

Right to Homestead Act

A two-part housing plan for the United States

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Based on the precept that people have a natural right to *have a place to lay their head at night* and be able to *stick seeds in the ground to grow their own food*, the Right to Homestead Act is named after Abraham Lincoln's *Homestead Act of 1860* and our *right to homestead* which is guaranteed by the Ninth Amendment.

Part of Wild Willpower PAC's National Plan
www.WildWillpower.org

1 **Photo Credit:** Tiny House Talk “*Family Grows 6000 Pounds of Food on 1/10 Acre Urban Homestead*” (March 25, 2015): <https://tinyhousetalk.com/family-grows-6000-lbs-of-food-on-110th-acre-urban-farm/#LVcpceSpWeIfE7KS.99>

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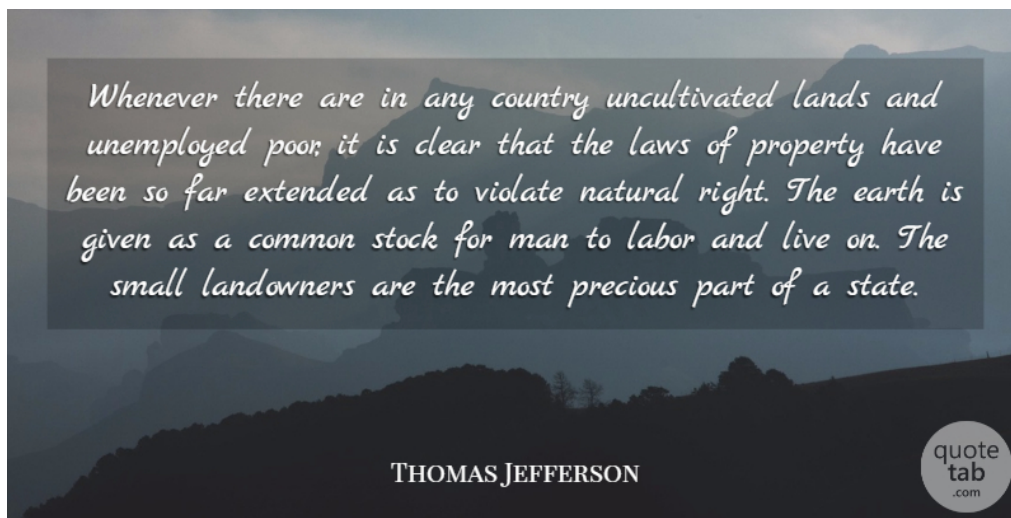
Why the Term “Homestead”?

Although many people assume **homestead** is just an old fashioned word for “building a home out on the range”, it is actually a powerful legal term. As Black's Law Dictionary (2nd ed.) defines it, “an artificial estate in land, devised to protect the possession and enjoyment of the owner against the claims of his creditors, by withdrawing the property from execution and forced sale, so long as the land is occupied as a home.”²

Legally, a citizen may declare their *primary residence* (not multiple residences) as their homestead. It is then exempt from being taken from them for the purpose of securing debt(s).

Relative to the homestead is the **right of homestead** or **homestead right**. As Ballantine's Law Dictionary (3rd ed.) defines it, “The exemption from execution, provided by constitution or statute, of a prescribed amount or tract of land occupied by the debtor as the head of the family residing thereon. 26 Am J1st Home §§ 2 et seq.”³

The homestead right, as with other rights, was adopted into U.S. law via the **Ninth Amendment**, which states: “The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.” Legally recognized rights that were not enumerated in the Constitution are called **unenumerated rights**, “A right inferred from another legal right that is expressly stated in a statute or at common law. A right retained by the people but not explicitly mentioned in the Bill of Rights.”⁴ Many of these rights, including the homestead right, were carried over from Anglo-Saxon common law during an early time in U.S. history when Acts of Congress had not yet been written. Because the common law was well-known among the colonists, the Ninth Amendment became a catch-all for the many rights recognized at common law. As laws became written in the form of statutes, the common law ran concurrently alongside such laws, and still today the common law exists and is recognized by United States courts, as are these lesser-known citizen rights.



² **Black's Law Dictionary Second Edition Online**, “HOMESTEAD”: <http://thelawdictionary.org/homestead/>

³ **Ballantine's Law Dictionary Legal Assistant Edition** by Jack Ballantine (*James Arthur 1871-1949*). Doctored by Jack G. Handler, J.D. © 1994 Delmar by Thomson Learning. ISBN 0-8273-4874-6.

