2012 report shows that 1.39 percent of U.S. housing units (one in every 72) had at least one foreclosure filing during the year, down from 1.45 percent of housing units in 2011 and down from 2.23 percent of housing units in 2010. Foreclosure activity in 2012 increased from 2011 in 25 states — 20 of which primarily use the longer judicial foreclosure process — including New Jersey (55 percent increase), Florida (53 percent increase), Connecticut (48 percent increase), Indiana (46 percent increase), Illinois (33 percent increase) and New York (31 percent increase).<sup>16</sup> New Jersey and Florida are still significantly impacted by foreclosures and the

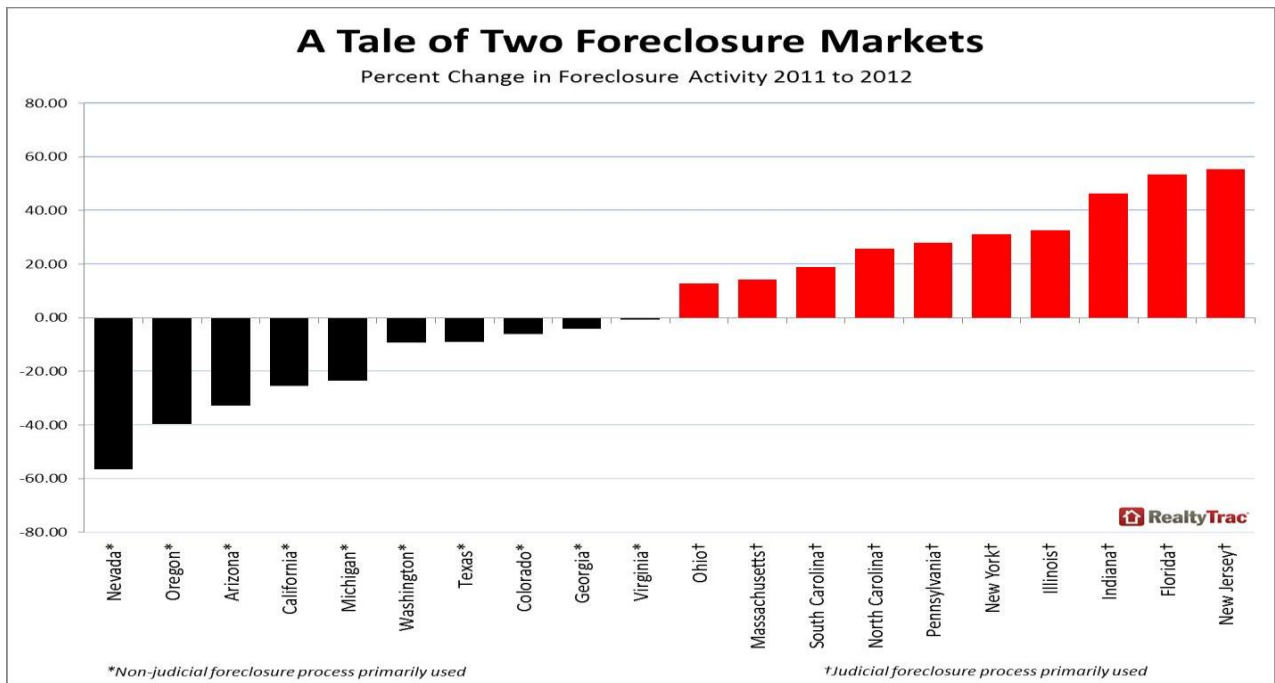


Figure 1: Foreclosure rates in New Jersey and Florida and still rising. Chart from Realty Trac.

effects will linger on for years to come.

For families, the three most likely reasons for homelessness are: lack of affordable housing, poverty, and unemployment.<sup>17</sup> For single individuals, the three most commonly cited

<sup>16</sup> 1.8 Million U.S. Properties with Foreclosure Filings in 2012, REALTYTRAC (Jan. 14, 2013), <http://www.realtytrac.com/content/foreclosure-market-report/2012-year-end-foreclosure-market-report-7547>.

causes of homelessness are: substance abuse, lack of affordable housing, and mental illness.<sup>18</sup>

Finding a solution to homelessness is a challenge regardless of the reason that an individual or family became homeless. Many homeless people avoid shelters because they are unable to have a space of their own. Items, especially shoes, get stolen and you must wait on line early in the day to try and get one of the few available beds. Shelters should be made available, but energy and money should be focused on creating permanent, stable housing.<sup>19</sup>

Audrey McFarlane explains that, “for ordinary people, property ownership is a combination of control over both access to material value, and as a result, constituting one's personal identity, personal sovereignty, and harbor in the storm.”<sup>20</sup> Property ownership is a major source of wealth creation. In a stable market, property can act as an investment and create status in society. Property ownership helps create a sense of identity within a surrounding community and allows individuals to set down roots. Tent cities can also help to provide identity, although in a different way from property ownership. They can help to establish a sense of community and create power and safety in numbers.

Modern day shantytowns, or tent cities, have emerged all around the United States from Washington State, to New Jersey, to Florida and Texas. United States tent cities vary in structure and organization, but all of them help to provide a place for the homeless to call home. A growing number of unsheltered Americans are congregating in tent cities for safety, community and as locations of last resort.<sup>21</sup> Tent communities provide valuable social capital to individuals who need support most in the United States.

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<sup>17</sup> *Facts and Figures: The Homeless*, PBS.ORG (June 26, 2009), <http://www.pbs.org/now/shows/526/homeless-facts.html>.

<sup>18</sup> *Id.*

<sup>19</sup> Desjarlais, *supra* note 12.

<sup>20</sup> Audrey McFarlane, *The Properties of Instability: Markets, Predation, Radicalized Geography, and Property Law*, 2011 WIS. L. REV. 855.

<sup>21</sup> NATIONAL COALITION FOR THE HOMELESS, *TENT CITIES IN AMERICA: A PACIFIC COAST REPORT* (2010).

In this paper, I will explore modern tent cities and the criminalization of illegal tent communities, while exploring the deeper social implications of such property use. I will focus on two tent cities: Lakewood tent city in New Jersey and Pinellas Hope in Florida. Everyday people must eat and excrete and sleep. Everyday homeless individuals face the overwhelming task of trying to find somewhere they are permitted to do this.<sup>22</sup> The homeless can be fined and cited, due to ordinances and legislation, for public urination, public sleeping, forms of panhandling, excessive property on city land, and unregulated housing. The purpose of these laws is to remove the homeless from public eye. The Lakewood tent city faces constant threats from the town of eviction and Pinellas Hope demonstrates that funding may not be enough to make tent communities an overall success. However tent cities provide an alternative to crime and overcrowding in shelters as well as a sense of community.

