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This Land Is My Land: The Evolution and Future of Urban Homesteading in the United States

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Urban Studies Thesis Spring 2013

This Land Is My Land:

The Evolution and Future of Urban Homesteading in the United States

Emma Brennan

Dedicated to the squatters and homesteaders of the Lower East Side.

Introduction

I moved to New York in 2010 and I immediately was attracted to the Lower East Side. The buildings were on a smaller scale, there were murals on many of the buildings, people seemed to have a deep investment in the neighborhood that did not seem manufactured. I saw the area of the Lower East Side, and especially the East Village as a last vestige of a different New York. The neighborhood is gentrified, there is no question, but there has been a fight on the part of the community members to save their history. The perceived authenticity of the neighborhood makes the neighborhood appealing.

In the winter of 2013, I began working at "The Museum of Reclaimed Urban Space," which is dedicated to documenting the radical history of the Lower East Side, including squats, gardens, and movements. Through this my vision of the Lower East Side as a fully gentrified community was changing. I began to grasp the long struggle of the neighborhood residents struggling to get and keep space for the community, before the areas from Avenue D to 1st Avenue became a space solely dedicated to providing a fun bar scene for 20-something's. I was able to really delve in the history of the area using the best resources available, the people who actually experienced it. I gained connections that I would have never been able to foster outside the walls of the museum.

While working at an event in the Museum of Reclaimed Urban Space I met a squatter named Fly. She had been squatting since the 1970's and she began showing me her collection of photographs from her time building up her own squat in 7th. She

showed me a photograph of a man named Michael Shenker, who was the person who taught her to the basics of putting in your own electricity. She^N was frustrated and scared that she would burn down her space. He looked at her with an earnest stare and said, "Would you rather be in the dark or step into the light?" He meant this as a question about her fear of the electricity, but she has transformed this statement into her life's mission, to step into the light without fear. I found this sentiment to be true throughout my time with squatters in the Lower East Side and elsewhere in the Eastern Seaboard; a group of people following their beliefs without fear. ✓

Looking Forward

In this thesis, I look at how squatting in it's current form was created today. I will do this by looking at the roots of squatting in the Lower East Side. I will explore how they turn their area of vacancy into a landscape of opportunity and look at the relationship between the city and the squatters.

I will then look at the current state of squatting in the United States. I will rely on personal interviews and my experience of squatting. I will also look at the few bits of academic information available on the subject. I will look at a few case studies around in the United States.

My thesis will end with a policy proposal for the future of squatting and urban homesteading in the United States. I will use resources from the "Picture the Homeless" census of vacant homes. This will be a culmination of my research.

Squatter Vs. Homesteader

Before entering any information of the history of squatting, homesteading and of radical space in the Lower East Side, it is imperative that we define these terms. How is squatting defined? What is a squatter? For the purposes of this thesis I will be using the term squatter to refer to anyone who is occupying a space illegally, including in any phase of legalization or with no intention of legalization. Under the umbrella of squatter, I will also be using the term "homesteader". Homesteader refers specifically to someone who is trying to gain the title to his or her space through legal means. A homesteader can also refer to a resident whose landlord has gone delinquent on their taxes and wants to gain the title to be a tenant controlled building. Often homesteader ^{we} already residents from the area and in the case of the Lower East Side, most of the self-identified homesteader were in the first wave of reclamation occurring from the early 1970's through the mid-1980's and were from recent Puerto Rican transplants

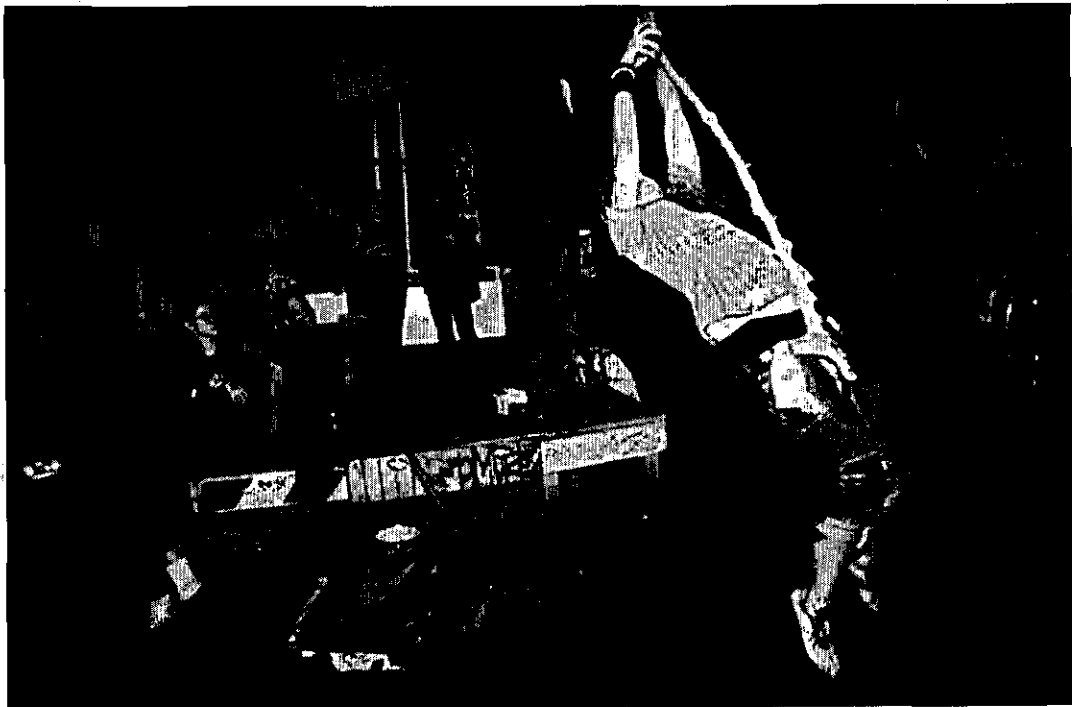
In this thesis, I will use term squatter will refer to the 2nd wave of residents that arrived in the late 1970's through the 1990's. This second wave of squatting the Lower East Side, especially in Alphabet City was decidedly more radical, than the first generation. Although on the surface these squatters had a similar agenda to homesteaders, i.e. fighting gentrification through direct community action, the squatters did not feel the need to maintain relationships with community organizations based in Loisaida (**Van Klunen 289**).



Landscape of Vacancy

The “Museum of Reclaimed Urban Space” is based out of the storefront of 155 Avenue C. This space is also known as the notorious C-Squat. I was amazed when I first walked through the basement door, snaked through the dank, poorly lit, graffiti ridden halls, stepped over broken bottles, lead pipes, and crumpled human forms to enter the venue space for one of their countless punk shows. Like many of the squats in the Lower East Side, it has not changed much since it was first “opened” in the 1970’s. This scene of disorder is where a modern radical space movement was created.