⁴ **Black's Law Dictionary Deluxe Tenth Edition** by Henry Campbell Black, Editor in Chief Bryan A. Garner. ISBN: 978-0-314-61300-4

Purpose of the Right to Homestead Act:

- reduce peoples' dependence on welfare programs.
- reduce taxes otherwise used to pay for these programs.
- promote being a responsible homeowner.
- promote living sustainably (e.g. growing a garden, installing solar panels).
- reduce the number of unsustainable living situations throughout the country.
- provide equity and long-term housing for all citizens to improve peoples' quality of life.
- improve the economy:
 - money that would be used on rent will instead help support businesses and be used to help people with their needs.
 - providing people the opportunity to grow their own products will create a nation of entrepreneurs.
 - move toward a production-based economy (as opposed to service-based economy).
- reduce crimes of desperation via eliminating root cause; lack of access to vital resources.
- greatly reduces the amount of disposable waste that communities and households produce (because gardens aren't wrapped in garbage).
- provides food security for communities in case of war or natural disaster.

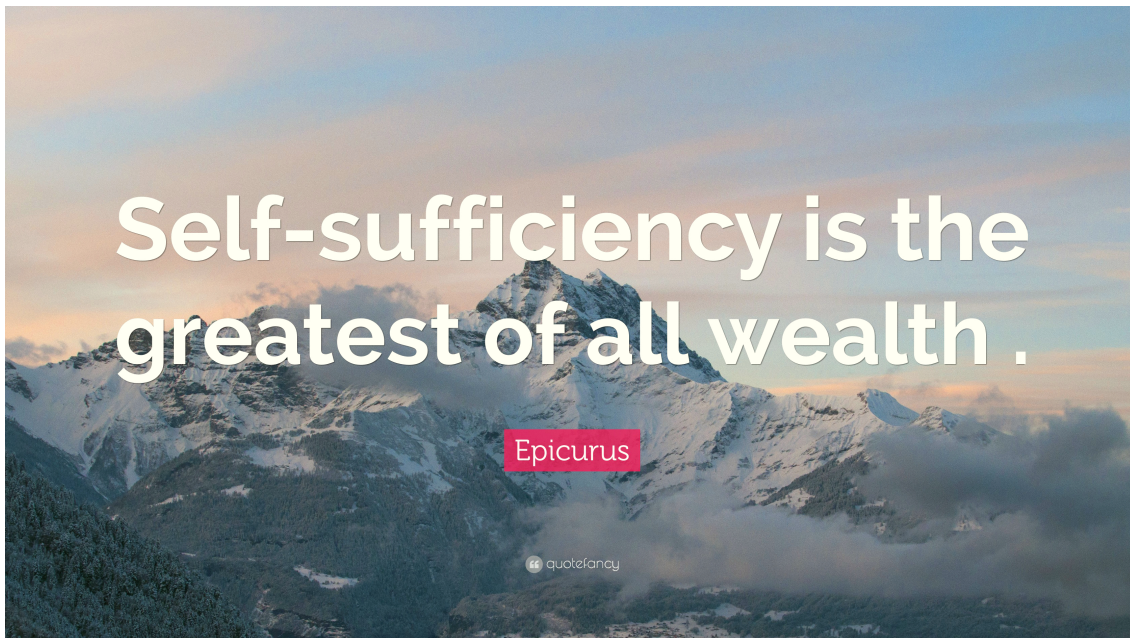


Image by Quote Fancy: <https://quotefancy.com/quote/991236/Epicurus-Self-sufficiency-is-the-greatest-of-all-wealth>

The Plan:

Just as the Free Soil Party continued to petition Congress to implement a Homestead Act for decades before the Homestead Act of 1862 was finally passed, Wild Willpower PAC is petitioning to enact the Right to Homestead Act, which uses “what we have in place” to make modern day homesteading for the average citizen feasible (in a way that improves the economy). The act implements the following parts:

Part 1 – Re-allocate Section 8 funds to Buy Out Landlords; Give Tenants the Option to “Take” their Rental Unit:

- **Re-allocate Section 8 funds to “buy out landlords”:** re-allocate the ~\$75 billion/year in federal taxes *currently* used to help low-income households meet their monthly rent (Section 8 Housing, Indian tenant-based rental assistance, and other programs)⁵ to buy out property owners (“landlords”) and *give tenants the option to take* their rental spaces.
 - **About Section 8:** Section 8 of the *Housing Act of 1937* (42 U.S.C. § 1437), initiated during The Great Depression, authorizes payment for rental housing assistance to private landlords on behalf of approximately 4.8 million low-income households annually (2008).⁶ In 2016 U.S. citizens paid \$75,231 billion to fund housing assistance programs through HUD (*\$48,843 billion total budget authority and \$26,388 billion total budget outlays*).⁹
- **Landlords receive the same amount they currently receive from rent** for the next 20 years, except the money is issued from the re-allocated Section 8 funds instead of being paid to them by (former) tenants. No longer burdened by former duties or expenses.
- **Property taxes:** units will be assessed and (former) tenants are responsible for paying property taxes. Taxes should be a fraction of former taxes for the entire property.
- **Educational Materials:** participants are to be provided educational materials to help them become responsible homeowners. Materials should emphasize the importance of truly caring for their home because you are “investing in yourself”.
- **Inspections:** participating tenants have two years of biannual inspections of their home (to ensure they're living there and that it's being cared for).
- **Deeds:** participants who pay taxes and pass inspections receive a deed conveying “full ownership”⁷ of the space (including adjacent curtilage, where applicable) and “ownership in common”⁸ for the apartment building and grounds (where applicable).
- **Code compliance:** buildings and spaces will be brought up to code (plumbing, foundation, insulation, electrical) by Civilian Restoration Corps crews (see www.WildWillpower.org).

5 U.S. Department of Housing and Urban Development (HUD): *FY 2018 Congressional Justifications; “PUBLIC AND INDIAN HOUSING TENANT-BASED RENTAL ASSISTANCE 2018 Summary”*: <https://www.hud.gov/sites/documents/8-TBASE-RENT-A.PDF>

6 Center on Budget and Policy Priorities, *“Rental Assistance Is Effective But Serves Only a Fraction of Eligible Households.”* Retrieved Oct 2015: <http://www.cbpp.org/sites/default/files/atoms/files/2-24-09hous-sec2.pdf>

7 Wild Willpower's *Public Intelligence Agency*, *“FULL OWNERSHIP”*: https://reunitesthates.org/?page_id=8387

8 “ ”, *“OWNERSHIP IN COMMON”*: https://reunitesthates.org/?page_id=8384

Beneficial Impacts:

- Once landlords are paid off, will reduce federal taxes by ~\$75 billion/year. State taxes used to subsidize residential rent may also be eliminated at that time.
- Tenants who opt to take their rental units will save ~\$500-1000/mo. (money that otherwise would have been paid on rent), which will in turn be used to support local businesses, thereby greatly benefiting local businesses.
- Money that is currently extracted from communities by wealthy absentee landlords⁹ will instead stay within the community.
- Ownership incentivizes responsible home care unlike tenancy. Many people will take better care of the spaces they live because they will better understand the value and potential loss.
- People will no longer be prevented by landlords from making improvements, switching to solar, gardening, or making other personal decisions to improve their living conditions.
- Lowers peoples' dependence upon welfare assistance programs.
- Provides immediate *and* long-term housing relief to citizens, thus improving overall quality of life for millions of Americans. A more equitable solution than rental caps, etc.
- Former landlords will no longer be burdened by former duties or expenses; compensation is all profit *minus* the usual maintenance and expenses they no longer perform.

Rent - Facts and Statistics:

- Half the tenants nationwide are pay more than 30 percent of their income on *rent*. It's considered the worst time in 36 years to be a renter in America — *the highest cost burden recorded by Zillow since the real estate firm began tracking the figure in 1979*.¹⁰
- 1 in 4 renting households spends at least 50 cents of every dollar they earn on rent.¹¹
- by age 30, the average millennial has spent 45% of their income on rent.¹²
- landlords are not required to report rental payments to credit bureaus; as a result many tenants who would otherwise qualify for a home loan do not.
- many landlords today have implemented rules which *increase the cost of living for tenants via preventing them from being able to live sustainably* (e.g. no gardening, no composting, no solar panels).