A National Alliance to End Homelessness blog writer said, “All parties involved in the positive and negative aspects of tent cities are undoubtedly frustrated: tent city residents do not have any other place to go, city officials cannot offer any solutions, law enforcement gets stuck in the middle and ends up the bad guy.”<sup>23</sup> In the following sections of this paper, I will compare and contrast two different tent cities located in Lakewood, New Jersey and Clearwater, Florida. The two encampments vary significantly in structure, size, funding, and formality. Lakewood tent city is smaller and less formal than Pinellas Hope, Florida. Larger more formal tent cities, like Pinellas Hope, are often named and better known, but do not represent the majority of tent city structures or residents, found with smaller populations and dimensions.<sup>24</sup>

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<sup>22</sup> Jeremy Waldron, *Homelessness and the Issue of Freedom*, 39 UCLA L. REV. 295 (1991).

<sup>23</sup> *What to do about tent cities?*, NATIONAL ALLIANCE TO END HOMELESSNESS (Aug. 12, 2009), <http://www.endhomelessness.org/blog/entry/what-to-do-about-tent-cities#.UUI38hnCdqc>.

<sup>24</sup> NATIONAL COALITION FOR THE HOMELESS, *supra* note 21.



Camp	Location	Population	Year Est.	Legal Status	Structures
Lakewood	Lakewood, NJ	~80	2006	Illegal	Tents/ Wood Frame Structures
Pinellas Hope	Clearwater, FL	~300	2007	Legal	Tents/ Apartments

The ownership of the property and legal status of a tent city significantly impacts the running of a tent community day-to-day and in the long term. I will analyze the differences between the two tent communities and explore how property ownership plays a role in the differences between the two sites. Finally, I will provide recommendations on how law and policy should deal with tent cities based on the beneficial social capital they provide to the homeless.

## II. Background

### a. Lakewood, NJ Tent City



Figure 2: Lakewood Tent City. Image from thelakewoodscoop.com.

The Lakewood, New Jersey tent city is located on several acres of land in Ocean County, New Jersey. Lakewood is located about 70 miles south of New York City.<sup>25</sup> The tent city started in around 2005 with one man and one tent.<sup>26</sup> Reverend Steve Brigham, a Lakewood resident and electrician turned minister, was approached by a homeless man for assistance with finding shelter. Brigham went to seminary school after high school and was an electrician for 17 years.

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<sup>25</sup> The population of Lakewood, NJ is 92,843 according to the 2010 census. The number of total housing units is 27,747. Of these, 25,342 are occupied and 2,405 are vacant. The median price for owner-occupied housing is \$283,700. The median rent is \$1,377 with over 4,525 of the 11,388 rentals costing \$1,500 or more a month. *American Factfinder Selected Housing Characteristics*, UNITED STATES CENSUS BUREAU, [http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS\\_11\\_5YR\\_DP04](http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_11_5YR_DP04).

<sup>26</sup> *Tent City in Lakewood, NJ*, <http://www.tentcitynj.org/> (last visited Apr. 24, 2013).

He then began to reach out to the poor and homeless in his community and became a ministry figure as part of his Lakewood Outreach Ministry. Ocean Township does sometimes provide shelter for the homeless in motels or a shelter in Atlantic City.<sup>27</sup> However, Brigham's best option was to give the man a tent and recommend a wooded area in town for him to set up camp. By the end of the first year there were around twenty people living in the tent city. Steve Brigham, as the founder of tent city, moved into the camp years ago and lives in a donated school bus.<sup>28</sup> He runs the community on about \$1,000 a month while local community groups donate food and clothing.<sup>29</sup>

The website for the tent city in Lakewood is very basic, and is rarely updated.<sup>30</sup> The tent city webpage does not contain a complex mission statement or set of rules, as other tent communities do. It merely contains updates about the tent city and asks for support through prayer and donations. The site enumerates a list of the trades that residents practice in order that they may secure employment for its current residents. The site has contact information for Steve Brigham and images of the tent city. There is one sign posted on a tree that states, "We are a community. Please respect the community, yourself, and others. Thank you."<sup>31</sup> These basic words govern the Lakewood tent city.

The residents of the Lakewood tent city illegally reside on township property. The property is located in the woods off of Cedar Bridge Avenue. Because they are illegally living on public land, the tent community has been in constant legal battles with the city, which wants the tent community gone. On January 6, 2013 Judge Foster, of the Toms River, NJ Superior Court

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<sup>27</sup> Allan Chernoff, *The jobless in New Jersey find refuge in Tent City* (Sept. 15, 2011, 5:10 PM), <http://www.cnn.com/2011/US/09/15/tent.city.new.jersey/index.html>.

<sup>28</sup> Telephone Interview with Steve Brigham, founder and leader of the Lakewood Tent City (Apr. 24, 2013).

<sup>29</sup> Jaweed Kaleem, *Lakewood Tent City, A Last Resort For The Homeless, Fce Eviction* (Jan. 5, 2012, 3:53 PM), [http://www.huffingtonpost.com/2012/01/05/lakewood-tent-city-new-jersey-homeless\\_n\\_1174702.html](http://www.huffingtonpost.com/2012/01/05/lakewood-tent-city-new-jersey-homeless_n_1174702.html).

<sup>30</sup> *Tent City in Lakewood, NJ*, *supra* note 26.

<sup>31</sup> *Id.*

ruled that the tent city could stay temporarily. Judge Foster stated that the township has a certain obligation to take care of the poor.

Litigation concerning the Lakewood tent city has been occurring for a few years.<sup>32</sup> In the winter of 2013 the town began issuing summons and citations to the tent city. The tent city was facing millions of dollars in fines monthly due to daily fines for each of the tenants and for nearly 80 wood burning stoves.<sup>33</sup> In the middle of the winter Lakewood decided to fine the tent city residents for living in the only shelter they could afford and the stoves that kept them warm. The town threatened to dismantle the tent city and remove all of its residents from the town's property. In February 2013 the township of Lakewood and the tent city agreed that the tent city would not be torn down.<sup>34</sup>

Lakewood is not a typical New Jersey suburb. Lakewood is home to nearly 100,000 residents and almost half of these residents are Haredi Jews.<sup>35</sup> Haredi Judaism is referred to as ultra-orthodox Judaism and they are drawn to the area to study at Beth Medrash Govoha, the largest yeshiva in America.<sup>36</sup> Haredim dress in traditional clothing and insulate themselves from others. They believe that they are the only authentic Jews. This Orthodox separatist community has its own agenda, lifestyle, and habits. The Township of Lakewood is geared toward the orthodox community due to their predominance in the area.<sup>37</sup> The Haredi Jews who have

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<sup>32</sup> Partial Summary Judgment Motion-Plaintiff, *The Township of Lakewood v. Steve Brigham, et al*, No. 1246210 (N.J. October 20, 2011).