(Pictured below is a common scene from the C-Squat; swinging on the rope swing)



Squatting seems obvious as a political action, in a way. You’re taking something that the city has discarded and opening the space to the community. There are no abstract victories in squatting, if you need a place to live, break in and live. If there is no

roof, build one. If the plumbing is broken, fix it. If there is no electricity, learn it. These are all tasks that the squatter and homesteaders did while rebuilding the hallowed out shell of the Lower East Side; to it is hard to believe that residents of C-Squat and almost 20 {Van Kleunen} other squats in the area put their safety on the line to keep this space for the community, instead of private real estate for this seemingly chaotic space. Spaces like C-Squat are relics of an era of struggle between the city and the community members.

(Pictured below is Serenity located on 9th and Ave. D. This building was burnt before the squatters moved in and renovated, including building a roof)



Between the 1960's-1970's, the area of the East Village was in a steady rate of decline. The area of the Lower East Side and especially Alphabet City was predominately Puerto Rican and poor immigrant population. Like most urban areas of

America, the Lower East Side was experiencing disinvestment from private and public entities. The federal government had chosen to value programs that increased the growth of homeownership, highway construction, and military needs than to focus on any programs on the urban poor {Sites, 193}. The focus of growth in this era was the suburbanization of the United States. People were moving away from the inner city in search of single-family homes away from the grim of the city. New York City was also experiencing the worst fiscal crisis since the Great Depression. This resulted in austerity measures for everyone, especially the impoverished neighborhood of the Alphabet City. "In the process, crisis management also completed a shift in institutional influence away from the service-connected agencies (such as housing and anti-poverty programs) that were most susceptible to pressure by the general public" (Sites, 192). This meant the residents that needed the most assistance were being ignored by the city.

This disinvestment from the federal government coupled with the City of New York's fiscal crisis of the 1970's was the perfect combination of factors that would lead to a blighted urban core. Up until 1980, the area of Alphabet City in the Lower East Side was considered a "high risk investment area," by commercial lenders, so the amount of private capital flowing into the neighborhood was limited {Mele 177}. The landlords were leaving their building^s. They were nowhere to be found or they were torching their buildings in the hopes to getting insurance money. The practice of arson became so prevalent that their neighborhood is often compared to Dresden during the war. The properties that were not burned and went delinquent on their taxes and then became properties of the city. These buildings were called "*in rem*,". By 1987 in rem properties

made up more than 500 buildings in the Lower East Side (Sites 200). These buildings and vacant lots were property of the city, but they did not maintain them. They were in a state of disrepair with no obvious person or entity to help. The Lower East Side was not alone its vacancy crisis, places like Detroit had 25,000 abandon^{ed} structures and the whole country had over 300,000 empty single family homes (Dobbz 67)

From the 1970's until the 1990's, the stock of housing went from small "mom and pop" private owners, who then went delinquent on taxes, to the hands of one public entity: Housing Preservation and Development or HPD. The city warehoused these buildings. (Your House is Mine). HPD had inadvertently become the landlord of most of these "in rem" buildings of the Lower East Side. And like the previous landlord of the era, the building deteriorated further into a state of unlivable^{le}, while continuing to charge rent to the residents. (Van Klunen 289) Although these buildings were vacant and often in poor condition, the neighborhood saw them as potential assets to the community at large through community driven investment. The residents saw the landscape of vacancy and turned it into a landscape of opportunity.

The Federal Government did see the dwindling population in the city's inner core as a problem and in May 1975 they instituted the "Urban Homesteading" program. (IBID). This program was not intended to create affordable housing for struggling urban centers, but for gentrification. In the Housing and Urban Development (HUD) Handbook, they state that gentrification of the struggle areas and making them more marketable for the future was their first thought and securing affordable housing as a second thought.

("Urban Homesteading"). This program was instituted in a number of cities and was strikingly successful. By 1984, the most successful cities were (IBID)

- Indianapolis, IN and Chicago, IL (218 homes)
- Dallas, TX (317)
- Columbus, OH (220)
- Philadelphia, PA (361)

The Homesteading Program selected by application and sometimes by lottery. When approved they were able to occupy and rehabilitate city-owned properties for three-five years. The stipulation about years was added to combat any property flipping schemes that might occur. (Dobbs 73) If the residents completed the rehabilitation of the property within 3-5 years (depending on the program and city) and it was up to code, they would receive the title and most importantly, they were able to sell their property at market rate. The stipulation of selling the property at market rate after a short amount of years essentially made the process of urban homesteading a stepping stone to market rate housing under the guise of low-income housing. One of the most controversial steps HUD took to ensure that gentrification happened in the areas they saw as most ripe. HUD stated that their criteria for designating an area was neighborhoods with "early signs of decline" (Dobbs 73).

The Homesteading program also allowed for the concept of "sweat equity" as a means for residents to lower their costs when rehabilitating their homes. On a per property basis, the homesteaders who took advantage of doing the work themselves saved an average of \$1,500 and with the consideration that the rehabilitation cost over

7,345 (*Baseline Analysis of the Urban Homesteading Demonstration 6*) Although it saved more money to do the renovations yourself, there was a significant time commitment involved, which was difficult to manage for the working class homesteaders.

Even though the homesteading program did have its faults, it had positive elements for the neighborhoods it was instituted in. Hannah Dobbz states, "With 57 percent of homesteaders recorded as "black," a noticeable shift in neighborhood's racial compositions occurred between 1970-1977...Between 1970-1978, the homeownership in homesteading neighborhoods jumped from 54% to 65%." (Dobbz 76). The success of the homesteading program was a symbiotic relationship between the governments and the homesteaders; the homesteaders received the title and the local government received taxes from delinquent buildings. Not only did it give money to struggling cities governments, it increased the value of homes and by default the value and quality of neighborhoods.

Homesteading in the Lower East Side was a response to the blighted area. During the early parts of homesteading in the area, most of the people involved with homesteading were recent transplants arriving from Puerto Rico. These groups of homesteaders were distinctly different from the next generation of squatters, who were a much whiter and a more politically motivated group. The early homesteaders of the Lower East Side and were almost required to take part in their own renovations of buildings and to be creative with an ever-slipping flow of resources. The City of New York only offered a program for homesteaders in the area living in "in rem" building,

when “the illegal occupations such as those mentioned above had multiplied to an alarming level throughout the ghettos and barrios...” (Van Kleunen 289). This allowed residents to gain the legal title and financial assistance to people willing to make large renovations to the building. Even after this program was instituted the city was not often willing to pass along the title, and only did so when homesteaders claimed “de facto” ownership (Van Kleunen 289) There were also not-for-profit community groups dedicated to helping residents renovate their building as to gain to the title, organizations like “Adopt-A-Building”, “RAIN” and “LESAC” worked throughout the lifetime of the city program to offer services to struggle homesteaders. In the community newsletter “The Quality of Life in Loisiada,” (pictured below) from 1979 there were articles addressing how the community came together to fight corrupt landlords and were given agency to creating their own spaces out of the landscape of vacancy in the neighborhood of Loisiada. People were being trained to make rebuilding their homes that their landlords (including the building owned by the city) had neglected for years.

