



Mix it up with The Bee's editorial board. March 22, 2009

[Q&A: Should Sacramento legalize a tent city for the homeless?](#)



In my [column](#) today, I examine proposals for a sanctioned [tent city](#) in Sacramento as an alternative for the homeless who are camping illegally near the American River.

Robert Tobin is executive director of Cottage Housing, which runs Quinn Cottages in Midtown and Serna Village at McClellan Park. Both offer transitional housing for the homeless, with an emphasis on self-reliance, self-governance and staying clean and sober.

Mark Merin is a Sacramento lawyer. He is the lead attorney in a 2007 federal lawsuit, filed on behalf of 11 homeless people, who claim the city and county violated their constitutional rights by confiscating sleeping bags and other possessions.

Q. What should be the city's response to growing numbers of homeless people who are camping near the American River?

Merin: Homeless people are sleeping outdoors not because they enjoy it but because they are poor and jobless, and many have physical or mental disabilities, and because there are no adequate shelters available for them. Best current estimates (probably low) are that 1400 homeless people are sleeping outside every night in Sacramento. Instead of wasting city and county resources forcing these people to drag their meager but essential belonging from one out-of-sight spot to another to please property or business owners who don't want to see the homeless people near them, the city and county and private organizations and individuals should recognize that the real need is public housing for those who need a place to live and temporary shelters for those waiting to be placed in public housing, and at a minimum designated SAFE GROUND where homeless people can sleep (camp) and where they can leave their belongings without fear that it will be confiscated or destroyed while they go about trying to deal with the issues they confront daily like getting food, health care, education for their children, showers and seeking employment.

These sanctioned SAFE GROUND encampments should be close to where services are provided, should have port-a-potties, running water and security, not unlike commercial campgrounds or state parks, and could be self-governed by those temporarily residing there. Concentrations of homeless persons would make provision of services more convenient, would lead to self-help efforts, would lift the morale of the homeless population which is now so stigmatized, and would allow all of us to see the reality that "there but for fortune go I."

Tobin: With the annual Street Count showing the number of "unsheltered" homeless rising by 26% in the last two years, the question is not whether but what we do about it.

Our three principles to any strategic response to this problem should be: (1) concentrate on the solution to its causes rather than on its symptoms; (2) unify rather than divide our community around these efforts; and (3) stay within existing law and extend safety and sanitation protection to all citizens - homeless or otherwise.

Anyone who has seen the first five minutes of the hit movie "Slumdog Millionaire" knows that what an endorsing Bee [editorial](#) (12/14/08) recently called "shanties" do not meet any of these requirements. Tent cities have already proven problematic both in Sacramento and elsewhere, and should not be part of our community's interim response to this fast-growing crisis.

Q. Robert, you say that tent cities have proven problematic both in Sacramento and elsewhere. How so? Can you give examples of how, say, Dignity Village in Portland hasn't worked?

Tobin: First, saying tent cities would be a "temporary" response ignores decades of experience with "emergency" shelters and other not-so-quick-fix homeless remedies. Trailers put on school playgrounds were once called "temporary" classrooms until they became "portables" even though they never move. It will be the same with tent cities and for many of the people who live in them.

Portland's " Dignity Village ", which is touted as a model for a tent city in Sacramento 's central city area, is in fact not located in downtown, midtown or even in town. In response to adverse environmental (i.e. sanitation) and economic impacts , it was relocated as close to Portland 's airport runway as one could get without a boarding pass. News reports indicate it is two bus lines away from a laundry mat, struggling with problems like rodent infestation and turning garden sheds an acceptable habitation standard. And they call that "dignity"?

Considering that Sacramento would need twenty tent cities the size of Portland's to alleviate its homeless problem, the question we should be discussing here - and in City Hall - is not "why not tent cities?" but rather: "what are other alternatives?" At least one option is suggested in Mr. Merin's 12/22/08 Bee [editorial](#), which proposed the use of vacant commercial buildings as an alternative to tent cities. Such retail spaces meet local building costs, already have bathrooms and heat/air conditioning, are in close proximity to public transportation, and have the current advantage of being available in plentiful supply. That's the same conclusion was reached by the homeless services coordinator for San Bernardino County who, after managing a tent city, told the [Los Angeles Times](#) (3/14/08): "I think Ontario learned that if you are going to house a large group of people, you want to do it in a building."

