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**DRAFT FOR COMMENT ONLY---WORK IN PROGRESS**

**DO NOT CITE**

**The Language of “The Commons” In Low Income Housing Communities:  
Common Property Theory and the Development of a  
Progressive U.S. Federal Housing Policy**

The U.S. government’s role in housing policy dates primarily from two major critical points in the nation’s history. First, at approximately the turn of the present century, tenement reform laws set the precedent that **local** governments would set standards and be the primary regulators of housing safety. Second, during the New Deal Era of the 1930’s, the public housing program and banking reform established the precedent for a federal role in homeownership generally, and in providing housing subsidies to poor residents in particular (Dreier 1997.) From the New Deal Era through the 1970’s, U.S. housing policy was based on the belief that solutions to the nation’s housing problems required the direct assistance of the federal government. Through policy pledges which guaranteed every American decent housing (Housing Act, 1949), and by federal policies which stabilized the banking industry, thus giving lenders incentives to make long-term loans to home buyers, the federal government played an ever expanding role in housing issues. As Washington provided subsidies to local public housing authorities and private developers for low and moderate-income housing, politicians, lenders, landlords, and real estate agents largely agreed on the basic premise that the federal government had key responsibilities and a central role to play in housing policy.

In some form or another, all U.S. housing policy since this early period has been, simply, variations on these common themes. Each ostensible “turning point” in U.S. housing policy has been produced by broader social, political, academic, and economic movements. During the early 1960’s physical planning with its emphasis on Urban Renewal and Community Development efforts, tried and failed to revitalize central cities and to rescue low income housing by controlling the environments in which both coexisted. 3,000 unit high-rise public housing developments such

as Pruitt-Igoe in Saint Louis and Cabrini Green in Chicago, designed following the planning principles of LeCorbusier and the International Congress of Modern Architects, promised community innovation but delivered disruption and terror. By 1965 HUD was established to respond to pressure from civil rights activists, big-city mayors, and private developers who wanted a piece of the subsidy action (Drier, p. 161). During the late 1960's, however, the "Great Society" coalitions had started to unravel in response to urban riots, white flight, and suburbanization. By the 1970's, these difficult circumstances were exacerbated by declining middle class incomes and increasing racial hostilities. As drug related gang activity, crime and violence whirled out of control in the nation's cities, middle and upper class citizens came to feel they had received a poor return on their previous investments in subsidized housing. (Add in and elaborate various tried and failed models: siting new low-income projects in poor urban neighborhoods, scattered-site public housing, voucher systems, i.e. Moving to Opportunity, privatization, etc). During the 1980's, under pressure from the ideological assault on notions of government activism by conservative politicians, think tanks, and the media, support for housing programs to aid the poor dwindled. Over the past decade, many politicians, journalists, and some policy experts have pushed for the reduction of the federal government involvement in housing programs. Many others have advocated the elimination of most government programs, insisting that private charities and/or market forces should address social needs. Yet another perspective argues for maintaining some reduced level of federal assistance, with greatly relaxed expenditure guidelines, but with states and cities required to step in and fill remaining gaps in assistance programs. The theory behind this devolution strategy is a familiar refrain in American politics; state and local governments—not Washington bureaucrats—know best how to meet the needs of their own citizens.

To their credit, state and local governments have been especially creative and adaptive in responding to this most recent change in housing policy circumstances. The devolution process has demanded that state and local governments improve their capacity to develop innovative housing programs and under pressure from housing policy activists, many governments have begun identifying new resources for housing assistance and have initiated new programs involving rehabilitation, revitalization, and development. As federal housing subsidies have been reduced, state and local governments were forced to become more innovative and entrepreneurial. One important aspect of this coping strategy has been an increased cooperation between state and local governments, elements of the private sector (including nonprofit organizations, businesses, and foundations), and community-based organizations. Like the Metropolitan Boston Housing Partnership, the Chicago Rehab Network, the Coalition of Neighborhood Developers in Los Angeles, the Community Preservation Corporation in New York City and many other citywide umbrella organizations (Drier, p. 163), the Greensboro Housing Authority<sup>j</sup> has engaged in an active effort to expand their capacity and to proactively seek new models and visions for low income housing communities. These collaborative efforts, in turn, have provided community development groups with resources which will enable them to become key players in their own neighborhoods. This new emphasis on the self-initiated, self-financed, self-directed actions of local governments and area occupants working in partnership with other organizations and groups provides essential opportunities for residents of low-income housing programs to serve as sponsors or facilitators of their own housing and economic development, human services and

