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# The roots and implications of the USA's homeless tent cities

Chris Herring and Manuel Lutz

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*Since the turn of the 21st century, several US cities have witnessed the resurgence of large-scale homeless encampments. This paper explains how and why such encampments emerged during a period of national economic expansion through a comparative study of encampments in Fresno, California and Seattle, Washington. Contrary to the widespread media coverage of tent cities as a consequence of the most recent recession, the paper argues they are instead rooted in penal and welfare urban policies. Precipitating as both protest and containment, durable encampments relieve the fiscal and legitimization crises of criminalization and shelterization for the local state and simultaneously function as preferred safe grounds to the shelter for homeless people in both cities. Rather than contradicting the existing policies and theories of the ongoing punitive exclusion of marginalized populations, the seclusion of the homeless into large encampments compliments its goals of managing marginality across the city.*

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**Key words:** urban marginality, homeless encampments, urban policy

## Introduction: the origin myth of tent cities in the new millennium

In the wake of the US financial crisis, images of shantytowns and encampments, often filled with hundreds of homeless people, were vividly portrayed in the media as creatures of the recession: re-born Hoovervilles for the laid off and foreclosed. With headlines such as, 'From Boom Times to Tent City' (MSNBC), 'Tent Cities Arise and Spread in Recession's Grip' (*New York Times*) and 'Economic Casualties Pile into Tent Cities' (*USA Today*), the USA's homeless tent cities were portrayed as informal and unorganized reservoirs of poverty rapidly absorbing the social fallout of the recession. The story quickly caught wind over the Atlantic through the BBC, *Le Monde*, *Der Spiegel* and Al Jazeera among

dozens of other outlets. Most of the stories ran within series focused on the economic downturn, such as the *Boston Globe's* 'Scenes from the Recession', NBC's 'Depression Days' and the *Washington Post's* 'Along Recession Road Finding Images and Stories of Lives Flattened by the Economy'. The tent cities of America became powerful symbols of exceptional times.

Yet, while the journalistic 'discovery' of the tent cities in April 2009 was tied to America's 'Great Recession', in reality the genesis of the encampments had little to do with the economic crisis. First, although large-scale tent cities have indeed taken root since the economic crisis of 2008, none of the encampments featured in the media had emerged after the housing or financial crisis. Instead, all of the encampments first

re-emerged at this scale during the economic boom years of the early 2000s. Second, there is no direct relationship between the emergence of large camps and a general expansion in homeless populations. Some cities such as Los Angeles and New York, which had much larger growths in homeless populations during this period, did not witness the emergence of large-scale encampments. Furthermore, other cities that have tolerated large encampments experienced reductions in their homeless populations (Loftus-Farren 2011).

Third, in spite of the fact that nearly all of the tent city residents featured in the media were formerly middle-class individuals who had only recently lost their homes or jobs, surveys and interviews gathered in the first summer following the crisis indicated that these cases were a clear minority in all of the camps (NCH 2010; Herring 2014). Of all the tent cities featured in the media frenzy of 2009, Sacramento's had the most 'new homeless' with just over 30% of its total population claiming to be recent recession victims (Loaves and Fishes 2009). Encampments in other cities were estimated to be comprised of 75–90% of campers who would be classified as 'chronically homeless' (NCH 2010)—a designation of the US Department of Housing and Development (HUD) referring to those who have been homeless for a year or more or have experienced four episodes of homelessness in the last four years. This classification comprises only 10% of the entire US homeless population and experienced a 30% reduction between 1998 and 2005, the primary period in which large camps were on the rise (HUD 2008; US Conference of Mayors 2008).

In sum, the encampments were not rooted in the recession, nor were the majority of their residents recession victims. How then do we explain the emergence and persistence of these large encampments at a time of economic expansion that witnessed significant reductions in the chronically homeless? We argue that the media's presentation was economically over-determined and politically

under-determined. Instead, *the roots of mass encampments are first and foremost creatures of urban policy: reactions and partial solutions to multiple crises of ongoing penal and welfare restructuring of the local state dating back to the early 1980s*. This paper aims to move beyond a description of encampments or tent cities as products of the recession, which only obfuscates the chronology of their emergence and naturalizes their political origins, and to examine the making of homeless camps as both symptoms and tools of poverty governance.