9 Daily Intelligencer, “*Rich Absentee Landlords Who Inherited Properties Keep Making a Killing in California*” by Ed Kilgore (Aug.18, 2018): <http://nymag.com/daily/intelligencer/2018/08/rich-celebrity-landlords-benefit-from-californias-prop-13.html>

10 Zillow, “*Worst Renters Have Had It In 30 Years*”: http://www.zillow.com/research/q2-2015-rent-mortgage-affordability-10268/#_edn2

11 2013 analysis from Harvard's Joint Center for Housing Studies: <http://thinkprogress.org/economy/2015/08/13/3691430/zillow-median-renter-report/>

12 USA Today, “*Millennials spend huge amounts on rent, using up 45% of income made by age 30*” by Bob Sullivan (May 18, 2018): <https://www.usatoday.com/story/money/personalfinance/real-estate/2018/05/18/millennials-spend-large-percentage-income-rent/609061002/>

Part 2 – Allocate Abandoned Properties to Urban Homesteaders:

- **Qualifying Properties:** vacant properties facing apparent neglect may be subject to inspection and reclamation by the county.
- **Code Compliance:** buildings will be brought to code (plumbing, foundation, insulation, electrical) by Civilian Restoration Corps crews (see www.WildWillpower.org).
- **Compensation:** record owners will be contacted by the state and will have a grace period for which they may take physical occupancy of the property to prevent taking. Otherwise owners will be compensated by the state to pay for the taking.
- **Allocation:** a list of properties may be found at any Department of Human Resources – to be made available for use as urban homesteads to prospective claimants. Applicants agree to care for the property, cultivate the land, pay property taxes, and comply with inspections.
- **Educational Materials:** homesteaders are to be provided educational materials to help them become responsible home owners. Materials should emphasize the importance of truly caring for their home because you are “investing in yourself”.
- **Inspections:** claimants must comply with have two years of biannual inspections of their home (to ensure they're living there and that the property is being cared for).
- **Vouchers:** businesses may opt to provide federally-subsidized vouchers to assist low-income persons with lumber, hand tools, and gardening supplies.
- **Homestead Exemption:** claimants who cultivate the land for subsistence purposes may opt to declare a homestead exemption.¹³ Homestead is a legal term which exempts one's home from forced sale for collection of a debt, so long as the land is used as the primary residence by the head of household. The Ninth Amendment of the U.S. Constitution guarantees citizens' “right to homestead”.
- **Property Exchange Program** – claimed properties may not be sold, rented out, or subleased, etc. Claimants may, however, may exchange their property in order to transfer to another available property (see case worker for details). Their property will then be listed as “available” through the Department of Human Resource's online database, and the applicant may select from one of the available properties listed in their target location.

Additional Logistics:

- **Zoning:** city governments should designate gardening plots adjacent to rental complexes within their zoning procedures. Community garden spaces should also be implemented.
- **Open-Sourcing the Movement:** When people have the opportunity to live sustainably, communities will naturally help one another to implement the most efficient techniques. Social media platforms will surely be used to share “what's working”. Wild Willpower PAC is currently compiling “best of” gardening techniques on www.WildWillpower.org.

13 “HOMESTEAD EXEMPTION” defined: https://reunitethestates.org/?page_id=9643

Why Are There So Many Abandoned Properties?

Often forgotten or brought into disuse by families who cannot afford their upkeep, there are currently approximately **18.5 million abandoned properties**¹⁴ in the U.S.!

Others are abandoned due to foreclosures, and since no one can afford to purchase them back from the bank they just “sit there” and continue to deteriorate. Regardless of how they got there, it makes no sense that perfectly good homes should be left in the middle of neighborhoods to rot while so many people have nowhere to legally live or grow their own food. It is time to re-evaluate the way we manage property in order to establish a new way which simply meets human and societal needs.



There are 18,600,000 vacant homes in
the United States.
That's enough for every homeless
person to have six.

Did You Know?

10% of the population currently owns ~82% of the real estate (*and 81% of the stocks and 88% of the bonds*).¹⁵ The top 5% of landowners (*not five percent of the total population*) own 75% of that land!¹⁶

14 **The Mind Unleashed**, “18,600,000 vacant homes in the United States. Enough for every homeless person to have six!”: <http://themindunleashed.com/2014/02/18600000-vacant-homes-united-states-enough-every-homeless-person-six.html>

15 **Federal Reserve Bank data in *Left Business Observer***, April 3, 1996, p. 5: <http://www.endgame.org/landlords-facts.html>

16 **Geisler, *Rural Sociology* 1993, 58(4): 532-546**: <http://www.endgame.org/landlords-facts.html>

Order Homesteading Starter Kits
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