<sup>33</sup> *Officials axe plans to tear down Lakewood's 'Tent City' homeless camp*, THE ASSOCIATED PRESS (Feb. 4, 2013, 4:19 PM), [http://www.nj.com/ocean/index.ssf/2013/02/officials\\_axe\\_plans\\_to\\_tear\\_down\\_lakewoods\\_tent\\_city\\_homeless\\_camp.html](http://www.nj.com/ocean/index.ssf/2013/02/officials_axe_plans_to_tear_down_lakewoods_tent_city_homeless_camp.html).

<sup>34</sup> *Id.*

<sup>35</sup> Seth Berkman, *Homeless Tent City Meets Suburbia in Orthodox Town*, JEWISH DAILY FORWARD (February 26, 2013), <http://forward.com/articles/171695/homeless-tent-city-meets-suburbia-in-orthodox-town/?p=all>. The word Haredi derives from the Hebrew word for fear (*harada*) and can be interpreted as "one who trembles in awe of God" (Isaiah 66:2,5). Lisa Katz, *Ultra-Orthodox Judaism*, ABOUT.COM, <http://judaism.about.com/od/denominationsofjudaism/a/haredi.htm> (last visited Apr. 27, 2013).

<sup>36</sup> Berkman, *supra* note 35.

<sup>37</sup> Telephone Interview with Steve Brigham, *supra* note 28.

recently begun to move into new housing in the area, constantly complain about the air quality, the vandalism of local schools and disruption of car traffic by Tent City residents.<sup>38</sup>

The orthodox Jewish community is the largest population in Lakewood and at voting time they band together to support candidates. The vaad is an organization of Jewish business owners and leaders that determines which candidates to support and informs the rest of the Jewish community in Lakewood on who to vote for.<sup>39</sup> This creates a majority-voting block within the area. Elected officials that do not cater to the orthodox population are voted out if the vaad does not support them. In order for politicians to keep their jobs, they must do the bidding of orthodox community.<sup>40</sup> The agenda of the vaad and Haredi Jews is self-focused and little to no importance is placed on needs of the broader community.<sup>41</sup> The non-Jewish residents of Lakewood, including the tent city, are left to take the proverbial crumbs.<sup>42</sup>

There is no true leadership structure within the Lakewood tent community. Pastor Steve Brigham runs the community as the sole leader and is in charge of running the tent city on a day-to-day basis. He organizes donations and tries to maintain order in the community. Brigham organizes church services for the residents, which they are not required to attend. Services used to be once a week on Sundays, but as aggression towards the tent city increased, he added services everyday at 7pm.<sup>43</sup>

The Lakewood tent city has no constant support from any organizations which contrasts with two tent communities in Seattle, Washington. In Seattle two tent communities have support from local churches to temporarily use their land. Every three months the tent communities move

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<sup>38</sup> Berkman, *supra* note 35.

<sup>39</sup> Telephone Interview with Steve Brigham, *supra* note 28.

<sup>40</sup> Defined on dictionary.com vaad is a noun meaning a Jewish council offering advice on or having authority over certain community affairs. It had Hebrew origins.

<sup>41</sup> Telephone Interview with Steve Brigham, *supra* note 28.

<sup>42</sup> *Id.*

<sup>43</sup> *Id.*

from one church to the next.<sup>44</sup> The churches do not participate for evangelical reasons. Most of the churches involved are progressive and recognize the need for homeless outreach during this difficult economy.<sup>45</sup> Through this system the tent cities get support from the church and abide by local ordinances to not have tent communities in one location for over three months.

There are about 80 residents living in the Lakewood tent city. Some residents struggle with alcohol and drug addictions and there are even a couple of registered sex offenders.<sup>46</sup> The residents of the tent city represent a microcosm of the larger community, perhaps with a bit more substance abuse.<sup>47</sup> There are a variety of races and nationalities represented and many residents used to be blue-collar workers. A few used to be successful professionals making \$100,000 a year working in New York City. However, layoffs and companies downsizing led to the loss of their jobs.

The tent city provides very basic amenities for the residents. There is one heated shower, a communal kitchen with one stove and oven, and a Laundry machine and dryer. There is a small chapel that holds about 15 people for church services and some support groups, such as Alcoholics Anonymous once a month. Occasionally medical personnel come in and do what they can to provide basic treatment for the residents. A volunteer nurse tries to come once a week to bring bandages, but the residents must rely on the local emergency room for more serious health issues. There is no consistent, reliable form of funding for the tent city. However, they do receive a variety of donations from private individuals and church organizations, but few are regular

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<sup>44</sup> Ray Lumpp, *Seattle's tent cities are a local reflection of global slum housing crisis*, THE SEATTLE GLOBALIST (Mar. 27, 2013), <http://www.seattleglobalist.com/2013/03/27/seattles-tent-cities-local-reflection-of-global-slums/11743>.

<sup>45</sup> Telephone Interview with Michael Stoops, executive director for the National Coalition for the Homeless (Apr. 24, 2013).

<sup>46</sup> Many municipalities have enacted "banishment zones" which restrict sex offenders from living within certain geographic areas. This includes areas near schools or parks. These laws place an even greater burden on sex offenders to find housing. Deborah Jacobs, *Why Sex Offender Laws Do More Harm Than Good*, ACLU, <http://www.aclu-nj.org/theissues/criminaljustice/whysexoffenderlawsdomoreharm/> (last viewed Apr. 21, 2013).

<sup>47</sup> Telephone Interview with Steve Brigham, *supra* note 28.

donors. Donations have fallen off due to the economy and the amount is dropping due to some of the misinformation that is circulating through the media.<sup>48</sup> The goal of the tent city is to minimize their overhead as much as possible and do their best to survive on the bare necessities. The tent city residents donate any left over food and donated items to the general poor in Lakewood.<sup>49</sup>

The surrounding community is not very supportive of the tent city. Local community members and business owners are threatening to sue the town for failing to take action against the tent city. Lakewood is currently experiencing a large push towards gentrification. The orthodox population is attempting to move into new sections of the town that were once occupied by predominately minority residents. The buildings are in poor condition, but landlords rent them out to immigrants. The renewed focus on poor housing conditions, while welcome, has revealed a new set of problems for the low-income and immigrant population, the main demographic living in the town's substandard homes.<sup>50</sup> Local groups, like Solutions To End Poverty Soon (STEPS), attempt to organize and seek positive change for individuals with substandard housing or no housing.<sup>51</sup>

Many of the residents of the Lakewood tent city have been criminalized for being homeless and living in the tent city. Pastor Brigham and other residents have received citations and fines.<sup>52</sup> There are also issues between residents in the tent city. Charles Carter has lived at the encampment for six years. Carter has been fined and cited by the government along with other members of the tent city, but he is also involved in a dispute with Pastor Brigham for using

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<sup>48</sup> *Id.*

<sup>49</sup> Telephone Interview with Steve Brigham, *supra* note 28.