Merin: Of course sanctioned tent cities are not the answer to homelessness, they just make the fact of homelessness starkly visible, halt the cruel and fruitless efforts of [law enforcement](#) to obscure the reality by dispersing concentrations of homeless persons, and challenge our community to deal with the reality of desperate poverty and unemployment which has caused the geometric rise in the number of homeless individuals and families.

While formerly attracting national attention to its annual camellia festival and Dixieland jazz jubilee, Sacramento is now in the national spotlight with the Opray Winfrey show, The Today Show, Time and Newsweek magazines, Reuters and even the BBC highlighting the burgeoning encampment of homeless persons which city and county officials debate the desirability of "permitting" homeless people to congregate on the vacant property once the site of a city dump. The question should not be: "How can we make the homeless encampments go away?" It should be: "How can we provide real help to these people?" and the answer to that is obviously HOUSING.

Yes, vacant warehouses (inside tent cities) are better than bare ground as temporary accommodations

because they do shelter people from the elements, allow more security, and make running water and bathrooms more accessible. But to facilitate this sensible development the city and county should relax or suspend any code restrictions that now make such uses illegal and should promote this use by offering up their own empty or underutilized properties for this purpose and by encouraging private owners of such warehouses to make them available. If social conscience isn't sufficient to satisfy the need, you'd be surprised what tax credits and the right to claim charitable deductions would do to encourage owners of vacant property to open them up to homeless people.

Tobin: There is, of course, truth to every stereotype. A dozen respondents indeed said "yes" when directly asked in a local street survey (August, 2000): "Do you want to be homeless?", but the remaining 281 (96%) said "no". Of course police should not be shuffling people from one illegal site to another, but moving them from one unhealthy situation to another is no better.

The logistical, political, legal and fiscal issues that make other alternatives preferable to tent cities pale in relation to the moral question: is Sacramento ready abandon long-established and strongly enforced standards of habitation and civility for those who need it most? The term "building code" is actually somewhat a misnomer, because their purpose is not construction safety but public health. Their lighting, sanitation, air circulation, separation of hot and cold water and occupancy requirements are a primary reason for reduction in communicable diseases during the late 1800's - long before their cures were invented. Forgoing these standards is an invitation for these infections' resurgence.

Part of the problem here is a propensity toward simplistic band-aid remedies that trivialize the causes and minimize the consequences of homelessness -- doing great disrespect to those trying to overcome the enormous obstacles that result. Sacramento's latest homeless surveys show nearly 60% have physical disabilities, nearly half experience mental illness, about a third self-report substance abuse problems, a quarter have learning disabilities and nearly as many having exposed to domestic violence. Missing teeth alone makes the return to employment difficult, if not unlikely, for many. As their American Dream turns into a nightmare, all these problems are complicated by symptoms of post-traumatic stress disorder (PTSD). While it's true that more Americans than ever are but a paycheck away from the threat of homelessness, the fact is it is those with limited resources - not just financial but educational, emotional, vocational and physical--who are much more vulnerable than most. Isolating and ostracizing on our community fringes those in greatest need for its support - as the so-called Dignity Village does in Portland - only complicates and compounds their problems ... and ours.

Q. Robert has posed the possibility of using empty warehouses or commercial buildings as an alternative to a tent city. Is this realistic? Could it be created quickly -- as an alternative to the encampment that may soon get roused by the city?

Merin: Tent cities are not "solutions" to anything; at best, they are a staging area from which people can be moved into temporary or permanent housing, given various types of assistance for which they qualify, and offered employment. If tent cities are out of sight, such as Portland 's Dignity Village , there is less of a demand for government to address the underlying social and economic problems which caused them to occur in the first place. The old saw, "Out of sight, out of mind," expresses a truth that augurs putting the homeless where they will be seen, not ignored. The present Sacramento tent city, stretching over a six block area from 20th and C to 28th and C (behind Blue Diamond's factory), is being seen, not just on national T.V., but by anyone who walks 10 minutes from City Hall. People who see it clamor for something to change. Some, of course, want it dismantled and the poor dispersed; but the more rational (or progressive, or moral, or altruistic) demand that our society and our leaders do whatever is possible to provide the minimum for its citizens which any civilized society must provide to earn the title "civilized": in the case of the homeless, a reasonably safe place to sleep and sanitary waste disposal.