The residents were using the concept of “sweaty equity” to gain title to their land. The concept of “sweat equity,” claims that residents should be able to gain increased interest or stake in dedicating time and effort to a home. Habitat for Humanity currently uses this model of gaining ownership to a home, by contributing to the construction and restoration of a home the new owners are deeply physically connected to the home construction. This notion of gaining through time and energy, instead of capital is completely outside the norm of the capitalist structure, especially in the New York real estate market. The more effort the homesteaders of the Lower East Side put into their

buildings, there was an increase in value. This would seem like a mutually beneficial model: the facades and building of a blighted neighborhood would clean themselves up; without city funds and in return the homesteaders would gain the titles of the properties they worked on.

But by 1981, after much of the renovation of buildings had occurred on the part of the first wave homesteaders, HPD brought eviction charges against all residents in the city owned buildings (Van Kleunen 289). See photo below-These notices were posted on all city owned properties, where the residents had stopped paying rent, because the city had stopped all services to the area (Van Klunen 289). The city used the pejorative term "squatter," which, at the time, was there only used in court proceeding to describe, "lawbreakers, who had appropriated someone else's properties" (Van Klunen 289). Even with the connotation of illegal occupation, some 46 organizations, including the Joint Planning Commission, who later fought against the squatters, came to the legal aid of the homesteaders. But by 1986, after years of legal battles, it was obvious that the homesteaders were facing eviction. (Van Klunen 289). Through the struggles of the homesteaders, they had given way to a new class of illegal occupier: the squatter. This force of the city government to undermine the poor residents of the Lower East Side had begun mobilizing a more militant class of occupier.

The Squatter Movement in Alphabet City

Cartoon by Seth Tobocman



"The act of squatting city-owned buildings, of exempting them from the cycle of speculation, was not a symbolic protest, but an eminently hands-on assault on the bed rock of New York capitalism-real estate-which offered tangible results: you get a cheap place to live and consort with fellow radicals making art and ragging on the system"

-Sarah Ferguson in "A Radical Political and Social History of the Lower East Side"

The different generation of illegal tenants, had a difficult time defining their identity. They were a diverse group as a whole, but tended to stay homogenous in their factions. In a collective statement released by the squatting community of the Lower East Side that was displayed at protests and rallies, they stated,

"We believe housing is a basic human right for all people without exception... Governments are not addressing the problem in any realistic or human manner. Therefore we have taken charge of this important area of our lives: housing. Along with 1/4 of the world's population, we have moved into vacant, unused land and buildings. Through our own resources and creativity we are rebuilding structures the city left abandon for years." (Van Kleunen, 285)

The new squatters that were moving into the Lower East Side were different from the previous generation of illegal occupiers, but most fell within the radical political paradigm. Though it is difficult to completely generalize about their identity as a

collective. Some were locals, who found the bureaucracy of the homesteading programs untenable, some were artists without incomes to pay the rising rents, some were homeless and simply needed immediate shelter, and still others wanted to live completely outside capitalist system of New York real estate. (Ferguson 149). Regardless of their motivations, the squatters (or homesteaders) had a solid outsider status in the capitalist economic model, as evidence of their willingness to live in constant fear of eviction.

The positive relationship between the 1st generation of homesteaders and squatters was short lived. Initially they had the same goals of occupying space and fighting for affordable access to housing, but those high values were put to the test by city intervention. The first step in this divergence of values was when the squatters began backing away from involvement with non-profit that assisted homesteaders. It was moving away from reclaiming individual homes and toward a full-fledged movement to stop the city and private industry from dictating how all space should be used. Because the squatters felt part of a bigger movement, and immense community sprouted around them. The famous squatter and housing activist, Frank Morales, who began squatting in the South Bronx and moved to the Lower East Side in the mid-1980's saw the fight for their squats as a fight for the human right of having a roof over your head. He stated, "We were organizing against the forced relocation of poor people into shelter, and we saw squatting as an antidote to that" (Ferguson, 153).

During the era of major expansion of the squatters, there was a massive mobilizing of the members in the squatter community, especially the mobilization around

the "Eviction Watch," which was a phone tree used to ward off impending evictions, but it was also used as a tool to network a seemingly un-centralized movement. Frank Morales noted that squatters only feel deeply connected to during times of strife in the movement, like how people mobilized for eviction.

Warfare for Space-The 1990's in Alphabet City

(Pictured below is a sign that still hangs on C-Squat today stating it's continued commitment to low income housing. This is also a play on the eminent domain idea of "open and notorious")

In 1991 HPD declared the squats unsafe. (Your House is Mine) In the fall of 1991, many of the squatters had opened their space to the city to show that the conditions were livable and a fire inspector had declared the spaces not a fire hazard (Your House is Mine). Less than six months later HPD revisited the squats again and this time they placed eviction notices on them. These building were still city owned and they planned on renovating them for homeless or very low-income families to live there. Many people asked the question of "why now?". Many of the squatters had lived there for up to decade before the city declared the spaces unlivable. Answer seems to be gentrification. The show of force from the city and the police was awe-inspiring. In the movie "Your House in Mine," a squatter facing a wall of police officers states, "What a dilemma, what an enigma, what're we going to do about this? We got police forces desperately needed in other areas of the community over here keeping people out of their homes, when these forces could be better applied to fighting the drug problem in

the city." Even Mayor Koch scolded the police for their behavior say, "If you give into provocation, you're going to be punished" (Ibid)

The tank named "Anytime Baby" rolled down 13th Street toward the squats along with countless police officers armed with riot gear and numerous helicopters to assist in the removal of the "dangerous" squatters. The legend of the "Anytime Baby" tank is that it has only been used one other time in New York City History, when Martin Luther King was killed and they were attempting to control potential crowds of rioters. On this day in 1995, there was a build up of force from the police. Quickly removing makeshift barricades from the squats and bringing a massive amount of police officers.

(Pictured below is the scene from the 13th street eviction in 1995 from the John Penley Collection)

UHAB Deal

Marina Metalios, of the Urban Homesteading Assistance board got a call in April of 1999 from a squatter at 377 E 10th Street. The unnamed squatter told Marina about his life in the squat, living there for over a decade and wanted to gain the title to his space. (You House is Mine) Marina truly didn't know the answer to this question, because the battle for reclaimed space had been so violent and tumultuous over the years.