<sup>50</sup> *Press Investigation: Lakewood targets illegal housing*, ASBURY PARK PRESS (Mar. 6, 2013), [http://www.app.com/apps/pbcs.dll/article?AID=2013303060035&nclick\\_check=1](http://www.app.com/apps/pbcs.dll/article?AID=2013303060035&nclick_check=1).

<sup>51</sup> STEPS TO END POVERTY SOON <http://www.njsteps.org/About%20Us.htm> (last viewed Mar. 28, 2013).

<sup>52</sup> *Mounting Problems at Lakewood Tent City Result in Citations for Camp Founder*, THE OCEAN SIGNAL (Jan. 31, 2013), <http://www.oceancountysignal.com/2013/01/31/mounting-problems-at-lakewood-tent-city-result-in-citations-for-camp-founder/11387/>.

a BB gun and disturbing a church service at the camp. There have also been reports of fires and violence within the tent city.<sup>53</sup>

The residents of the Lakewood tent city are grateful for the basic shelter and community that the tent city provides. There is a sense of pride in their tents. Many of the tents are just basic tarps over wooden frames. They provide shelter for residents to sleep and protect their few personal belongings. Others take pride in the appearance of their tent and decorate. In Figure 2 an orange and white tent is on the left. This tent belongs to a woman who is a Polish immigrant. She has pictures of her family inside and has a fenced in 'front porch' with flowers lining the railing. Even though she does not own the property, she takes pride in her home and has found a way to express herself.

Jeffery Wild is the attorney for the tent city. He is a partner at Lowenstein Sandler, LLP and is a Trustee of the New Jersey Coalition to End Homelessness and the American Civil Liberties Union of New Jersey.<sup>54</sup> He argues that no person should be unreasonably denied shelter. Michael DeCicco is a partner at Bathgate Wegener & Wolf P.C. and the attorney for Lakewood.<sup>55</sup> He argues that the township has to have control of their land.<sup>56</sup> From a legal perspective the legal rights of the town to the property is clear. People cannot seize the town's property regardless of their needs.<sup>57</sup>

There was a settlement reached between the town of Lakewood and the tent city. On March 15, 2013 in a court ruling, it was determined that the residents of tent city will be given housing for at least a year as part of a consent agreement that will also allow for the permanent

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<sup>53</sup> *Two People Stabbed At Lakewood's 'Tent City'*, BRICK PATCH (Dec. 29, 2012), <http://brick.patch.com/articles/two-people-stabbed-at-tent-city>.

<sup>54</sup> LOWENSTEIN SANDLER LLP, <http://www.lowenstein.com/jwild/> (last viewed Apr. 27, 2013).

<sup>55</sup> BATHGATE, WEGENER, & WOLF, <http://www.bathweg.com/michael-m-dicicco> (last viewed Apr. 29, 2013). Michael DeCicco is also Seton Hall Law alumnus.

<sup>56</sup> *Judge Rules In Favor Of Lakewood Tent City*, CBS NEW YORK (Jan. 6, 2012, 3:30 PM), <http://newyork.cbslocal.com/2012/01/06/judge-rules-in-favor-of-lakewood-tent-city/>.

<sup>57</sup> Telephone Interview with Michael DeCicco, attorney for Lakewood (Apr. 29, 2013).



closure of the Lakewood tent encampment.<sup>58</sup> The intake of the residents has not been completed yet and individuals may be sneaking in to set up camp. The survey of the tent city population that will be used to later place the residents in proper housing will be completed in May 2013.<sup>59</sup> With this agreement the town will get their land back and the tent city residents will be able to have a place to live.<sup>60</sup>

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<sup>58</sup> Hank Kalet, *Tent City to Close; Residents Will Receive Year of Housing*, TOMS RIVER PATCH (Mar. 15, 2013), <http://tomsriver.patch.com/articles/tent-city-to-close-residents-will-receive-year-of-housing>.

<sup>59</sup> Telephone Interview with Michael DeCicco, *supra* note 87. The census will be completed May 1-5 2013.

<sup>60</sup> *Id.*

b. Clearwater, FL Community (Pinellas Hope camp)



Figure 3: Pinellas Hope. Image provided by Google via Thomas Mitchell.

Pinellas Hope opened in 2007 on 10 acres of land provided by the Dioceses of St. Petersburg in Clearwater, Florida, where the tent community is located. It is on the western coast of Florida just north of St. Petersburg.<sup>61</sup> Pinellas Hope was begun as a pilot program that was meant to run for only 5 months. Catholic Charities runs and organizes the location. The mission statement of Pinellas Hope is, “Pinellas Hope, a program of Catholic Charities, serves with charity and compassion to promote the sanctity and dignity of all people with God. As a member

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<sup>61</sup> The population of Clearwater Florida is 107,685. There are a total of 61,705 housing units. Of which 46,781 are occupied and 14,924 are vacant. The median price for owner-occupied housing is \$179,900. The Median Monthly rent is \$936. *American Factfinder Selected Housing Characteristics*, UNITED STATES CENSUS BUREAU, [http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS\\_11\\_5YR\\_DP04](http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_11_5YR_DP04).

of the Church, Pinellas Hope, a program of Catholic Charities, offers hope by helping those in need and unites with others in service.”<sup>62</sup> Pinellas Hope has been open for five years providing valuable resources and shelter to the homeless.

In 2010 Pinellas Hope II, opened as an expansion of the shelter run by the Catholic Charities Dioceses of St. Petersburg. New permanent structures were built during the second phase expansion.<sup>63</sup> Pinellas Hope receives consistent support from local and state governments. The site includes a community center with permanent offices, kitchen, meeting rooms, and a covered dining area replacing temporary trailers. It also includes 80 apartments for transitional housing as residents of Pinellas Hope prepare to return to regular housing. The site was expanded to now total 20 acres. Pinellas Hope’s main goal is to help support people to return to self-sufficiency.<sup>64</sup>

Pinellas Hope consists of rows and rows of identical tents provided by the facility. Each of the tents is set up on a platform so they do not flood. There are also single room sheds for housing. Each person that enters Pinellas Hope must go through a screening process before being accepted into the community. Catholic Charities completes background checks before an individual can become a resident. Residents must also pass alcohol and drug tests prior to acceptance into the community. There is a waitlist to get into Pinellas Hope and the site is a temporary shelter for single individuals over the age of 18. Pinellas Hope does not accept families. The screening process and limitations that Catholic Charities utilizes helps to maintain

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<sup>62</sup> *Pinellas Hope; A Program of Catholic Charities Diocese of St. Petersburg*, <http://www.pinellashope.org/> (last visited Apr. 29, 2013).