From the tent cities, homeless persons can be offered rooms or apartments in now vacant buildings which the city could quickly lease; teams of homeless persons would love the opportunity to use their

skills (or learn new ones) and be useful in the renovation of dilapidated structures which they and other homeless persons would occupy. Temporary shelter in existing shelters or in expanded emergency shelters at [Cal Expo](#) or at Mather could provide for some of those now in the tent cities if the rules were modified to permit families to stay together, to guarantee people admission so that they didn't have to stand in line only to be turned away after waiting hours, to allow people to leave their belongings at the shelters during the day, and if pets (comfort animals) could be accommodated.

Indoor tent cities could easily be sited in vacant warehouses and, with a little assistance, could be self governing. Even the experience in the present tent cities where each encampment has selected a spokesperson to deal with the stream of news media documenting the conditions, and has designated a representative to meet with Mayor Johnson and his staff to state their needs, shows that homeless persons will work together to achieve a common goal - improvement in conditions of their daily lives.

In the meantime, while public officials debate how to deal with the burgeoning problem, it is essential that portable toilets be set up at the tent city sites, that trash disposal units be set up and that law enforcement stand down while problem-solving government stands up.

Tobin: As indicated in my first posting, this civic challenge calls for solutions that unite the community and respect the interests of ALL who live here. Tent cities fall short on both counts even with outhouses and trash disposal, and instead sow seeds of divisiveness while creating a public health nightmare. Worse, they make our community's most vulnerable residents pawns in a political chess game.

Working for two decades in San Francisco's Tenderloin District, I helped open temporary shelters in commercial buildings within 24-hours the Mayor declared a state of emergency during extremely cold weather. They were run by formerly homeless people with the American Red Cross loaning beds, Salvation Army providing blankets and local churches bringing food. These mobilizations were galvanizing experiences in which homeless people, local businesses and community residents felt rightly proud - a stark contrast to our present circumstance.

To be clear: by commercial buildings I don't mean warehouses, which are problematic logistically, symbolically and everything in between. Accessing vacant retail spaces would no doubt be difficult, but they are available and could work on a scattered-site, low-density basis (20-to-40 occupants each) with clear health & safety standards and strongly enforced "Good Neighbor" policies.

But Mark and I concur that interim tactics only make sense in a larger context that deals with a primary cause and only real solution to homelessness.

The word "homelessness" did not become part of our lexicon until the early '80s, when the enormous benefits of downtown redevelopment no longer hid the unintended consequence of demolishing the largest source of housing for very low-income individuals: single-room occupancy (ironically abbreviated as S.R.O.) hotels.

It certainly didn't help when we neglected to replace closing mental hospitals with community-based alternatives as promised, or have blue collar employment disappear while welfare benefits and the minimum wage failed to keep pace with inflation during this same period. But it's no coincidence that the number of S.R.O. units lost in Downtown Sacramento approximates the more than 2,000 people estimated to be living on our streets. With emergency shelters or transitional housing available for barely half that number, tent cities are the inevitable - and avoidable - result.

Under a declaration of emergency, new interim shelters could offer an alternative while lost S.R.O. units are replaced with low-cost housing on an expedited basis. To further accelerate this process, some of this housing could be factory-built as was originally intended at Quinn Cottages, a project that alleviates any doubts about this population's capacity for self-governance. These units should combine a mix of low-rent

housing for those ready to live independently with supportive housing communities, such as Sacramento's award-winning Mather Campus or Serna Village for those needing help in their transition process.

Instead of wasting money on police rousting, such a comprehensive approach would forge solutions that not only actually help homeless people but also make Sacramento a better place for all of us.

Merin: As the sun gets low in the sky, homeless persons who have been out scavenging for food or recyclables (recently criminalized by our compassionate city council), seeking work or trying to qualify for assistance, look for safe refuge, shelter. Anyone who thinks but for a moment could list a half dozen kinds of places offering protection from the weather, level ground, and a modicum of safety (parking garages closed from 6:00 pm until dawn; empty apartments; vacant warehouses; lobbies of office buildings; porches; arenas; schools), but access to such havens have been foreclosed to the homeless by property owners, public officials and the police who view these folks more like criminal trespassers than persons who have reached the end of their ropes and desperately need help. Denied accomodation inside, they find refuge in alleys, parks, by rivers, and in encampments now, as they grow, labelled "tent cities."