Since the 1980's the Urban Homesteading Assistance Board has assisted in many homesteads in "going legal" or gaining the title to their properties. The squats had attempted as well, with the help of UHAB numerous times. UHAB had approached both the Dinkins and Koch administration and were all but laughed out the door, but they were willing to try again with the Giuliani administration. It was becoming immediately obvious that squatting in valuable city owned properties was no longer a tenable solution to the issue of keeping their homes. Strangely enough, the Giuliani administration was responsive to the idea of passing the titles to the squats. There were years of negotiations with the Urban Homesteading Assistance Board, the Mayor's Office, and Housing Preservation and Development, but they finally came to an agreement for a one-dollar sale of the buildings to The Urban Homesteading Assistance Board. The deal was finalized in September of 2002. The Giuliani administration sited a "maturing" of squats in the Lower East Side. The actual motives of their change in policy toward the squats are unknown, because there has never been an official statement from the city on the subject. (Your House is Mine). It seemed to the priority of the Giuliani administration to get out of owning property, this is evident from the behavior of the Giuliani administration. From the beginning of the administration, their goal was to not own property anymore, including from slumlords, delinquent, and absent landlord. As they were not getting more any more properties, they were also shedding properties, which is the exact opposite of previous administrations like Koch and Dinkins (Your House is Mine). This transfer of property to UHAB was in tandem with the

destruction of many of the community gardens are in the area and many of the activists thought that

↑
Museum

This mythic sale of one-dollar buildings to the squatters is often used in the folkloric retelling of this story, but one dollar was just the beginning for those residents.

The squats were required to pay all the back taxes and bring the buildings up to code (IBID). This made the endeavor of owning a home a far more expensive one.

Throughout my time at the Museum of Reclaimed Urban Space, C-Squat has been slowly working toward ownership. They were temporarily halted because of Hurricane Sandy. The squats have been working for upwards of 20 years to gain ownership and only one of the 11 have the title to their land (NYC 24) While out in the open, squats claim that they working towards ownership, behind close doors they often say they're holding off to stay illegal and keep their radical status.

What Can We Learn from this Movement?

(Pictured Below is the remains of Fetus Squat on East 9th and Avenue C after a fire took down the building in the early 90's.)

