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Recommended Citation

Lisa T. Alexander, *Tiny Homes for the Homeless: A Return to Politically Engaged Community Economic Development Law?*, 26 *J. Affordable Housing & Community Dev. L.* 39 (2017).

Available at: <https://scholarship.law.tamu.edu/facscholar/929>

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Tiny Homes for the Homeless: A Return to Politically Engaged Community Economic Development Law?

Lisa T. Alexander

The HGTV show “Tiny House, Big Living” shows the growing popularity of downsized living among middle-class and wealthy Americans.¹ The typical American home is approximately 2,600 square feet,² while market-rate tiny homes typically range from 100–400 square feet. Tiny house living has become an increasing trend, offering more affordable and sustainable housing alternatives for millennials, environmentalists, and others seeking unconventional living.

Homeless individuals, housing advocates, and cities are also creating tiny house villages to address chronic homelessness.³ There are currently at least ten sanctioned and partially developed tiny homes for the homeless villages in places such as Eugene and Portland, Oregon; Ithaca, New York; Dallas and Austin, Texas; Olympia and Seattle, Washington; and Madison, Wisconsin.⁴ These projects are primarily developed and led by the homeless through “sweat-equity,” or by committed non-profit organizations, with the support

1. *Tiny House, Big Living* (HGTV), <http://www.hgtv.com/shows/tiny-house-big-living>.

2. See *What is the Tiny House Movement?*, THE TINY LIFE, <http://thetinylife.com/what-is-the-tiny-house-movement/> (last visited Apr. 26, 2016).

3. See, e.g., ANDREW HEBEN, *TENT CITY URBANISM: FROM SELF-ORGANIZED CAMPS TO TINY HOUSE VILLAGES* (2014); Chris Weller, *Cities Across America are Giving Homeless People Tiny Homes, and it's Working*, BUS. INSIDER (Feb. 11, 2016, 7:00AM), <http://www.businessinsider.com/tiny-homes-give-homeless-people-a-place-to-live-2016-1/#seattles-nickelsville-homeless-encampment-first-began-in-2008-with-just-a-few-tents-1>.

4. See Andrew Heben, *About: Where are these Tiny House Villages?*, TENT CITY URBANISM, <http://www.tentcityurbanism.com/p/about.html>.

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of some local governments. Additionally, approximately twenty-five other projects are under development.⁵

In this discussion paper, I contend that the tiny homes for the homeless movement represents a return to a “politically engaged” approach to housing and community economic development practice. Politically engaged Community Economic Development law (CED), “deploy[s] transactional lawyering in a way that builds organized low-income constituencies that can challenge the distribution of political power.”⁶ The tiny homes for the homeless movement is a rejection of the traditional market-based and professionalized approach to CED that has come to dominate housing and CED practice since the late 1980s.⁷ The advent of the Low-Income Housing Tax Credit, the New Market Tax Credit, and the growing trends of urbanization in the United States has led traditional housing and CED practice to ignore the lowest-income individuals, to gentrify many formerly disinvested inner-city communities,⁸ and render the homeless as recipients, rather than stewards, of complex housing and social services.

The tiny homes for the homeless movement emerged organically as a set of self-help, local interventions to ameliorate an emerging homelessness crisis that local governments failed to solve in the wake of the 2008 housing crisis.⁹ Some of these villages began as tent camps of homeless individuals and activists protesting the lack of adequate alternatives for the homeless or the former criminalization of homelessness.¹⁰ Now, many of these tiny house villages are well-planned and organized communities that restore the dignity, purpose, and connection to others that many formerly homeless individuals had lost. Homeless individuals not only create needed shelter, but with the help of non-profits, lawyers, architects, planners, volunteers, and private fundraising through social media, they also create holistic communities that give real meaning to

5. See *id.*

6. Scott L. Cummings, *Community Economic Development as Progressive Politics: Toward a Grassroots Movement for Economic Justice*, 54 STAN. L. REV. 399, 459 (2001).

7. See *id.* The Trump administration’s proposed budget cuts to the U.S. Department of Housing and Urban Development and other housing programs may cause a shift in the neo-liberal approach to housing and community development that has been dominant since the 1980s and redirect the energy of housing advocates toward more politically confrontational approaches. *But see* Jose A. DelReal, *Trump Administration Considers \$6 Billion Cut to HUD Budget*, WASH. POST (Mar. 8, 2017), https://www.washingtonpost.com/politics/trump-administration-considers-6-billion-cut-to-hud-budget/2017/03/08/1757e8e8-03ab-11e7-b1e9-a05d3c21f7cf_story.html?utm_term=.e2cddb5cf18.