No, these sprawling collections of tents now stretching for blocks behend Blue Diamond but without privies, running water, and waste disposal, are not more desireable than indoor accomodation, but it is what has been left to the homeless of Sacramento. We can and must do better to offer viable alternatives, paths to permanent affordable housing for the residents of our tent city, but scattering them through city and railroad police actions substitutes idiocy for public policy and threatens to put Sacramento on a par with the City of Fresno which recently had to pay millions to the homeless population it tried to obliterate with police sweeps and front-end loaders.

Homeless people need SAFE GROUND, inside or outside, and those who control property, public or private, need to make it available to ease the burdens of those less fortunate than themselves. As Spring, Easter and Passover approach, let there be a new birth of compassion, but more importantly action to end the scourge of homelessness and to improve the lives of those now camping in our midst.

Q: Mark, your response was interesting and passionate, as always. But it didn't really answer the questions I posed. Do you agree with Tobin that opening temporary shelters in commercial buildings -- 20 to 40 occupants each -- is a workable alternative to tent cities? If not, why?

Merin: The shelter that buildings of any sort offer homeless persons, commercial space, apartment houses, warehouses, is better than the inconvenience, uncertainty, exposure and absence of facilities that tent city residents endure. Of course I would endorse opening vacant buildings to the homeless now camping in Sacramento as a way not only to eliminate the tent cities but as a step up the ladder toward real housing, and with that an opportunity for stability and security. But until those buildings are made available, homeless people will have to be somewhere outside so tent cities -- better than sleeping under bushes in the park or in doorways or alleys -- will have to be tolerated and at least minimal support given to these encampments. Their presence and the embarrassment we feel when the conditions in our city are exposed to the whole world is what will impell us to attend to the conditions which cause homelessness and to make housing our focus.

Q: Mayor Kevin Johnson and other city leaders have stated that they don't want Sacramento to become a "magnet" for the homeless as it considers proposals for a sanctioned tent city or some other alternative of sheltering the homeless. They have a perception that other cities and counties in this region are doing little or nothing for the homeless. If the city and charities expand services here, in isolation of what other jurisdictions are doing, it will only serve to encourage more homeless to move here. What is your take on this issue?

Tobin: The much-ballyhooed "magnet effect" is one of the biggest myths undermining our response to this challenge. As in other cities, the largest local survey of homeless people found only 4.5% came to Sacramento in the past month and barely 20% arrived in the previous year; by contrast, 34% resided here more than 5 years and another 25% lived here over 25 years.

Most people - homeless or not - stay where they belong. If not, why are there still nearly as many homeless people in Anchorage, Alaska - about 2,000 - as in Sacramento? What people identify as a magnet effect is actually called "urbanization", with people migrating from rural to urban areas for centuries. It might be also called "California", to which virtually all of us came from somewhere else. Indeed, America itself once proudly considered itself such a magnet, and specifically included homeless people in the invitation at the base of our Statue of Liberty:

"Give me your tired, your poor,
Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore.
Send these, the **homeless**, tempest-tossed to me.
I lift my lamp beside the golden door."

But any alleged "magnet effect" is not the only myth misguiding constructive efforts. Those who perpetuate the equally inaccurate perception that homeless people are merely houseless accomplish less through guilt and shame than with focused facts. This is a problem experienced by a thankfully small, relatively definitive and uniquely challenged group. Most citizens willingly support responses that are cost-effective as well as compassionate, and rightly resist those asking them to believe an advocate instead of their own two eyes.

When homelessness initially arose, extensive pro bono research was instigated by Bain & Company - an international management consulting firm that is hardly a liberal think tank. Contradicting another pervasive stereotype, this study found that the only common denominator among homeless people is that they are "profoundly alone". This would have been considered distinctly un-American by Alexis de Tocqueville, who believed the strength of our democracy lays in its capacity to connect people to one another. Sacramento affirms his belief by reaching out to those living in tents and shanties with well-designed, solution-focused strategies that promote civility, assure accountability and inspire creativity.

Q: Robert, you note the latest homeless survey found that only 4.5 percent of people came to Sacramento in the last month. But if the bulk of the homeless are known to have serious substance abuse problems and mental health problems, can we trust the findings of this kind of survey? Isn't it likely that some, or many, were less than honest?

