

Staking the Tent:
**Fighting for the Right to
Not Be Overlooked**

Casey Trupin

Beneath his office is the original street of broken dreams. To the east, Yesler Way disappears near the end of Lake Washington in one of Seattle's most upscale residential neighborhoods. As it runs west over one hill, it comes to a peak near Harborview Hospital, where scores of adults who are homeless seek out emergency care for lack of preventive care. There, on top of First Hill, Yesler Way looks out on one of the most spectacular urban views. The Smith Tower, which stood for 48 years as the tallest building in the West, is guarded on either side by Elliot Bay and the Olympic Mountains. Commerce literally floats behind the building as ferries take business people to and from the Puget Sound islands where they live. For almost three decades, attorney Ted Hunter has watched it all happen in this area. And now his career has brought him to this place, Pioneer Square, above which his office sits.

Looking closely, Yesler Way does not disappoint. From the top, you can almost see it all, the mountains and the water and the ferries. The view from there is almost enough to make you forget you are on a Skid Row. The Skid Row, in fact—this is the birthplace of that term. Before Yesler Way, Skid Rows and Skid Roads didn't exist. It's not until you walk down this way that you can see the extreme poverty and homelessness refusing to relinquish its grip on this street.

In the mid 19th century, Henry Yesler built a lumber mill at the foot of the street, just across from where Hunter works. Yesler Way was made of

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logs known as skids, and timber was hauled down the greased skids to the mill. For the next 150 years following the building of the mill, Yesler Way survived the worst. The area burned down in 1889. The Depression hit the area hard in the late Twenties and Thirties. An earthquake in 1949 (and again in 2001) did significant damage. In the 1970s, a hotel fire and subsequent strict housing codes caused numerous low-cost and single-room-occupancy (SRO) hotels to close down, leaving low-income people nowhere to sleep.

In the mid 1970s, Hunter was a law student at the University of Washington in Seattle. The war was over before he started law school, and homeless veterans already started to populate the streets. The year he graduated, 1978, Microsoft quietly moved to the city, and decades later it would inject great fortunes into the economy. That same year, the city council struggled to address homelessness, proclaiming a goal "to realize, as soon as feasible...a decent home and a suitable living environment for all...citizens." Twenty-seven years later, the city has yet to realize that goal.

Above the street, Ted Hunter's five-attorney firm, Driscoll and Hunter, sees a significant number of cases while working as land use hearing examiners. One case in particular—Hunter's favorite and most rewarding—involves major land use deals and lawsuits over plots of land in expensive neighborhoods. Unlike his other cases, however, this case sustains housing for dozens of people, with nobody making a dime of profit.

For the past seven years, Hunter has represented a local organization as it fights against cities and counties to ensure that people without homes have a safe place to live and are not forced to hide in anonymity. His clients, the Seattle Housing and Resource Effort and the Women's Housing, Equality and Enhancement League (SHARE/WHEEL), comprise a group formed to advocate for the rights of Seattle's homeless population. SHARE/WHEEL has never backed down from a legal fight, whether it be challenging the city for implementing an anti-homeless sidewalk sitting ordinance or taking on the United States Postal Service for its unfair treatment of people who are homeless, which makes this partnership a perfect fit. Hunter, too, does not back down.

Hunter's decision to become a defender of people who are homeless wasn't as much personal as it was political. Ever since Hunter graduated from law school, he has worked on issues involving the use of land. While he found his work for the Legislature on energy and environmental matters interesting, he felt torn, getting paid with public money without doing anything to give back. After leaving the Legislature, he worked as a Land Use Hearings Examiner—an Administrative Law Judge at the municipal level often dealing with large builders working on mixed use developments. He had training as a mediator and liked the fact that his job allowed him to take advantage of these skills. However, he grew less and less able to stomach the constant subdivision of property while the cost of developing housing went up. The houses got bigger and bigger, and affordable housing began to disappear. The community began to develop an attitude towards housing density, towards the smaller homes they used to occupy. And he watched the lines at the shelters and missions near Yesler grow longer. As an ALJ, he was part of the process of dividing up the land in ways that could reduce affordable housing. "I started asking, 'Am I part of the problem?'" he says. He motions in the direction of the two stadiums located just south of his office building. "We're putting thousands of cars in parking lots where we could be building homes." Prior to 1999, Hunter wasn't working specifically on homelessness. He volunteered at the local King County Bar Association, taking family law and general legal cases. One day, SHARE's coordinator, Scott Morrow, called the bar association, seeking help for Tent City.

Tent City is the aptly named collective of tents where dozens of homeless men, women, and families live, on average, for six weeks. The fact that couples and families can live there sets it apart from most of the area's shelters—where family units are banned. Seattle's tent cities probably first formed their roots during the Depression. As in other cities, a Hooverville sprung up near Pioneer Square in the Thirties. But the nation recovered, and the very visible display of concentrated homelessness changed into slightly less obvious scenes like that of modern day Yesler Way. In 1999, frustrated with

the city's poor response to homelessness, a Seattle community organization, El Centro de la Raza, invited a group of individuals who were homeless to stay in tents on the organization's grounds. El Centro, which itself had been formed through a takeover of an abandoned building, was not afraid of pushing the envelope when it came to anti-poverty strategies. The city and some neighbors were nonplussed about bringing homelessness out into the open, and began fining El Centro 50 dollars per day. "There was, and is, a deeply embedded prejudice that homeless people are not an asset to the community," notes Hunter. Ultimately, however, the city and the neighbors' fears did not materialize. In fact, neighborhood police reports showed a decrease in crime. Business revenue in the neighborhood actually increased, shattering the theory that local businesses would be hurt.

Unfortunately, the city was undeterred by this data and pressed on with penalties for El Centro, which, along with SHARE/WHEEL, took the matter to court. After more than 23 years of practice, the City of Seattle challenge to Tent City would be "one of the high points of [Hunter's] career." In September of 2001, the judge found that the case "crie[d] out for compassion," ruling that "tents are obviously habitations" and that the use of tents was not in itself sufficient reason for declaring a zoning violation or refusing to grant a land use permit. Tent cities, the judge explained, were needed in times of crisis—and this was one of those times. In March of 2002, the Seattle City Attorney's office signed an agreement with SHARE/WHEEL recognizing the legality of Tent City and setting standards for its operation similar to those that SHARE/WHEEL had been practicing.

Contrary to the public image of homelessness, about half of Tent City residents work full-time, and many of the remaining residents have part-time jobs or are in educational programs. The two tent cities (Tent City 3, which moves around the city, and Tent City 4, which moves around the county) have strict rules banning abusive language, drugs, and alcohol. Additionally, all residents must participate in the governance and maintenance of Tent City, doing chores and attending weekly meetings. Hunter continues to be impressed by the way Tent City operates—the way it polices itself