8. See generally Cummings, *supra* note 6, at 447–53 (explaining that “market-driven housing programs have not produced clear gains for low-income communities”).

9. See HEBEN, *supra* note 3, at xii.

10. See *id.* at 8–9.

the term “sharing economy.”¹¹ Many of the villages have shared bathrooms, cooking facilities, gardening plots, and woodworking tools.¹²

Other villages create and connect formerly homeless and unemployed individuals to work and microenterprise opportunities, such as woodworking and bee keeping operations.¹³ The Austin-based Community First! Village also hosts an outdoor community cinema in which formerly homeless tiny house, teepee, and RV village residents work with Austin’s iconic Alamo Drafthouse Cinema to show free films to the public and provide concessions served by the formerly homeless residents of the village.¹⁴ Community First! Village also provides Community Inns, which are tiny bed and breakfast facilities where housed individuals can book an overnight stay to visit with the formerly homeless residents, learn about the village, and provide volunteer services.¹⁵ The Community First! Project connects formerly homeless individuals with each other as well as with housed members of surrounding communities. The web and social media enable tiny homes for the homeless villages to connect to one another and to share information. They also connect residents with wealthy and knowledgeable individuals outside of their communities, who provide volunteer legal, planning, construction services, and workforce development assistance.

While these projects are not a panacea to the problem of homelessness, they represent a return to the self-directed and empowering approaches to politically engaged CED that began the CED movement. These projects move organically from protest, to self-help development, to creative social media-driven fundraising, to engagement with local city officials for zoning and land use permits. I contend that this approach represents the possibilities of a new era of CED practice that eschews the neo-liberal approach in favor of a more empowering model that gives the most vulnerable members of the polity a role in shaping the direction of development. This approach also emboldens traditionally marginalized groups to challenge the prevailing power structures of urban development and to determine the goals of their development projects. Through self-help, self-

11. See *id.* at 13; see also Nestor M. Davidson & John J. Infranca, *The Sharing Economy as an Urban Phenomenon*, 34 *YALE L. & POL’Y REV.* 215, 216 n.1 (2016) (“The term ‘sharing economy’ is contested, with some commentators questioning whether there is, in fact, any sharing to this new economy and the normative valence of invoking its communal implications.” (citing Orly Lobel, *The Law of the Platform*, 101 *MINN. L. REV.* 87 (2016))).

12. See HEBEN, *supra* note 3, at 174–78.

13. See 2046 E Johnson St. Planned Property Improvements \$80,000 & 1000s of Volunteer Hours, OCCUPY MADISON INC., <https://occupymadisoninc.files.wordpress.com/2014/01/2046-pres0-bkbw-final2.pdf>.

14. See *What We Do: Community Cinema*, MOBILE LOAVES & FISHES, <http://mlf.org/community-cinema/>.

15. See *id.*

determination, and collaboration with other members of civil society, the homeless work to solve local housing problems and to restore their dignity and connection to community and opportunity.

The tiny homes for the homeless movement must be placed in the larger continuum of currently available housing and community economic development options to become a long-term solution to the problem of homelessness. These projects can be initial stepping stones to more stable housing and employment for individuals who previously could not participate in traditional housing or employment markets. These tiny homes for the homeless villages should supplement, not replace, traditional federal, state, and local housing subsidy programs. Yet, local, state, and federal governments, as well as non-profits, fourth sector B Corporations, and other novel funding sources, must support these efforts, if tiny homes villages for the homeless are to become a viable long-term solution to the problem of chronic homelessness. Additionally, lawyers and law will play a central role in legitimating these new innovations to enable them to flourish. Lawyers, planners, and other professionals will need to devise new zoning designations, conditional use permits, maximum density requirements, and dwelling definitions in order to accommodate these local CED variations. How law is employed in these endeavors will determine the success of the tiny home movement over time as well as its responsiveness to community needs. Law school clinics and emerging CED lawyers will need to employ novel approaches to support and legitimate these innovations. Yet, the tiny homes for the homeless movement represents promising possibilities for CED law and practice that direct CED law away from more politically passive and disempowering market-based approaches toward a more politically engaged approach that places the homeless at the center, rather than the margins, of the innovation process.