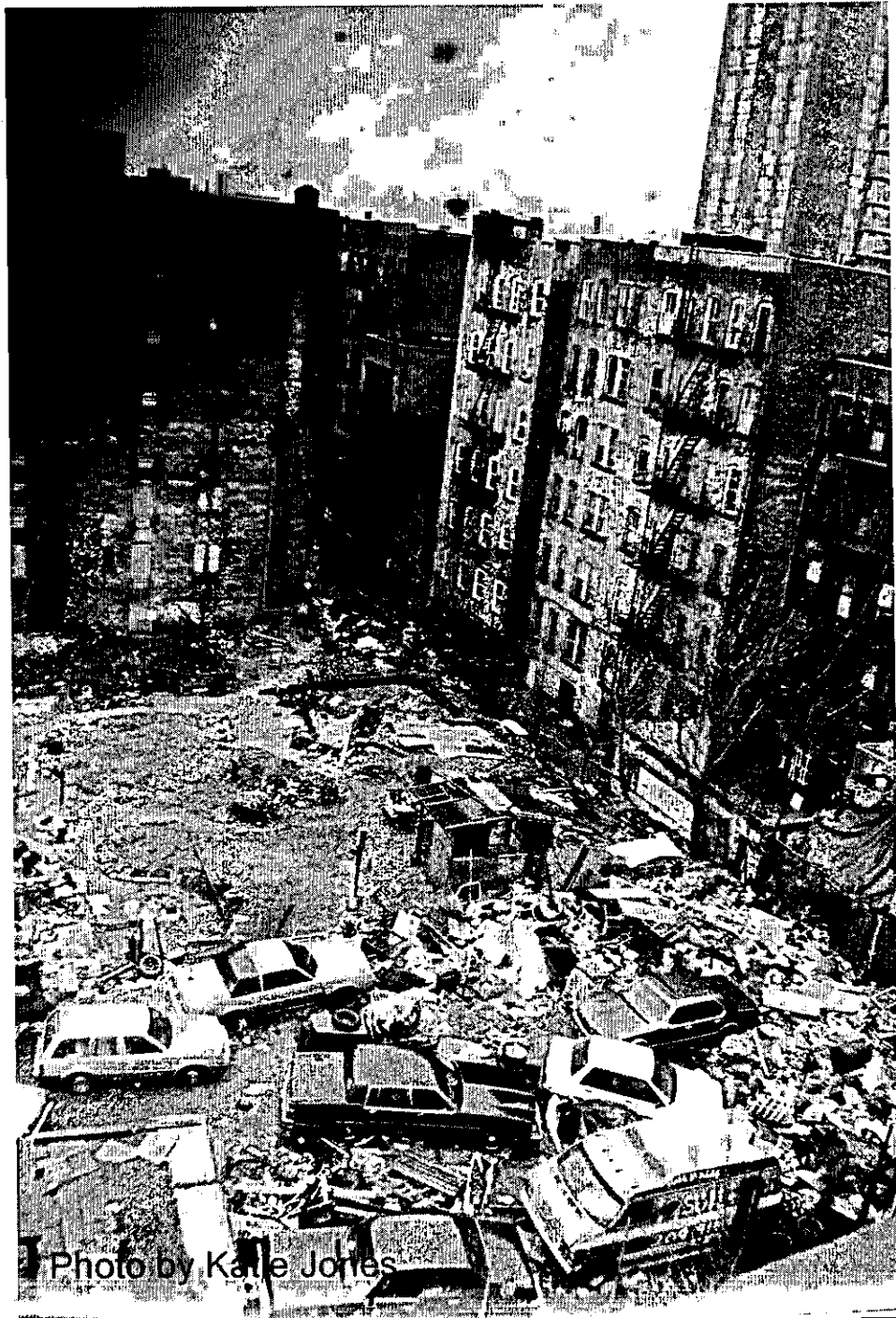


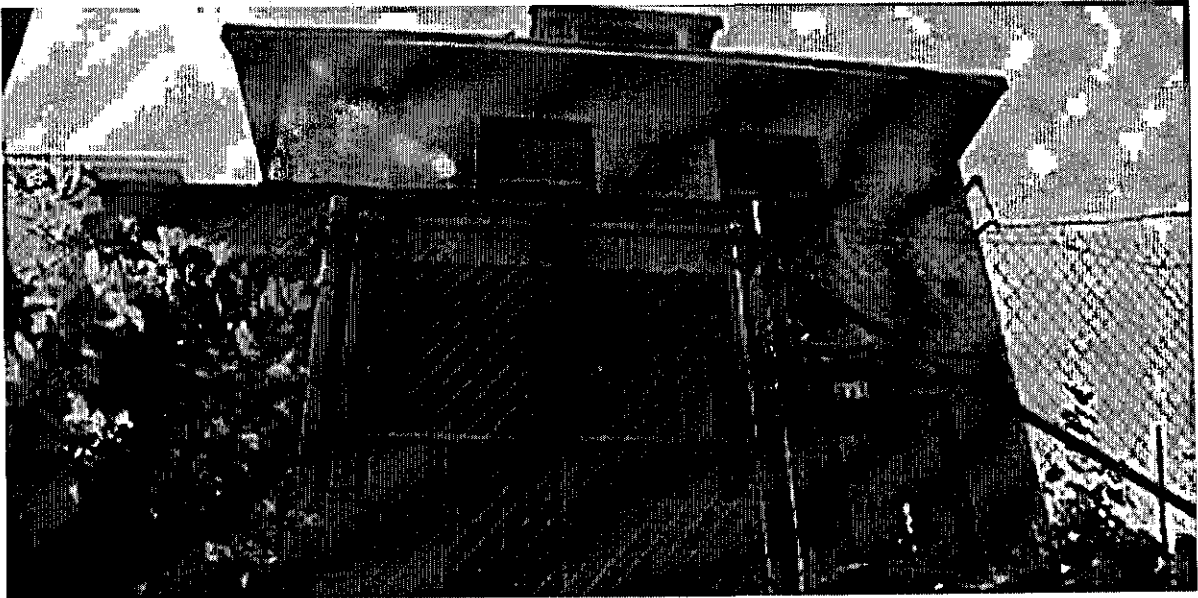
Photo by Kalle Jones

Throughout the time I have spent learning about the homesteading and squatters movement in the Lower East Side, my ideas have evolved. I believe that the Lower East Side movements can successfully guide the future of homesteading and squatting in the United States. They can accomplish this by redefining their criteria for success. It is very unfortunate that within the squatter and homesteader community where I have most interacted it is a generally accepted agreement that the movement of space occupation was a failure. Most conversations I have had with original and existing pioneers of the urban homesteading movement end on a despairing and dejected note; they feel strongly that the legalization of squats pacified and caused the ultimate failure of the movement around opening radical space. Based on my research, I disagree with this sentiment. The fact that occupied places like C-Squat and the 10 other squats of the Lower East Side still legitimately exist in some form is a testament to the movement to reclaim space. These successful units have existed as recognized and contributing element of the Lower East Side neighborhoods for over a generation. These communities continue to thrive and the legacy of their public and vocal struggle serves as a model to the national and international radical space movement. This is not to say that this nascent movement is without faults: internal struggles, drug abuse, conflict with police and other authority, and the resolution of the question of whether or not they will thrive to actually serve the low-income community are all outstanding issues. However, they still exist and offer an alternative to the current model of commoditized housing. I will show in the next chapter on the current state of homesteading and squatting in the United States, that the model set by the Lower East

Side has served the squatting community and how it has evolved to serve the new generation of occupiers. The Lower East Side cracked open an entry to a new way of thinking about housing and the subsequent generations have now opened it even wider.

Current Squatting in the United States

Photographed below is the, now infamous, Steve DiCaprio squat in Oakland (From the KTVU collection)



This will be a look at current squatters. I will draw from my experiences working within C-Squat, my discussions with Rob Robinson, and the experiences described in several books. In this section I will also address the issues that squatters are trying to combat, i.e. homelessness by engaging in alternative forms of ownership. As a transition into my policy proposal I will discuss the current tools squatters use to take possession of their house, i.e. specific instructions of how to break into a home and get the title to it.

The state of squatting and homesteading in the United States looks different that it did back when it grew in prevalence in the 1970's and 1980's. I experienced this when I visited a squat on Baltimore Street in Philadelphia. Walking down the street, the house stands out from the rest; it is distinctly shabbier and more "lived in" than the rest of the houses on the block. Unlike the politically charged images out of the Lower East Side, this squat had a distinctly quieter vibe. Throughout my time there, people were cooking collectively for the program "Food Not Bombs," renovating the living room and bike room, running a pirate radio station, and setting up the solar panels on the roof that will heat the water for the rest of the summer and into the early fall. This collective has been around since the early 1990's when the neighborhood looked a lot different than the urban paradise it is today. The neighborhood went from a completely low-income district to an upper middle class fully gentrified hub. The area in which the squat exists today is mostly home to University of Pennsylvania students. Before the students moved in, majority of the block where the squat sits was completely vacant. According to the

mythology, two brothers from the East Village anarchist squatting scene opened the squat. When they arrived the building was nothing more than a shell after being burned out by an absent landlord. For the next 20 years, the building was completely rebuilt by the residents. Including a garden in the back, several small structures on the roof and numerous rooms, which are home to more than 13 residents. This unnamed squat in Philadelphia exists in a strange limbo between ownership and squatting. When talking to the resident, Paul, he explained it this way, "We're not worried about getting evicted everyday anymore. The city and the police have known about us for over a decade and we haven't experienced any action against us in recent history"

(photo of backyard via flickr). The mentality of "being left" alone by law enforcement or the city seems to be unique to cities with high rates of vacancy. The city and police just do not have the time or resources to deal with quiet occupiers. Philadelphia was one of the most successful cities in the homesteading program, rehabbing over 300 buildings and turning the title over. It has yet to be seen in places like the squat I stayed in will get out of their legal limbo, whether through gaining adverse possession, a legal tactic that allows people to claim ownership on a building if they have occupied it for a specific amount of time.



Along with scattered squats and homesteads in the Rust Belt of America, the Bay Area has a strong squatting scene. As evident from Oakland's experience during Occupy Wall Street, it is a haven for radical behavior. During my time at the Museum of Reclaimed Urban Space, I met several travelers, current squatters, and previous squatters that found Oakland and the Bay Area to be on the forefront of squatting in the United States. The most well-known squat was "Hell(arity) House" in Oakland. According to "Haley," a recent resident of Hell(arity) House, it was the closest thing to autonomy she experienced in her life. She was attending a university in the Bay Area, but she was on the verge when of dropping out when she discovered Hell(arity). She found a community of people there that shared her values and, so instead of finishing her freshman year she moved into Hell(arity). Hell(arity) was known as a punk squat

with a rotating cast of misfit characters, including, but not limited to people out of jail, traveler folks, people who wanted to live off the grid, anarchist radicals, families including children, runaway, and just general rejects from society. There were between 13-20 residents in that home at all times, occupying every nook of space, for a time Haley even slept in the boiler room. This home offered solace to people, who would be more than likely homeless if not for a space like Hell(arity). Even though it was a home for the undesirables in Oakland, there were basic rules that were strictly adhered to, and if you deviated then you were out right away (Dobbz 130).