<sup>63</sup> David DeCamp, *Pinellas Hope officials celebrate the opening of permanent buildings at ‘Tent City’*, TAMPA BAY TIMES (Sept. 7, 2012), <http://www.tampabay.com/news/localgovernment/pinellas-hope-officials-celebrate-the-opening-of-permanent-buildings-at/1119998>.

<sup>64</sup> *Pinellas Hope; A Program of Catholic Charities Diocese of St. Petersburg*, *supra* note 62.

order and consistency in the tent community. However, it does exclude some individuals that are facing more serious struggles.

Pinellas Hope is a place for the homeless to find shelter, food, clothing, and education for a short period of time. The purpose is to help needy individuals in the area find a place to temporarily build up their personal resources and gain the tools to get back on their feet. Pinellas Hope has an affiliation with Bay Care Medical. The site helps to provide transitional housing for medical patients that do not have homes and are too frail to return to the streets. Bay Care Medical also provides basic medical care to all the residents of the Pinellas Hope community.<sup>65</sup> Pinellas Hope is not meant to be a long-term solution to homelessness. It is intended to provide basic resources for people to use and eventually be able to become self-sufficient.

Catholic Charities and Pinellas Hope have a multitude of partners to help provide financial support and volunteer hours to the community. The donations of individuals, groups, businesses, organizations, and churches help to make the camp run smoothly and focus on the resources that are needed.<sup>66</sup> The leadership and funding of Pinellas Hope is through Catholic Charities. The organization structure of the leadership at Pinellas Hope is very flat. There is a program manager and a facility manager that report directly to the chief operating officer of Catholic Charities at the St. Petersburg diocese.<sup>67</sup> There are another eight paid staff positions under the facility manager.<sup>68</sup> There are also volunteers that visit the camp on a regular basis to support the paid staff.

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<sup>65</sup> *Pinellas Hope Respite Services*, PINELLAS HOPE, <http://home.catholicweb.com/pinellashope/index.cfm/NewsItem?ID=306995&From=News> (last viewed Apr. 20, 2013).

<sup>66</sup> I actually made a donation through the Pinellas Hope website (Pinellashope.org). The money will buy a new tent for the community.

<sup>67</sup> Telephone Interview with James Geary, program manager at Pinellas Hope (Apr. 29, 2013).

<sup>68</sup> *Id.*

The St. Petersburg Catholic Diocese owns the property where Pinellas Hope is located. The site is nearly twenty acres in an industrial area near Pinellas Park. The tent community is located right off of 126<sup>th</sup> Avenue North in Clearwater, Florida. It is next to a UPS customer service hub, a construction company headquarters, and a marine salvage yard. The tents are set back from the street. The location of the property is not ideal for residential building and the use as a tent community is not a nuisance to the industrial lots near by. The property also backs up to a Catholic cemetery and Route 19, a major highway.<sup>69</sup>

Pinellas Hope can house many residents in their varied housing options of tents, sheds, and apartments. There are about 300 resident at any given time, and over 800 pass though the community every year.<sup>70</sup> There is a strict no drug and no alcohol policy on the premises. As stated earlier, there are no families permitted to live in the camp and each resident must have a background check before they are admitted. The purpose of the background checks are to prevent individuals with a violent past and sex offenders from becoming members of the Pinellas Hope community.<sup>71</sup> The average stay for residents is seventy-seven days and there is a mandatory curfew of 10:30pm.<sup>72</sup> Some residents stay for a few weeks and others for a couple months.<sup>73</sup> Four in ten residents that enter Pinellas Hope are likely to be evicted from the community during their stay, end up in jail after they leave the community or are unable to be found once they leave the camp.<sup>74</sup>

The community at Pinellas Hope has more than just shelter provided to them by Catholic Charities. Residents have access to computers and telephones, GED classes, medical check ups,

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<sup>69</sup> Information from Google Maps Satellite Imaging.

<sup>70</sup> David Decamp & Stephen Nohlgren, *Pinellas Hope*, TAMPA BAY TIMES, <http://www.tampabay.com/specials/2010/reports/pinellas-hope-tent-city/> (last viewed Apr. 14, 2013).

<sup>71</sup> As addressed in the Lakewood section. Individuals with criminal records and registered sex offenders often face greater obstacles when trying to find affordable housing. This makes them very likely to end up homeless.

<sup>72</sup> Green, *supra* note 8.

<sup>73</sup> Telephone Interview with front desk personnel at Pinellas Hope (Apr. 29, 2013).

<sup>74</sup> Decamp & Nohlgren, *supra* note 70.

caseworkers, and a kitchen and dining tent facility. Computer use is limited and can only be used for creating resumes and job searches. The entire property of Pinellas Hope is fenced in and there are security cameras at the entrances. Pinellas Hope encourages community members to return and volunteer once they get on their feet. Their mantra is “Homeless but not hopeless.” The five case managers and social workers help residents work through their particular situation and encourage residents to make positive changes. There are job fairs hosted on the premises to connect individuals with employers. Residents that do not have jobs help support other nonprofits through volunteer work.

The community surrounding Pinellas Hope is generally supportive of their mission, but they do see some problems that the tent community brings to the area. An organization called Stop Tent City has been created. The organization interestingly calls for a way to solve homelessness. Stop Tent City is concerned because they believe that Pinellas Hope is attracting homeless people to the area. Their main concern is safety and they do not believe it is a model of success. They have seen a decline of property values, and also have environmental concerns.<sup>75</sup> There is very little criminalization of Pinellas Hope community members because they live on private property and have facilities as their disposal. Former Mayor of St. Petersburg, Rick Baker, said that the city contributed \$250,000 to the camp in 2008 and city crews helped clear the land.<sup>76</sup> In 2009 the chief operating officer for Catholic Charities at the St. Petersburg diocese said that it costs \$2.6 million a year to run the camp with about half coming from donations of food and other items.<sup>77</sup> However, like most nonprofit operations, Pinellas Hope does struggle to stay open and maintain viability.<sup>78</sup>

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<sup>75</sup> STOP TENT CITY, <http://www.stoptentcity.com/our-objections.php> (last viewed Apr. 7, 2013).

<sup>76</sup> Green, *supra* note 8.