### Homeless seclusion and the penal/welfare nexus

Over the past three decades, numerous cities across the globe have implemented 'quality of life' policing campaigns criminalizing the basic activities and behaviors of homeless individuals. Scholars have traced the rise of 'anti-social behavior laws' that give police new authorities to expel homeless people from public spaces (Herring and Yarbrough 2015; Mitchell 1997; Vitale 2008), novel techniques of banishing homeless from entire districts (Beckett and Herbert 2009), new modes of surveillance (Flusty 2001), architectural interventions to prevent homeless loitering (Soja 2000; Davis 2006) and even bans on charitable provisions of food (Mitchell and Heynen 2009)—all measures designed to regulate visible poverty by means of spatial exclusion. Many scholars have identified this trend as evidence of an emerging model of urban governance, through which the police are enlisted to 'purify' streets and sidewalks due to increasing pressure to redevelop and revitalize the urban core generating characterizations of a 'punitive' (Cohen 1979), 'revanchist' (Smith 1996), 'post-justice' (Mitchell 2011) or 'post-welfare' city (Morgen and Maszkovsky 2003).

While the recent intensification of criminalizing homelessness is widespread in the US (NLCHP 2014a), some scholars have begun to argue that this prevailing characterization

risks obscuring the increasingly varied and complex geographies of urban poverty by (a) neglecting the regulation of homelessness beyond the boundaries of redeveloping downtowns (see Yarwood 2007; DeVerteuil, May, and von Mahs 2009; Stuart 2013), (b) ignoring the expansion of institutions of assistance for the homeless such as shelters (DeVerteuil 2006; DeVerteuil, May, and von Mahs 2009; von Mahs 2013) and permanent supportive housing (Murphy 2009), and (c) failing to look at homelessness 'from within' taking a performative point of view that looks at detailed experiences of homeless people (Cloke, May, and Johnsen 2010; Lanciaione 2014). This has produced a more recent counter-narrative in the scholarship of an emerging 'city of care' (Cloke, May, and Johnsen 2010) regulated through 'recovery management' (Stuart 2014), designed to 'govern the poor beyond the punitive' (DeVerteuil 2003).

This comparative study of large-scale homeless encampments in two American cities aims to move beyond these contrasting assessments. On the one hand, the analysis overcomes the key shortcomings noted by critics of the 'revanchist approach' by (a) focusing on the 'marginal spaces' of tent cities rather than 'prime spaces' of downtown, (b) recognizing the expansion of certain welfare institutions, particularly shelters, and finally (c) acknowledging the processes through which encampments are experienced among and shaped by homeless people and their advocates. On the other hand, our findings suggest that the emergence and persistence of tolerated and legal encampments are no signal of a 'post-punitive' 'city of care' but rather a crisis response to the ongoing criminalization of the poor and the failures and shortcomings of policies of care.

After a brief overview of our comparative design, the first section of the paper explains how the emergences of large encampments in marginal spaces were triggered by crises of criminalization and enforcement in prime spaces of the city core. We demonstrate

how camps function as complementary (rather than contradictory) seclusionary strategies to the pre-existing exclusionary policies of the local state, while serving as safe zones for homeless people seeking refuge from police harassment. Yet, while a heavy punitive fist triggers encampments they are equally molded by a meager welfare state, unable to prevent homelessness or contain the condition indoors. The second section describes how a crisis of welfare provision in the form of perpetual shelter shortages and repulsive shelter arrangements led homeless people to prefer large encampments and led advocates and city officials to recognize large encampments as legitimate shelter alternatives. We conclude analyzing the interplay between these penal and welfare policies, and argue that rather than interpreting the toleration and legalization of encampments as contradicting the existing policies and theories of the ongoing punitive exclusion of marginalized populations, they instead serve a common goal of managing marginality across the city.