Haley was quick to point out that just even in a punk squat, there was stewardship of the land. While the home itself was not in the best of shape, i.e. structural damage from years of neglect when it was abandoned, the residents still cared for it. There was a garden that fed people all year round, a chicken coop, and art was being produced in every possible space (even the toilet bowl). While the landlord had let this property disintegrated, the squatters moved in and made the space livable and functional. A single-family house has one purpose, and that is to house people.

Haley arrived at Hell(arity) at a pivotal moment. The squatters had occupied the house for a long period of time without much interruption. After being previously abandon^{ed} by any property owner for a number of years, it was bought by a man named San. He planned on making the house into an environmentally conscious collective, a plan that failed almost immediately because of lack of funds and then he went to bankruptcy. When Haley moved in was about the time that the eviction process had begun, including a procedure in the courts and several visits from the police. With the

impending eviction of Hell(arity) House, the philosophies of the residents became immediately obvious. Some people wanted to stay and fight for the space they had lived and work on, while the city and landowner ignored it. Others left the day they saw the eviction notice on the door, because there are endless amounts of vacant housing in the United States, and they could easily find another space. Others knew that being "evicted" doesn't really mean evicted until the police are knocking down your door and dragging you out.

Haley talked about the discrepancy between ideals and actualities. There was a certain point within the eviction process where the landlord just asked the squatters to cover the mortgage. This request rubbed people the wrong way, because it didn't stick to the ideals of squatting. The house was divided about whether or not to pay. This turned out to be the break down of (Hell)arity. The squatters ended up leaving because they could not agree on whether or not to fight for the house in court. None of the squatters actually wanted to have the title to the house, because it was falling apart, so they ended up leaving. Haley was sad to announce that "Hell House" went out with a whisper instead of a bang. We ended the interview with her saying that she wished there was a path to ownership. She equated it to the struggles of immigrants in the United States saying, "the process is difficult, but I think there would be plenty of people willing to take part in it".

Adverse Possession

There are few tools for squatters in the current age of housing occupation. Landowners have all the rights, even without any engaging in any maintenance of the space. Adverse possession dates back all the way back to the enclosure era in England in the United States, it goes back to the homesteading era. This law was formed under the guise of "Use it or lose it", but Cornell Law defines it in the following way:

"Adverse possession is a doctrine under which a person in possession of land owned by someone else may acquire valid title to it, so long as certain common law requirements are met, and the adverse possessor is in possession for a sufficient period of time, as defined by a statute of limitation.

The Common Law Requirements

The common law requirements have evolved over time, and the articulation of those requirements varies somewhat from jurisdiction to jurisdiction.

Typically, adverse possession, in order to ripen in the must be:

(1) Continuous; this means continual.

(2) Hostile to the interests of the true owner; this is the adverse part of adverse possession.

(3) Open and notorious, so as to put the true owner on notice that a trespasser is in possession.

(4) Actual, so that the true owner has a cause of action for trespassing on which the true owner must act within the statute of limitations.

(5) Exclusive, in order that there be no confusion as to who acquires the once the time has run.

The Statute of Limitations

A means by which one can legally take another's property without paying for it. The requirements for adversely possessing property vary between states, but usually include continuous and open use for a period of five or more years and paying taxes on the property in question."

(Cornell School of Law)

This has been used successfully in a few cases, which are able to set precedence for future squatters. The most notable of these squatters is Steve DiCaprio. He found the ultimate "fixer upper," when he moved into the one hundred nine year old duplex in Oakland. When he first moved in it was full of debris, trash and few dead animals. He broke through a chain and then once inside, he spent several years working on the house. He installed dry wall, a kitchen, and a new floor among other renovations. What set Steve DiCaprio apart from the other squatters was that he paid all the several thousand dollars in property taxes. The county of Alameda has records

showing that he paid all the property taxes for the past seven years (KTVU). The estate technically belonged to man who died in the early 1980's and has been vacant from even before the man died. Palo Alto real estate attorney, Julia Wei, says that DiCaprio successfully met all the requirement of adverse possession (KTVU). DiCaprio did everything short of a court action to get the title to the property. Without the court action, he was able to sell or borrow against his own property. Since he cannot be hooked to the grid, all of his electricity comes from solar panels. It seemed like he was never going to get the title, but last month that all changed. Pictured below is the press release DiCaprio's group "Land Action" stating that they gained the title to the land after several embattled years. *This was a victory for squatters all over the country. Not since the 1970's has there been such a success for squatters.* DiCaprio has been able to serve the next generation of squatters by gaining the title to the property through the only real legal means, adverse possession.

Squatter's Rights Upheld in Court of Law

Occupation in Oakland, California Has Victory Fighting Eviction

Press Release
March 17, 2013

FOR IMMEDIATE RELEASE

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Re-define Urban Environment

Oakland, CA- On Thursday March 14, 2013 occupiers of properties in Oakland, California won the legal battle to maintain community space in the Alameda County Superior Court. Judge Victoria Kolakowski issued a judgment in favor of the defendants, occupiers of the properties known as the Hot Mess/RCA Compound, and against plaintiff Rockridge Properties, LLC. This community space includes housing, an urban farm project, and a social center. In a long fight for squatter's rights this judgment is a welcome victory.

Oakland, which is known for one of the most resilient encampments of the Occupy movement, has also been home to numerous occupied spaces before and after the Occupy movement began.