<sup>77</sup> *Id.*

<sup>78</sup> STOP TENT CITY, *supra* note 75.

Pinellas Hope has been viewed as a model to tent cities around the country.<sup>79</sup> The large size and streamlined organization of the community should be emulated in other tent communities. Pinellas Hope has a positive public image and works to control the type of information that is made public. There is little information provided by the actual residents that find shelter at Pinellas Hope. All of the communication with newspapers and media is through staff and representatives of Catholic Charities. There are signs at the entrance of the community which warn that trespassers will be punished and also warn of video surveillance. Catholic Charities is very private about the internal workings of the site. I believe that this separation of the residents from outside influence may raise issues brought up in *State v. Shack*. In *State v. Shack* the court held that “Title to real property does not include dominion over the destiny of persons the owner permits to come onto that property.”<sup>80</sup> Everyone that could be reached to comment by phone was very guarded about the information they provided and were confrontational.

### III. Analysis

There are a variety of factors that contribute to the way that a tent community or squatter settlement functions. The Lakewood tent city in New Jersey and Pinellas Hope in Florida have very different organizational structures and resources. Tent communities vary in size and set up due to factors related to the surrounding community as well as the needs of the residents of the tent cities.

The Lakewood tent city and Pinellas Hope both provide vital and basic necessities to the homeless individuals that live on each site. Neither location is glamorous or an ideal living

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<sup>79</sup> Telephone Interview with Michael Stoops, *supra* note 45.

<sup>80</sup> *State v. Shack*. 277 A.2d 369 (N.J. 1971).

situation for any person, but basic shelter is a need for survival and each location fulfills that basic need. Each tent community attempts to provide resources for the homeless, but struggles with limitations due to the scarcity of financial resources and land. Lakewood and Pinellas Hope operate on the donations and generosity of others. They rely on the contributions of the general public, businesses, and religious organizations to run the day-to-day operations of the tent community. Each of the tent communities arose out of a necessity for basis housing and increasing homelessness across the nation.

There is no true form of self-governance in the Pinellas Hope camp. Catholic Charities established the rules for the site and the community members must follow these strict rules. Residents of Pinellas Hope are evicted if they are found to be in violation of the camp rules. The program manager and caseworkers determine an individual's admittance into the facility and removal from the facility. The residents themselves have very little say in the process once they are in Pinellas Hope.

Camp Quixote in Olympia, Washington, provides a strong example of self-governance within a tent city. Residents in Camp Quixote have developed both a set of rules and a code of conduct that govern their community.<sup>81</sup> The rules, written by the camp residents, prohibit alcohol and drugs, violence, bullying, and theft, among other things.<sup>82</sup> Residents are held responsible for their actions and have input on what values they would like to foster in their squatter community. This creates a sense of accountability. The Lakewood tent city is governed by a mentality of respect and responsibility for one another. The leadership of Steve Brigham is focused mostly on the community interacting with the public and the town. He tries his best to

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<sup>81</sup> *Quixote Village*, CAMP QUIXOTE, <http://quixotevillage.com/quixote-village/> (last viewed Apr. 27, 2013).

<sup>82</sup> Zoe Loftus-Farren, Note, *Tent Cities: An Interim Solution to Homelessness and Affordable Housing Shortages in the United States*, 99 CALIF. L. REV. 1037 (2011).



deal with issues within the community, but leaves most of the community to live by their own standards.

At Pinellas Hope it is difficult for true community to form. The site houses many residents that are at different phases of the system established by Catholic Charities. Residents do not spend a long time in the community and often are in and out of Pinellas Hope in less than two months.<sup>83</sup> In Lakewood, New Jersey some of the members of the tent city have lived on the site for years. They have gotten to know one another and their leader Steve Brigham who also lives in the tent city. An individual does not need to go through any screening process to become a resident. People can set up camp wherever there is space. Married couples and non-married couples that are dating can cohabitate by their own choice.

Lakewood tent city has little to no security. There is no documentation of the residents present on the site and people can come and go as they please.<sup>84</sup> There was a reported stabbing and death at the site.<sup>85</sup> The tent city is located on public land, so residents have no real right to exclude anyone from the property. Residents also explain that people come onto the site and harass them while they are in their tents.<sup>86</sup> Pinellas Hope is completely fenced off from the outside. No one is permitted to enter the premises unless you work or live on the site. In order to gain access to the site each person must have permission from the staff.

The major difference between the Lakewood tent city and Pinellas Hope is the status of the property where the camps are located. In Lakewood the tent city is located on township land and the residents do not have permission from the town to use the property. The underlying issue

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<sup>83</sup> Telephone Interview with front desk personnel at Pinellas Hope (Apr. 29, 2013).

<sup>84</sup> Telephone Interview with Steve Brigham, *supra* note 28.

<sup>85</sup> Erin O'Neill, *Man stabbed two at homeless tent city near Jersey Shore*, THE STAR LEDGER (Dec. 30, 2012, 1:50 PM), [http://www.nj.com/ocean/index.ssf/2012/12/man\\_stabbed\\_2\\_at\\_homeless\\_encampment\\_near\\_jersey\\_shore.html](http://www.nj.com/ocean/index.ssf/2012/12/man_stabbed_2_at_homeless_encampment_near_jersey_shore.html).

<sup>86</sup> Telephone Interview with Steve Brigham, *supra* note 28.

that the town had with the tent city stems from the fact that the land is government property. The residents of the tent city do not have a right to seize the town's land and claim it for their use. At Pinellas Hope the Diocese of St. Petersburg privately owns the property and decided to use the land for temporary housing. The fact that Pinellas Hope uses the land with permission and support from the property owners alleviates a lot of the tensions that most tent cities face. The ownership of the land makes Pinellas Hope very different than other tent cities located around the country.

Tent cities across the country, including the Lakewood tent city and Pinellas Hope, bring awareness to the issue of homelessness. These communities bring homeless people together and make them visible to the general public. The gathering of homeless people in a squatter community is more difficult to overlook than one homeless person on a street corner. Although each individual may be homeless for a different reason, the group has one common bonding feature which is to meet their basic needs as a human being. In a group there is more power and the group can seek change from their local government. The Lakewood tent city gathers near the Lakewood municipal building to ask for change and support from the government. Political activity (voting, civic participation) is higher among homeowners than renters.<sup>87</sup> The residents of the Lakewood tent city act in a way similar to homeowners. They have a stake in their tents and some have been in the tent city for a couple years. Residents form roots and ask the surrounding society to value the basic necessities that a tent community provides.

Robert Putnam, a political scientist and professor, discusses American social capital using an analogy to bowling leagues. He encourages individuals to find others with similar interests to network and work together to impact their society:

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<sup>87</sup> Robert D. Dietz, *The Social and Private Micro-level Consequences of Homeownership*, J. OF URB. ECON. 2 (2003).