### Settings and methods

To explain the resurgence of large-scale homeless encampments we present a comparative case study between the encampments of Seattle, Washington and Fresno, California. The selection of these cases is strategic on a number of counts deduced from the broader empirical policy study (NCH 2010), comparative analysis previously completed by the authors (Herring 2014; Lutz 2015) and from dozens of cases examined by others (Loftus-Farren 2011; NLCHP 2014b). Fresno and Seattle sport the largest variety of camps, both legally recognized ones and illegal yet tolerated ones, that maintain a large density of residents (50 or more) and have persisted for several years.

Since the 1980s, illegal small encampments have become an established feature of US urban landscapes. However, they are rarely allowed to grow larger than a few campers,

as their visibility draws public attention and frequently results in police raids dispersing the group (Mitchell 2012). Yet, by the early 2000s, large illegal encampments with over 100 campers became durable fixtures in Fresno and Seattle. Legalized encampments occur less frequently, but were established in both cities. These encampments consist of tents on wooden pallets and in Fresno of more durable tiny houses with basic infrastructure, such as portable toilets, communal spaces for eating and meetings, water access and other basic amenities. Funded and overseen by non-profits they are self-managed by the homeless who share security shifts, chores and make collective decisions on the camps' day-to-day operations. The legalized camps in both cities, like all 10 of the existing legal encampments in the USA (Loftus-Farren 2011), emerged during the late 1990s and early-mid 2000s before the recession. As in most US cities, and all of those with large encampments, Fresno and Seattle both face chronic shelter shortages. Consistently maintaining a homeless population over 8000 people, Seattle's King's County maintains just under 6000 shelter beds (SKCCH 2014), while Fresno's 504 beds pale in comparison to the 2799 homeless counted on a single night in 2013 (Fresno Madera CoC 2014).

However, there are also important differences that make the cases useful for discerning the roots and implications of tent cities. First, large encampments have formed along both edges of urban economic restructuring, emerging in cities experiencing growth and rapid gentrification as well as those experiencing decline and disinvestment, of which Seattle and Fresno, respectively, exemplify. As industrial jobs in shipbuilding, aeronautics and manufacturing declined, Seattle rebounded in the 1980s attracting a number of technology companies including Amazon, Microsoft, T-Mobile and a burgeoning agglomeration of biomedical corporations. Urban scholars have touted it as a key outpost of 'cognitive-cultural capitalism' (Scott 2009) that has nurtured an attractive 'people climate' for the creative class.

Fresno's claim to fame on the other hand is a disturbing index of social malfunctions. The city frequently claims the highest rate of concentrated poverty of a major city (Brookings Institute 2008) and the highest rate of homelessness (HUD 2013). Formerly the banking and manufacturing center of California's central valley, Fresno experienced rapid decline in the wake of structural change in the agricultural industry and finance. While waves of post-war suburbanization left large swaths of both cities abandoned, the subsequent re-investment and gentrification to the downtown core that 'revived' Seattle never materialized in Fresno.

Second, Fresno and Seattle maintain important differences of poverty governance. The US federal government's role in poverty governance can be described as 'metagovernance', or the governance of governance (Jessop 2007 cited in Willse 2010), in that it structures the programmatic parameters of homeless management. This includes what kinds of populations can be housed, how services and outcomes must be assessed and reported, and filtering over \$2 billion in homeless specific funding (HUD 2013). However, policy implementation remains largely in the hands of the local state (Blau 1993; DeVerteuil 2003) and functions through third-sector participants (Wolch and Dear 1993). Seattle, which has one of the most progressive local governments in the country, including a socialist city council member and a \$15 minimum wage, is widely recognized for its elaborate homeless assistance system and hailed as a national model (Sparks 2012). Fresno, on the other hand, has only two shelters funded almost entirely through Federal subsidies and private charity.