Tobin: With results of these homeless surveys consistent for decades, is it likely that a nation-wide conspiracy got the exact same number of people with such serious problems to lie over separate years in different locations? the only real issue is addressed in one of the nation's most extensive, sophisticated studies, over three-quarters of the thousands of homeless people surveyed were already living in their community in which they became homeless (LA Times 1/12/06).

Since research shows that more people cheat on their tax returns than on welfare benefit applications, the question raised here is not whether people need help but rather: do they deserve it? The answer is found in "Outliers", Malcolm Gladwell's latest book which debunks perhaps the scariest myth of all. He cites longitudinal studies of highly intelligent people that reluctantly conclude, contrary to popular belief, that either accomplishment or malfunction "...is less about talent than about opportunity."

With society's traditional sources of security, stability and support -- home town, career job and extended family - disappearing within my lifetime and its health care and educational systems quickly eroding, our economy's vibrancy and our citizens' resiliency is proven by the fact that only about 1% of the population

becomes homeless at any time. But when they do, it's best if we don't get confused about why or how.

Increasingly, the regional problems being faced by our community - air pollution, food safety, water supply, homelessness and the like - defy geographic boundaries, political jurisdictions and categorical funding streams. Rather than doing ourselves what we expect homeless people to do: i.e. face reality and instigate change, we tend toward what we want them not to do, i.e. assign blame and avoid taking responsibility. If we instead focus on developing a homeless intervention strategy that is fair and friendly, yes, but also firm, functional and factual, no one would be wasting time talking about magnets or shanties.

***Editor's note:** The online interviews above were conducted between March 4 and March 16. On Thursday, March 19, Mayor Kevin Johnson announced a plan to relocate occupants of the American River tent city to expanded shelter operations at Cal Expo and elsewhere. You can read details [here](#) in this news story by The Bee.*

On Friday, I asked Tobin and Merin for comment on the mayor's plan. An original version of this item included just Tobin's response, but then Merin offered one Saturday and it is included following Tobin's:

Tobin: The closing of illegal sites that are unsafe, unhealthy, inhumane and uncivilized is a good thing. Less good is that some homeless advocates continue to advocate homelessness by still pushing for encampments, and that some city leaders - after all this - reportedly still think that is a viable option.

As growing civic embarrassment over an international (and largely inaccurate) media barrage and settlement of a potential multi-million dollar lawsuit start to compete with the actual solution to homelessness as the top priority in this crisis, it is perhaps inevitable that announced solution fails to mention the only real solution to this crisis: the immediate and dramatic acceleration of low-rent housing production.

The history of this issue is that when real housing remains a "long-run" solution to homelessness, it never happens in the short-run.

Getting homeless people into the shelters constitutes progress only if they can get out; otherwise, they are still homeless but just less obviously so ... except of course to themselves. If we fail to learn that from this dilemma, its repetition is virtually assured.

Merin: Robert, While I agree that shelters are short term necessities not long term solutions, my agreement with your analysis is tempered by the great exception I take to two ill considered and wrong statements you make.

The first is your allegation that homeless advocates support permanent tent cities. This is obviously false. We support "safe ground" for homeless people -- places where they and the few possessions they have may remain, unmolested or harried by law enforcement until better short and long term accommodations can be provided. This simple concept has been resisted by city and county officials until recently, but they still were denying permission to volunteers who wanted to place portable toilets out by the tent city. Just yesterday, however, some folks placed them anyway and they are much appreciated and are making a big difference. I wonder how long they'll be able to remain.

The second exception I take to your comments is your suggestion that the law suit brought by a class of homeless persons and the non profit organizations doing the most to assist them -- Loaves and Fishes, Francis House and Sacramento Homeless Organizing Committee --competes with a solution to the problem. To the contrary, the law suit may very well have been the catalyst to get people to focus on working on solutions. The law and the courts in which legal battles play out are the civilized replacement for force, violence, tyranny and oppression, and in the best of times, point the way forward toward

realizing the promise of justice for all.

Without the current lawsuit hanging over the heads of the public entities whose duty it is to address the problem of homelessness we would probably not even be having this dialogue, there would be no task force on homelessness, and the 1200 or more people who sleep outside every night in Sacramento would still be driven from pillar to post and back again. Now, thankfully, homelessness is front burner and efforts to alleviate the manifest suffering of this stratum of society are underway.