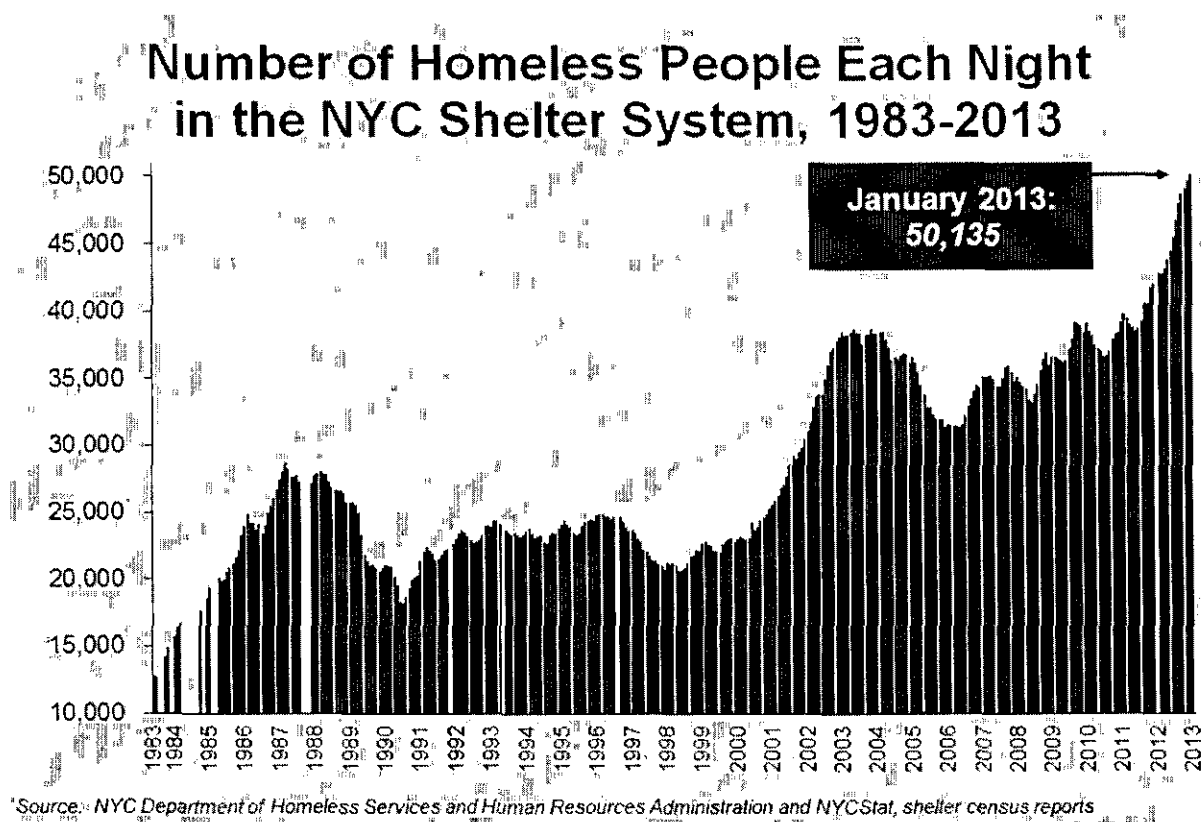
In her ruling dismissing the lawsuit on March 14, 2013 Judge Victoria Kolakowski stated, "There is no authority for the proposition that the successor of an ownership interest also obtains the prior owner's possessory rights retroactively." (*Rockridge Properties, LLC v. Carey et al.*, Alameda County Superior Court case number RG12638555)

Upon their victory co-defendant Steven DeCaprio, CEO and founder of the non-profit Land Action, stated, "This ruling gives hope that we will return to the principal that land should be used for the benefit of society and not merely as a commodity to be abused by banks and speculators."

Since the subprime mortgage crisis in 2008, banks who received generous bailouts by the federal government have, for the most part, refused to provide any relief to home owners facing foreclosure.

Teri-Dawn Elkins, Development Director for Land Action states, "This victory for occupiers should put the banks on notice that it is in their best interests to renegotiate mortgages with home owners rather than later losing those foreclosed properties to adverse possessors such as the ones in the HM/RCA Compound."

Squatting on the Street



The current population of squatters in vacant housing in the United States raises the question of what to do about this current program. We have a vast supply of vacant housing and hundreds of thousands of people in dire need for a place to live. Picture The Homeless is a not-for-profit focused on the rights of homeless people everywhere, especially New York City where they are based. In a recent survey conducted in partnership with Hunter College, they documented the immense supply of vacant buildings and lots, and compared that with the amount of homeless people in New York. They discovered 3,551 vacant homes, which could house 71,707 people. They also looked at 2,489 vacant lots, which could be converted to house 128,874 people. In total,

the amount of privately and city -owned vacant space has the capability to house a total of 199,981 people. This number is especially startling when you see that in New York City there are more than 50,135 people looking for temporary shelter. This means that if you could utilize just 25% of that vacant space than you could offer a stable situation, instead of the temporary city housing.

In a recent interview with the Rob Robinson, organizer with the anti-foreclosure organization Take Back the Land, we discussed this numbers and he excitedly told me about the possibilities based out of these statistics. He stated, "We have all the numbers and statistics of homeless people and empty spaces, we just need someone or some entity to play matchmaker" This statement struck me, because the city has a massive stockpile of unused housing (almost 10% of the vacant housing is city owned, which is reminiscent of the Lower East Side), which they are doing nothing with.

In the Lower East Side during the era of homesteading, the city stockpiled buildings without using them and the neighborhood deteriorated. The parallels between today and the Lower East Side are striking. As illustrated in the "Picture the Homeless" Report, we can see the discrepancy need and use, the current generation of squatters are fighting against this. Recently there has been a large flow of money into immediate relief of homeless in New York. "The city will spend more than \$800 million this year on homeless shelters — an increase of 25 percent over the past five years, according to a new report." (Mathias). The money that the city is spending on homeless shelters and relief programs is needed, but it is a band-aid on a larger issue of permanent affordable housing. The overhead in investing permanent housing is higher than other social

programs, but the result is greater: a new population of property tax payers, more investment in neighborhoods, jobs for countless citizens. In the next chapter, I will discuss policy proposals to combat this large stock of empty, unused housing that is so rampant in the city of New York and all over the country.

Policy Proposal or the Future Urban Homesteading

(Photo from the Museum of Reclaimed Urban Space Collection)

Recently in *The Atlantic Cities* news outlet, it was pointed out that the affordable housing that Bloomberg has been pushing for is not actually "affordable". This article details the current states of low income housing in the New York and how much of it is unavailable to those who need it most today. This data is a compelling argument for squatting in New York. The article states that while the Bloomberg administration is committed to creating a stock of affordable housing (it's almost reached 85% of it's goal) it is not making affordable housing in the price range of those who need it. The author states, "While the City has committed to and developed a significant number of affordable housing units under the Bloomberg administration, about two-thirds of New Housing Marketplace units are too expensive for the majority of local neighborhood residents." (Jaffe 3) Only 8% of the units that are being produced are at 40% of the poverty line, which is where over one-third of all New Yorkers are living at. This article how untenable our current housing stock is. This data about current housing in our current market is a compelling argument for squatting. The housing that we have set aside for the poor is not actually for the poor, it is for moderate-income residents of this city. We only have a small amount just for the very poor, and they usually find themselves in unstable housing. There needs to be a solution for the truly poor residents of New York and the rest of the country. (Jaffe 2)

Given the experience and data I've found over the past few months of researching, I have a series of policy proposals. The overarching theme of my proposal is the expansion of stewardship within the realm of ownership. The first is end the stockpiling of empty homes, by public and private entities. The next is to reinstate the

homesteading program in United States, which would allow residents to be proactive in their renovation of vacant spaces. The last is to move toward a Community Land Trust model when homesteading is completed, which would effectively take these homes off the speculation market for the foreseeable future.

Three-Year Vacancy Limit on Private Property

As illustrated in the "Picture the Homeless" report, many buildings are vacant for countless years. These buildings are deteriorating at a quick rate, while speculators wait until it is profitable for them to renovate. These homes are a blight on the neighborhood and don't just effect the structures themselves. If there was a limit on the number of years a building could lay vacant, it would encourage development and weed out the speculators. The buildings that could not be used within would then be turned over to the city. They could be turned into community space or put into the homesteading program. Instead of stockpiling like the city did in the 1970's, which created a blighted neighborhood; this could be an opportunity for growth.