Therefore, to identify the roots underlying the emergence of the camps, the paper deploys what Tilly (1989) characterizes as 'universalizing comparisons' of the most different cases; comparing similar outcomes in different settings with a common feature driving change. Against the background of important differences, our research shows

that there are similar outcomes in managing camps. To do this we draw from interviews and fieldnotes completed by both authors between 2009 and 2011. These encampments initially occupied symbolic spaces such as the steps of city hall and the site of the city's largest Hooverville of the 1930s to attract political and media attention to the lack of affordable housing and criminalization of homelessness. These case studies were part of a broader comparative study across eight cities (see NCH 2010; Herring 2014; Lutz 2015), which although not discussed in this paper, inform the generalizations and differentiations drawn into the analysis.

### The crisis of criminalization and enforcement

#### *The penal trigger of durable encampments*

The well-documented criminalization of homelessness (NLCHP 2014a) highlighted by the surge of anti-homeless ordinances, which seem so convincing to urban managers who choose them to combat threats of urban blight, produces crises of their own. In Fresno, the sidewalks and railway yards surrounding the city's two shelters on the outskirts of downtown have long played host to scattered small camps of homeless people. However, local news reports, Fresno's director of homeless policy and longtime camp residents, all described a punctuated evolution of increased concentration, permanence and toleration of encampments driven by changing enforcement protocols in the years 2002–12. The first period of concentration occurred between 2002 and 2004, when the city passed an aggressive anti-panhandling law requiring offenders to pay fines up to \$1000 or serve six months of jail time, and cracked down on loitering and shopping cart possession (NLCHP 2014a). The law was primarily enforced on the pedestrian mall in the central business district (CBD) where the city had

opened a new minor league baseball stadium that same year to attract investment and tourism to its downtrodden main street. To less avail, the largest properties on the avenue remain the county's family court, converted cinemas now serving as storefront churches, a string of Mexican discount clothiers and a Goodwill thrift shop.

Nonetheless, the homeless were pushed out of the prime space of downtown and into the marginal space surrounding the shelter on the edge of town. To reduce personnel expenses in 2002 the Fresno Police had made a decision not to harass those camping south of Ventura Street, the boundary between the commercial and industrial districts of downtown. Within a year the homeless camps there transformed from scattered sites of a few dozen to an entire urban neighborhood of camps comprised of hundreds. By 2003, the growing complaints among some of the service providers about the growth, persistence and lack of policing at the camps resulted in a meeting with the police chief who refused to clear the streets and instead supported a proposed plan for the creation of a legal encampment.

After the opening of a small legal homeless camp, named by its residents 'The Village of Hope', sweeps continued sporadically between 2004 and 2006, after which point evictions came to a grinding halt following a successful American Civil Liberties Union (ACLU) lawsuit that cost the city millions for illegally destroying homeless people's property. However, the eviction stopgap, as before, was spatially restricted, affecting only the territory of tent city. In contrast, police harassment towards homelessness in the CBD and newly minted Tower Arts District was perceived to only increase. Through these selective penal protocols, several illegal and two legal encampments, collectively hosting over 400 campers in a single area, became a durable fixture of Fresno's downtown.

Seattle's three large encampments also emerged as responses to punitive policies, but rather than forming with complicity of

city officials were instead generated in protest to them. The Seattle police, like most across US cities, evict encampments that remain in a single place for too long or grow above a handful of campers. However, three camps that formed in protest to police sweeps persisted for years; two of which are now legalized. These encampments initially occupied symbolic territory—underutilized city land that could be used for affordable housing or visible public spaces—to draw attention to and politicize the issue of homelessness. All the large camps of Seattle involved organizing meetings, rallies, sit-ins, fundraisers and other activist repertoires aimed against displacement, dispersion, criminalization, poor shelters and lack of affordable housing. These protest camps follow in the long tradition of politicized encampments organized by the underhoused working poor in the 1930s (Mitchell 2012) to the dozens of protest camps by homeless activists in the 1980s and 1990s (Wagner and Gilman 2012).

