

# A Place to Hang a Hat:

## Property Rights and the Law

Commentary by T.J. Johnston

**T**he Oprah Winfrey Show threw a spotlight on Sacramento's tent cities in March 2009. Now, more than 100 homeless people will move from encampments to apartments and other temporary housing as part of a compromise between the city, its homeless residents, and area nonprofits.

The homeless folk will be allowed to bring their stuff along this time—and given safe storage for it.

A year and a half prior to this settlement, a class action suit was filed against Sacramento for civil rights violations incurred when police and sheriff's deputies confiscated homeless people's belongings during sweeps. Usually, homeless people are issued citations for "abandoning property" and sometimes their belongings are destroyed. Often, this is standard procedure in most cities nationwide.

Loaves & Fishes, Sacramento Housing Organizing Committee, Francis House, and 11 homeless individuals allege that the rights of homeless residents under the Fourth, Eighth, and 14th Amendments were violated.

In short, they said they deserve the right to have a place to keep their stuff as much as housed people do.

When the term "property rights" is bandied about, usually it arises from companies who assert their dominion over the assets they own and reap profit from. Seldom does one hear such arguments from individuals, let alone poor and homeless ones.



The property seized from homeless people is often necessary survival gear: clothing, sleeping bags, identification, medicine, and other items that those with homes can take for granted. By necessity, such materials are carried in bags and trucked along in shopping carts; often, no notice is given when they are taken away. The loss

of personal security accompanies a loss in housing. People who stay in shelters with no storage facilities usually keep their belongings nearby for fear of theft.

Human rights activists argue that people's personal safety and security of their possessions is an extension of the right to housing under the U.N. Declaration of Human Rights.

More than likely, the city and county of Sacramento were less concerned with such lofty ideals and more with the precedent set by a similar case last year in Fresno, where homeless people were awarded \$2.3 million.

Such payouts—or any negotiations between governments and their unhoused citizenry—wouldn't be necessary if every one had a place to hang their hat. ■

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a journal for social and environmental justice

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ISSN#1532-2874

*RP&E* was first published in 1990 by Urban Habitat Program and the California Rural Legal Assistance Foundation's Center on Race, Poverty & the Environment. In the interest of dialogue, *RP&E* publishes diverse views. Opinions expressed are not necessarily those of the editors, Urban Habitat, or its funders.



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