Implement a New Homesteading Program

The Homesteading Program in the United States offered the option of investing time and effort into your home and in return you get the title to the property. This created a viable homeownership option for people in blighted areas. In the New York alone, the homesteading program rehabbed hundreds of homes that serve the community to this day. Instead of demolishing and making way for condos, they serve as permanent and

stable housing the low-income residents. (Dobbs, 70). The Homesteading Program appeals to both sides of the political aisle, the "humanitarian-style" social justice democratic lean, and the "pull yourself up by your bootstraps" hands-off government model. In fact, the last person to introduce legislation to address the Homesteading Program was Republican, John McCain in 1999 (Dobbs 82).

The Homesteading Act was repealed in 1991, which outlawed the practice of homesteading. I believe that this was a mistake on the part of the federal government. Especially given the collapse of the housing market in 2008. The Homesteading Program would have been a helpful tool for foreclosed homes. The stock is vast, as discussed in the current squatting chapter, and if even a fraction of that housing stock was renovated then we could alleviate some of the housing burden.

There were faults in the Homesteading Act that the updated version could remedy. There were several problems, first accessibility to a large group of people, financial attainability for a broad swath of people, and the most important the program was not sustainable financially. I see the 1970's institution of the Homesteading Program as laying the groundwork for squatting in our current era. Proposal for New Homesteading Program:

1. **Evaluation for the program:** The more measurable we can make the Homesteading Program, the most likely it will be able to be replicated in other parts of the country successful. Evaluation was lacking in the previous *reincarnation of the homesteading program and much of the labor of the homesteaders went undocumented*

2. **More Funding Available:** Part of the previous issue in the homesteading program was that only a small number of people were eligible. They could not be too poor, because then it would be a risky investment for cities, but they also couldn't be too wealthy, because the program was meant for lower income people. (Dobbz 80).
3. **Creation of Sweat-Equity Training Program:** The Homesteaders of the 1970's had little assistance from the government other than permission. In the Lower East Side, they relied on the work of non-profits like the Urban Homesteading Assistance Board and Adopt-A-Building. Like C-Squat, even after 3 decades of investment in their property it is still not up to code. This isn't not completely from lack of effort, but more lack of any skills of construction. I propose the implementation of a training program for all applicants of the homesteading program that would allow them to learn the basic skills of home building. More working class homesteaders would be able to contract out to other homesteaders and graduates of the same program, making the model a job creator. Under the previous legislation in many states you were not allowed to contract out work, such as California (Dobbz 79), where exactly zero homes were rehabbed.

Community Land Trust Model of Ownership

Community Land Trusts are defined by Hannah Dobbz in her book "Nine-Tenths of the Law," she states, "A Community Land Trust (not to be confused with private of corporate land trust) is a non-profit legal entity similar to a corporation, which owns a piece of land in perpetuity for specific, designated purposes. These purposes necessarily align with and reflect community needs and wishes (such as affordable housing, cooperative businesses and environmental preservation)" (Dobbz 194). In the model of the Community Land Trusts, the board is comprised of a Board of Directors, who are members of the community, such as the tenant or homeowners, community representative, or political representatives. The board members serve for short windows of time, so to allow many members of the community to be involved in the development of the community land. The land is owned by the CLT and then leases for long-term, even lifetime leases. The CLT can lease their land to the following types of organizations: a non-profit mutual housing association (MHA), a non-profit limited-equity cooperative, a non-profit community development corporation (CDC), A one- or two-family homeowner, with resale restrictions, a condo association, with resale restrictions (Picture the Homeless). The thing that makes this model of ownership exceptional is that the trust only owns the land, so there can be privately owned structures of top of that land. This means that privately building is exempt form the tribulation of the private real estate market. In the *Community Land Trust Handbook*, they states, "No seller will

profit from unearned increases in market value, and no buyer will be priced out of the market by such increases" (Dobbs 194).

This means of privately owning space on community-controlled land effectively take the land out of the private speculation realm of development. The small spaces of American soil currently dedicated to Community Land Trusts (about 190 according to the data compiled by Picture the Homeless) have eliminated the "property as commodity" paradigm. They are not subject to market forces and problems like absent landlords, warehousing of buildings, or domination of land from a single entity or owner are impossible, because every action is reviewed in a democratic, community-based method. This technique also combats gentrification of space, not only by removing the means, but also implanting a legally binding list of rules to keep that space in control of the community. The board has power to veto anything that would increase rent or go against the doctrine of the land trust set by the community. The board has this power "in perpetuity," so it can never be put back in the commodified market.

The CLT is a means to not just ownership, but stewardship of the land. Since the space is not being commodified. Dobbs posits that, "If we eliminate all forms of ownership that don't include stewardship, there would simply be no room for unjust phenomenon like slumlording and monopolies" (Dobbs 195). The practice of squatting and homesteading is excessive example of stewardship of the land without ownership, most squatters fear that every day will be the last in space. This is the same for my neighbors in Bedford Stuyvesant, who maintained the property of an absent landlord, with no compensation to make their own neighborhood better. When the concept of

taking care of the land enters the equation, a different kind of ownership occurs not based on monetary gain, but on how you care for your land.

The word, trust, is imperative in the concept of Community Land Trust, because it means that we are trusting people to maintain the land themselves. This is difficult and non-existent in our current housing market. We do not trust stigmatized and poor communities, i.e. homeless people, people of color, single parents, and women etc. to maintain their own property. This unofficial policy of housing in the United States seemed to be based on the theory that only middle-class white people are eligible to autonomous in their ownership and land. We saw this practice occur in the Lower East Side, when the City did not trust residents to properly use the building they had renovated by themselves or the squatters, who completely rebuilt their spaces without any government or private intervention. If a fraction of the vacant property in New York City was dedicated to Community Land Trusts, we could steward the relationship to property and ourselves.

Conclusion:

Throughout my time at the Museum of Reclaimed Urban Space, I found myself questioning my ideals of what private space meant. The squatters I encountered in my time were being the stewards and curators of their own space, without any ownership. Especially in the Lower East Side, I saw how squatters care for their space for over two decades without any real expectations of owning their property. Squatters today are far

more forward thinking out of necessity. They were and continue to be resourceful to an extent that would be unheard of to any other property owner.

From my experiences in C-Squat, looking at the data surrounding homeless population and vacant housing, I believe that putting forth policy surrounding the actual use of private property would be a fruitful venture. Instead of focusing the value of a property on speculation, but on the use value of a piece of land, we would have a more vibrant housing market. We can look at the history of radical space occupiers as a model of how to approach the future of housing. Without consent from the government, they worked outside the model of commodity housing.

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