Tent City 3, commonly referred to as TC3 and taking its number after two short-lived protest encampments in 1990 and 1998 emerged in 2000, when homeless campers were organized through an advocacy group after a series of police sweeps of smaller camps. The police chased the encampment across the city and it relocated to 27 locations in two years before gaining legal recognition from the local state. Three years later Tent City 4 (TC4) and more recently in 2008 Seattle's third large camp Nickelsville (named after then mayor Greg Nickels) also emerged as organized resistance against police sweeps.

Although the encampments in Fresno and Seattle were prompted by punitive practices aimed at controlling homelessness, Fresno's formed onto a permanent site through adaptation and containment, while Seattle's formed through a political protest that migrated across the city. In Fresno, exclusionary laws and their increasingly stern enforcement concentrated homeless people onto a designated territory. Officials eventually tolerated certain zones of camping in marginal spaces, which the homeless were

*pushed* onto by exclusions elsewhere and *pulled* into by the proximity to food and services provided by adjacent shelters. In Seattle, homeless people in coordination with advocates, occupied land to protest anti-homeless ordinances. What held Seattle's encampments together was not the toleration of police and city officials, but rather their resistance to them; constantly relocating between privately and publicly owned land and across jurisdictions to stifle eviction and occupying prime spaces of affluent neighborhoods to draw attention to their plight. These two paths reflect diverging yet generalized trends in the genesis of tent cities across the USA as nearly all have been rooted in direct response to punitive policies—some through resistance and others through containment.

#### *The penal logics of durable encampments*

While large encampments are considered a policing problem in many US localities, in Fresno and Seattle city officials have come to regard them as innovative cost-efficient and even humane policy solutions. First, tolerating or legalizing encampments is perceived as a solution to the fiscal and legitimization crises in enforcing costly exclusionary orders (on costs, see Blasi and Stuart 2008; Howard et al., 2015). The homeless policy manager of Fresno discussed how the camp had 'taken pressure off of the downtown parks and pedestrian mall', reducing nuisance complaints and costly enforcement. A similar line of managerial logic was found in Seattle, where police officers attend special community meetings when TC3 or TC4, which operate on Temporary Use Permits and change site every three months, move into new neighborhoods to assure housed residents that crime will not increase and that enforcement costs are actually reduced by the encampments.

Second, officials justified the camps as safe havens for the homeless. Fresno's homeless policy manager discussed how its Problem Oriented Policing force or 'POP squads' are

trained to encourage the homeless camping on private or city property to migrate to the large encampments, because of the area's proximity to services. Several parole officers in Fresno who were interviewed described how they would routinely encourage, and in some cases mandate, their homeless parolees to reside in the large encampments. One officer explained:

'South of Ventura Street (i.e. the camps) our parolees are not going to have run-ins with the cops who will land them back in jail for violating their parole conditions. They've got better services there and, for many, it provides a sense of community ... It also makes our job a lot easier having our guys all in one place.'

Without rebuking the exclusionary policies or practices criminalizing homelessness that remain to restrict basic survival activities across the rest of the city, officials justified the encampments as a humane and efficient managerial policy that reduces the crimes and costs associated with such illegal activities.

Indeed, homeless people used the large camps for personal security to escape police harassment as well as criminal attacks from others. One longtime camper in Fresno's illegal encampment claimed that he was harassed and forcibly removed by officers from campsites every week before moving 'South of Ventura Street'. Another camper described moving to the large camp after being stabbed by another homeless man while sleeping alone: 'that could never happen here because there are safety in numbers. An attack on one of us is a threat to us all.' The legalized camps of Fresno and Seattle all have gated perimeters and campers rotate serving on security shifts. Several camp residents mentioned that this method of self-governed security was superior to that of the shelter. A resident of Seattle's TC3 explained:

'In the shelter you'll be always have'n your things stolen, by other homeless or the low-

paid staff. You could never leave anything in the shelter during the day. Here, because we all be doing security there's a sort of respect for others' stuff.'