Finally, and perhaps most urgently, we need to explore creatively how public policy impinges on (or might impinge on) social-capital formation. In some well-known instances, public policy has destroyed highly effective social networks and norms. American slum-clearance policy of the 1950s and 1960s, for example, renovated physical capital, but at a very high cost to existing social capital.<sup>88</sup>

Current public policy punishes the homeless for merely living as a homeless person. The law punishes groups of individuals that band together to meet their basic human needs. Local government should embrace tent communities as a way to centralize homelessness in one location and better understand how to enact policy to address the needs of this underprivileged group.

Tent cities are the last resort for many homeless Americans. There is not enough shelter space to hold the increasing number of homeless people. There is little to no free land left in this country. Overcrowding and shantytowns, especially where children are involved, violate health, housing or zoning codes. In a certain sense tent cities should be embraced because the public and surrounding community does not have to deal with the homeless “on the streets” if there is an area designated for the homeless to use. Tent cities eliminate public urinating, sleeping, and other banned behaviors. If placed in a designated location the homeless can be less visible to the general public, but still have the basic necessity of shelter and a place of their own. This tactic may raise issues similar to banishing the urban poor and minorities to the urban fringe, but it also allows people to create a sense of place and meet their basic human needs.<sup>89</sup>

The location of the tent city can impact the way the surrounding community reacts to a tent city’s presence. Lakewood is located in a suburban community (See Figure 5 below). It is

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<sup>88</sup> ROBERT D. PUTNAM, BOWLING ALONE: AMERICA’S DECLINING SOCIAL CAPITAL, 6 J. OF DEMOCRACY 65 (1995).

<sup>89</sup> Michele Wilde Anderson, *Cities Inside Out: Race, Poverty, and Exclusion at the Urban Fringe*, 55 UCLA L. REV. 1095 (2007).

off of a main road, set back in the woods, but is fairly close to small businesses and private residences. The smoke and noise from the tent city can be seen, smelled, and heard by surrounding private property owners. Pinellas Hope is located in an industrial part of Clearwater (See Figure 4 below). It is next to a large UPS facility and a Marine salvage yard. It is not on prime real estate and community members do not feel the negative aspects of having a tent city nearby.



Figure 4: Pinellas Hope in Clearwater, FL. Image provided my Google Maps

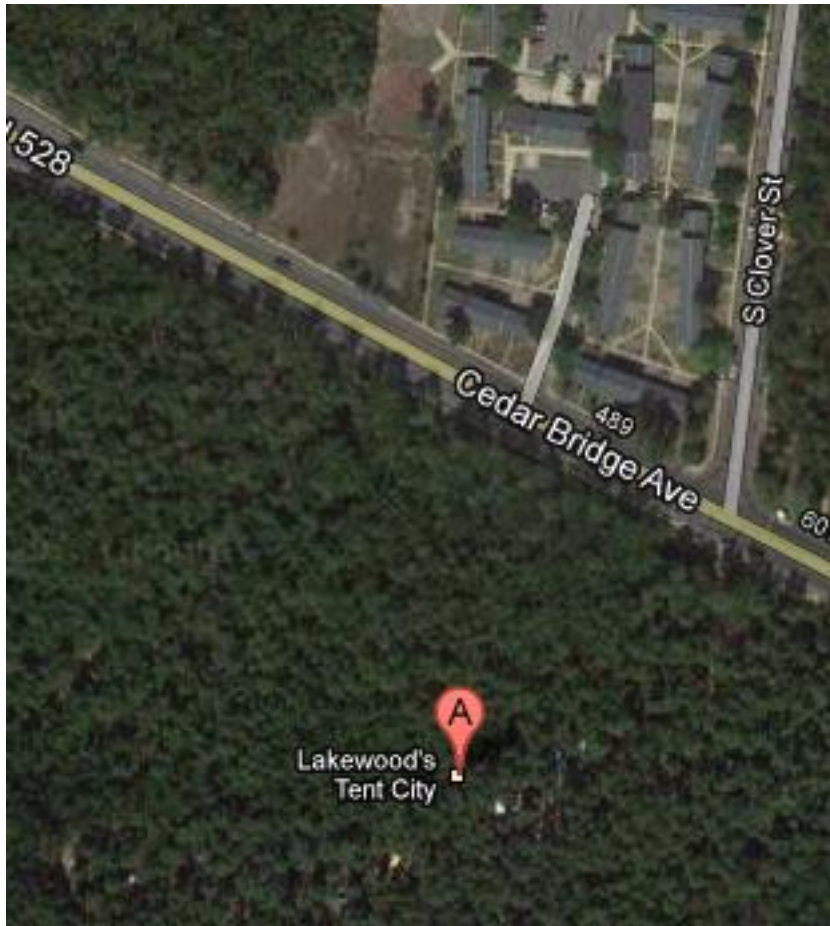


Figure 5: Lakewood Tent City in Lakewood, NJ. Image provided by Google Maps.

#### IV. Recommendation for statutory/regulatory solution

Tent communities are full of dangerous conditions and may violate the law, but they provide basic shelter for thousands of Americans. Dismantling tent communities and evicting tent city residents does not solve the broader societal issues that homelessness creates. A tent city is not a long-term solution for homelessness, but it is a mechanism for raising awareness and visibility within the surrounding community. Positive social capital is built within these makeshift communities regardless of the size, location, and organization of a tent city. Local officials and policy makers need to address the broader issue of homelessness in order to

eradicate the need for tent cities. In the interim, city officials should designate areas where squatting is permitted for individuals that have no other housing resources.

Tent cities are beneficial to the homeless because they provide basic shelter and a sense of community. Often the town and community that surround a tent city acknowledge the benefits that makeshift housing provides, but do not want a squatter settlement located in their neighborhood. The not in my back yard (NIMBY) mentality is a logical response from the general public. Tent cities can bring down surrounding property values, increase traffic, and pollution in the area. However, “discovering how these settlement spaces have come to be, the role that economic, political, and social institutions play in creating and changing these spaces, and the processes by which these spaces are given meaning by local inhabitants are all part of the sociospatial perspective of the new urban sociology.”<sup>90</sup> Although squatter communities are not a new concept in the United States, the frequency and increased locations in which they occur is. This play between the needs of homeless individuals and the space that they establish through tent cities demonstrates that society has failed to fulfill their most basic needs.