In sum, while durable encampments function as complementary strategies to exclusionary policing for the local state that partially relieve the fiscal and legitimization crises of criminalization, they simultaneously serve as preferred safe grounds for homeless campers from the heavily policed zones of exclusion, but also to the traditional institution of homeless seclusion—the shelter.

## The crisis of welfare and sheltering

### *The shelter crisis and durable encampments*

Although the large encampments of Fresno and Seattle were directly triggered by shifts in penal policies, their origins and persistence can only be fully accounted for in relation to the interdependent crises in welfare management including the general rollback in welfare provisions, perpetual shelter shortages and repulsive shelter arrangements in both cities. While the rise of homeless management is in large part a response to crises in the crumbling of the American semi-welfare state, it is a feeble one that has proven crises-prone itself. Since the late 1970s, federal and municipal governments have significantly reduced their provision of housing for the poor (Crump 2002; Goetz 2013), while the provision of shelter and specialized housing for the homeless has constantly increased. Federal welfare assistance for homelessness has doubled 10 times over since 1987 (WRAP 2010), more than 350,000 shelter beds and supportive housing units have been created (HUD 2013), and nearly every city, large and small, formed new taskforces and agencies to handle the homeless question (Jencks 1995).

Yet, the initial governmental response of a 'shelter-explosion' of the 1980s fueled by advocacy groups' portrayals of homelessness



as a temporary resurgence reached a legitimization crisis by the early 1990s after millions of taxpayer dollars had been spent to no result in decreasing homelessness (Wagner and Gilman 2012). In response to this compassion fatigue, the Clinton administration rolled out the new policy paradigm of the 'Continuum of Care', which prioritized rehabilitation services and workfare. The no-questions-asked overnight accommodations gradually integrated 'workfare' requirements of job training, job applications and public service work to render clients 'housing ready' on the one hand (Peck 2001), or mandated 'medicalized' requirements to participate in substance-abuse or psychiatric treatment on the other (Lyon-Callo 2008).

The shelter shortage and its disciplinary refashioning structured the encampments in both cities. In Fresno and Seattle, city officials and advocates alike pointed to unmet shelter needs to justify the toleration or legalization of encampments; each city has at least 2000 more homeless people than shelter beds available (Fresno Madera CoC 2014; SKCCH 2014). However, the lack of shelter capacity alone cannot explain the emergence and persistence of large encampments. In the warmer seasons, beds are consistently left unfilled in both cities. When asked why they 'chose' to camp as opposed to alternatives, campers referred to the shelter in almost every case, but not usually to its inaccessibility. Instead, most found the shelter's workfare and medicalized constraints and treatments to be infantilizing. Campers complained of strict curfews, an inability to stay with their significant other, demeaning treatment, long lines, the inability to store belongings and restrictions on pets as long noted by scholars of homelessness (Sutherland and Locke 1936; Snow and Anderson 1993), but also criticized the new mandatory low-pay or no-pay work or substance-abuse programs.

Both sets of large encampments in Fresno and Seattle were responses to the quantitative and qualitative shortcomings of shelter provision, but in many respects have since been

absorbed into each city's shelter system. The legal camps of both cities are managed and funded through the primary shelter providers and residents are counted as 'sheltered' in the respective homeless counts rather than part of the street population (Fresno Madera CoC 2014; SKCCH 2014) indicating that legal encampments are commensurable to shelters. However, the pathways to this institutionalization in Fresno and Seattle demonstrate striking differences in their legal rationales, pointing to important limits and opportunities for the legalization of encampments in other cities.

### *The welfare logics of durable encampments*

Although large encampments are often perceived as the malign neglect of city governments, in Seattle, Fresno and other cities legalizing or tolerating camps, they have become recognized as legitimate institutions of social welfare. In 2004, Seattle's King County Commission declared that 'tent cities are necessary to address the crises of the unsheltered' (CACHE 2004) and in 2013 the city's Department of Planning and Development acknowledged tent cities as a 'viable temporary living option' that serve as a 'lower cost alternative to more permanent and costly housing options' (City of Seattle 2013). In Fresno, after the city in partnership with the main non-profit provider had opened the 'Village of Hope' in 2004 as pilot for 'enabling homeless community and empowerment' (Levine and Glassel 2004), the city government in 2007 provided land and funding to open a second legal encampment, the 'Community of Hope'. The Mayor held a press conference at the ribbon cutting hailing it as a 'demonstration of our government's determination and capability to take responsibility for the homeless' (Mylinh 2007). Therefore, in Seattle and Fresno, tent cities have not only been officially sanctioned, but also publicly supported as tools of social welfare in light of the costs and shortage of existing shelters.

While officials in both cities heralded the tolerance and legalization of encampments as initiatives of governmental competency, camp residents described them as autonomous spaces of self-governance providing a set of moral resources absent in the state-provided shelters. All of the encampments have some structure of democratic governance, weekly meetings and self-determined rules, regulations, and criteria of admission and expulsion. In fulfilling assigned and rotating chores including security, gardening, recycling and maintenance, a number of campers described their work as 'paying rent'. Whether discussing the camp in the conservative register of 'self-sufficiency' against liberal government hand-outs as was frequently described by Fresno campers or anarchist justifications of 'autonomous rule' expressed by some campers in Seattle, the camps provide an alternative to the dependence associated with shelter life by preserving self-worth and marking distinction from the homeless on the street. As one Villager in Fresno explained, 'in the shelter you're forced into dependence: you're served food, people clean up after you, and you have no control over your day-to-day schedule. In the Village, we're not a burden to anyone.' In contrast to city officials' framing of the camps as conforming initiatives to their overall policy agendas of sheltering, the homeless described the camps as self-managed communities operating against the logics and practices of the shelter in better providing moral resources such as independence, dignity and a sense of community.

The legal encampments in both Fresno and Seattle were spurred by a crisis of welfare provision but their official endorsement relied on varied legal arguments of welfare rights. In Fresno, the creation of a legal encampment was based on an argument for the poor's *right to shelter*, whereas the legalization of encampments in Seattle was ultimately premised on the *Church's right to shelter the poor*. The legal camp in Fresno was conceived of when city officials realized that homeless people had nowhere else to

go with limited shelters. The policy of legalizing encampments was further confirmed after the successful ACLU lawsuit against the Fresno Police and Sanitation departments, for violating the rights of homeless people by destroying their property.

In Seattle, it was not until Church groups adopted TC3 and TC4 that the city passed ordinances recognizing the camps as legal entities. Churches claimed that the state could not evict the poor from their property under the Federal Religious Land Use and Institutionalized Persons Acts (RLUIPA) that allows religious institutions to avoid burdensome zoning restrictions. Since 2001, the camps follow a Code of Conduct and receive temporary use permits to stay on private and Church land. The requirement of Church involvement for legalization in Seattle was made clear after the two-year negotiations with the illegal encampment of Nickelsville. Their demand for a permanent camp for up to 1000 residents eventually collapsed because city officials refused legal recognition beyond the confines of the Church model. In the meanwhile, the right of faith-based institutions to host camps has been reinforced through an 'encampment ordinance' (City of Seattle 2011) and a new state law allowing all faith-based organizations to shelter the poor (Talge 2010). Yet, despite these different paths to legalization, the underlying causes and outcomes remain the same. Rather than any top-down solution to homelessness, encampments, just like shelters, became legitimate and largely de-politicized appendages of a growing 'shadow state' (Wolch and Dear 1993) defined by public-private partnerships between charitable non-profits and the local state that have become the hallmark of welfare-state restructuring (Brenner and Theodore 2002; Hackworth 2007).