Tent cities are a response to societal failures like lack of affordable housing, economic recession, and foreclosures. “The public’s view of squatting ignores most studies of squatters, which present evidence of a high degree of organization and internal structure in the establishment of squatter settlements. However, the bureaucratic view is consistent with common social science conceptions of poor people in general and of homeless people in general...”<sup>91</sup> The ‘us versus them’ mentality can be very damaging in homeless rhetoric. It perpetuates the stigmatization that already exists of the homeless and poor. The key is to continue to explore

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<sup>90</sup> RAY HUTCHISON & MARK GOTTDINER, *THE NEW URBAN SOCIOLOGY* 2 (2010).

<sup>91</sup> ANNA LOU DEHAVENON, *THERE’S NO PLACE LIKE HOME: ANTHROPOLOGICAL PERSPECTIVES OF HOUSING AND HOMELESSNESS IN THE UNITED STATES* (1999).

how to lift people up and not continue to create a dialogue of inferiority that impacts people's psyche.<sup>92</sup>

There is no distinction in our criminal system between acts that do involve moral wrongdoing and those that do not.<sup>93</sup> Setting up a tent on property that you do not own in order to have a place to sleep is not morally wrong. Basic human instinct pushes individuals to protect themselves from the elements and find a place for shelter. If a tent community can help people meet their essential needs while minimally impacting others in a negative way, then there is no reason to punish them. Accusing squatters of selfishness, especially squatters who own no real property, ignores the larger picture of skewed property ownership.<sup>94</sup>

A tent city can help to define who people are and give them a connection to those around them. "Property is necessary to give people 'roots,' stable surroundings, a context of control over the environment, a context of stable expectations that foster autonomy and personality. Property is a property of persons; and this understanding of property is held to be necessary for human freedom."<sup>95</sup> The objects that tent city residents keep in their tents also help to define a sense of personhood.<sup>96</sup> A homeless person that returns to the same alcove every night has a sense of place. They can establish a simple sense of home and a routine. Tent cities help to do the same, rather than roaming the streets, those without property have a base of operations. No one should have to live in the woods, but for many it is their only option.

The idea of a town condoning a squatter settlement and setting aside land for the homeless to use is not without its flaws. The township can take on increased liability for the dangers associated with tent cities. These liabilities will encourage the government to act quickly

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<sup>92</sup> Telephone Interview with Steve Brigham, *supra* note 28.

<sup>93</sup> DENNIS J. BAKER, *THE RIGHT NOT TO BE CRIMINALIZED: DEMARCATING CRIMINAL LAW'S AUTHORITY* (2013).

<sup>94</sup> ANDERS CORR, *NO TRESPASSING!: SQUATTING, RENT STRIKES, AND LAND STRUGGLES WORLDWIDE* (1999).

<sup>95</sup> *Id.* at 58.

<sup>96</sup> Margaret J. Radin, *Property and Personhood: An Intuitive View*, 34 *STAN L. REV.* 957 (1982).

in finding a solution for the squatter settlement and swiftly allow the homeless to find more permanent housing solutions.

Criminalizing non-dangerous actions related to the homeless can be extreme. In Las Vegas, Nevada there is a political campaign to enact ordinances that criminalize individuals of the public and charitable organizations that feed the homeless.<sup>97</sup> It is argued that feeding the homeless leads them to gather in parks which then makes the parks unsafe for families to use. The crime of providing food and resources to the homeless has a maximum penalty of \$1,000 and up to six months in jail.<sup>98</sup> Current policies aim to make homelessness and tent cities disappear and not be visible to the general public. However, with a number of 633,782 people experiencing homelessness on any given night in the United States this expectation is highly unrealistic.<sup>99</sup> The current policies of criminalization results in harm, stigmatization and harsh treatment for those who are brought within its scope, regardless of whether an offense carries a jail term or not.<sup>100</sup>

Homelessness is a negative aspect of society, but tent communities are a self-help mechanism that benefits individuals that are homeless.

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 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.<sup>101</sup>

Tent cities place a minimal financial burden on local government and provide a temporary

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<sup>97</sup> Baker, *supra* note 93.

<sup>98</sup> *Id.* at 47.

<sup>99</sup> *Snapshot of Homelessness*, *supra* note 7.

<sup>100</sup> Baker, *supra* note 93.

<sup>101</sup> Loftus-Farren, *supra* note 82 at 1041.



solution to homelessness. These communities give local officials time to address issues that are contributing to rising homeless statistics and establish more forms of affordable housing options in the area.

## V. Conclusion

Tent communities and squatter settlements are not new phenomena in the United States. However, the recent rise in unemployment, economic decline, increased foreclosures, and societal changes have increased their prevalence and visibility around the country. Tent cities provide more than just physical shelter for the homeless; they encourage the building of valuable social capital and a sense of community and belonging. The homeless in tent communities can pool their meager resources together in an attempt to meet their basic needs. The shelter and facilities in tent communities may be makeshift and the shelter may be minimal, but at least they are not alone. Homeless shelters and affordable housing options are insufficient and unreliable to provide for the 633,782 people experiencing homelessness on any given night in the United States.<sup>102</sup>

The Lakewood tent city in New Jersey and Pinellas Hope in Florida both provide vital and indispensable necessities to the homeless individuals that live on each site. Each of the tent communities arose out of a need for basic housing and increasing homelessness across the nation. Tent cities eliminate many of the criminalized activities associated with the homeless such as public urinating, sleeping, and other banned behaviors. Positive social capital is built within these makeshift communities regardless of the size, location, and organization of a tent city.

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<sup>102</sup> *Snapshot of Homelessness, supra* note 7.

In Lakewood, New Jersey the tent city provides a message of survival. They have very scarce resources and inconsistent support. However the site is open to anyone that needs a place to set up camp. The tent city residents vary greatly, some previously holding jobs that paid six figures and others have drug addictions, alcohol addictions, and mental illnesses. Pastor Steve Brigham provides a strong sense of leadership to the community. He lives along side the homeless and fights for support from the local government. The persistence and patience of the tent city has not been in vain. Just recently the courts decided that Lakewood must provide a year of housing for all the residents and the tent city will be closed.<sup>103</sup> The details of this agreement have not been finalized, but hopefully the transition will begin soon.

Pinellas Hope in Florida provides a message of hope. The site provides a short-term solution to homelessness and provides a multitude of resources for individuals to get back on their feet. The tent community has permanent structures and apartment facilities. The financial support and property from Catholic Charities helps to keep the site organized. The location and control of the facility minimizes conflicts with the surroundings community.

There is tremendous value created in tent communities like the Lakewood tent city and Pinellas Hope regardless of the public's opinion of these tent cities. Tent cities should not and cannot be dismantled without local governments finding alternate solutions to provide more permanent shelters for residents that call tent communities home.

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<sup>103</sup> Kalet, *supra* note 58.