## Conclusion

This paper demonstrates that the roots of the resurgence of durable mass encampments lie not in the economic crisis of the 2008

recession, but rather crises of urban policies aimed at managing marginality. In contrast to the earlier literature on the short-lived illegal protest encampments of the homeless that were vilified by city officials (Wagner and Cohen 1991; Cress and Snow 1996; Wright 1997), this paper has described and explained how some encampments have instead become durable socio-spatial formations and recognized, if not valorized, by the local state as legal forms of homeless habitation. While large encampments remain primarily temporary and transitional emergency living situations for the thousands who filter in and out of their confines each year, they are now durable fixtures in a growing number of US cities.

Despite the striking contrasts between the cities of Fresno and Seattle, situated at opposite ends of the urban hierarchy and spectrum of poverty governance, both witnessed the emergence and persistence of multiple legal and illegal large encampments at the turn of the millennium triggered by similar penal and welfare policies. And although the encampments developed along distinctive paths—Seattle's having emerged as mobilized protests and legalized on accounts of religious rights while Fresno's emerged through an adaptive coordination between campers and city officials and was legalized on the grounds of civil rights—officials and campers justified the camps' existence with similar rationales.

Whether or not large-scale encampments continue to proliferate across the USA's urban landscapes and to what degree they will be institutionalized is an open question as the churning of regulatory experimentation in the field of homeless management turns over at an unusually fast clip (Wagner and Gilman 2012). It is also unclear as to whether encampments will increasingly come to serve as handmaidens to punitive containment (Wacquant 2010) or contestations to the neoliberal city (Wright 1997). However, the re-emergence and legitimation of large encampments hold important implications for research on social control and advanced

marginality in the Global North. First, the popular fixation in both empirical research and theories of social control that increasingly emphasize new tactics of exclusion in the 'prime spaces' of the city too often ignore the seclusionary dimension embedded in every exclusionary act and their impact on the city's marginal zones. This study suggests that exclusion and seclusion are two sides of the same coin. Rather than interpreting the toleration and legalization of encampments as contradicting or challenging the existing policies and theories of the ongoing punitive exclusion of marginalized populations, our research shows how excluding the homeless from prime space while simultaneously assigning specific marginal places to them serves a common goal of neutralizing the 'homeless threat' across the city.

Second, the resurgence and legalization of large encampments occurred through the wedding of welfare and penal policies, rather than a simple hydraulic shift toward punitive or assistive poles. Although the paper presents these sets of penal and welfare initiatives in separate sections for analytic clarity, the changes occurred simultaneously and in tight interplay. The crisis of shelters primed and conditioned the punitive response to homelessness, which produced crises of its own, both fiscally and politically, in turn leading to the transformation of informal encampments into legal institutions of social welfare. In both Seattle and Fresno, we came to the conclusion that policies aimed at street homelessness had become both more punitive, in terms of the quantitative increase and qualitative intensification of anti-homeless laws over the last 15 years, and more tolerant, as the cities committed to 'end homelessness' by creating new units of permanent supportive housing while legalizing and tolerating large camps as never before.

Yet it would be a mistake to characterize the toleration of encampments by city officials as benevolence when considering the functional and expressed logics of encampments as strategic spatial tools in managing the poor at lower cost amidst the ongoing

crises of welfare austerity and expansion of anti-homeless laws. Far from evidence of an emerging post-punitive city, homeless camps instead mark points of crisis of the efficiency, legality and the legitimization of the ways in which the homeless poor are dealt with. Homeless encampments have come to take on new and sometimes contradictory functions to counter weigh or resolve the partial failures of the existing strategies of criminalization (Mitchell and Heynen 2009), welfare warehousing (Jencks 1995), and malign neglect (Wolch and Dear 1993). As cities refocus resources on more permanent housing to achieve the paradigm shift of 'ending homelessness' (Sparks 2012) the persistence of camps underlines the intertwined crises produced in the expansion of criminalization of homelessness and shortcomings of welfare-provision for the homeless within the broader operations of the local state in managing marginality.

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