public safety delivery strategies and numerous other components of vibrant, healthy neighborhoods.

During early 1997, in response to these trends, the Greensboro Housing Authority began an unprecedented experiment targeted specifically at one problematic low-income housing project in the city. A strong and diverse housing constituency, tenant activist groups, senior citizens and church groups, the neighborhood association, civil rights groups, construction companies, realtors, community-based development organizations, representatives from all relevant levels and departments of city, county, and state government along with business leaders, elected representatives, academics, and numerous other professionals and groups joined in an extraordinary effort intended to reinvent public housing in **Morningside Homes**.<sup>ii</sup> The internationally renowned New Urbanist<sup>iii</sup> architectural design firm Duany, Plater-Zyberk was retained to perform the design work for the Morningside project and in May and June of 1997 a design charrette was conducted by the Duany, Plater-Zyberk staff. (Fill in tenant recruitment process and details of design charrette/plan development. Elaborate the powerful effect of highly sophisticated designers and architects translating residents concerns, hopes and dreams into blueprints and designs for the development).

### **Morningside Residents Reinvent Life in Public Housing**

- (Fill in specific details of redesign):
- A. Physical—changes to buildings, street alterations, lighting, pedestrian access/management, relocation of specific activities, business relocation and redesign
  - B. Common areas:  
Creek banks, 2 parks, “community gardens project”, lawns, parking lots, community center and central space
  - C. Morningside  
Residents create their own AO. Self management issues evolved into conversation about AO. Although they have no terminology to describe it and wouldn’t be aware of theory, discussion of issues, concerns, anxieties evolved into design principles for CPR. Cover their efforts to: 1. Recognize right/responsibility to organize 2. Establish appropriate/sustainable/workable boundaries 3. Describe their collective choice arrangements including changes/authority given to neighborhood association 4. Explain residents ideas for conflict resolution arrangements 5. MONITORING PLAN 6. Graduated sanctioning provisions LINKED with 7. Congruent rules by residents 8. Nested enterprise

D. Empowerment,  
personal investment, transformation of residents.  
Complete metamorphosis of reality.

While the development of this project was certainly a personally compelling, exciting, and gratifying consulting experience, one particular insight seemed critically important to an understanding of why the residents had, over the course of only a few weeks, transformed so dramatically from disassociated, disinterested tenants to proud residents of an energized community. They were changed in the process to committed, eager (even proprietary) community advocates. As the Morningside residents expressed their concerns about the impending redesign, use, management, control, access, safety, and protection of their residential environment, their concerns—and the solutions they advanced to correct many of the problems—began to take on a familiar structure and the discussions started to develop a very familiar sounding language. Suddenly, and with blinding clarity, it became obvious what was emerging from these very powerful and intense sessions. Although they certainly were not aware of it, the residents had begun speaking the language of Appropriator Organizations<sup>iv</sup>—and conceptually and experientially, at least, a common property regime was emerging!

Many authors including Rutherford Platt (**The Ecological City**), Alice Ingerson (“Urban Land as Common Property”), with numerous authors who participated in the New Urban Commons panels at the 1996 IASCP Conference, Berkley California, have explored the notion of public housing as a form of common property. Much of this research, however, has been directed at the mechanisms and legal adaptations by which alternative forms of property ownership can be attempted, under what circumstances local officials could and should support experiments with common property, and what, if any regulatory barriers to group land ownership should be removed or altered. But, as Ostrom has explained, ownership may or may not be one of the first essential prerequisites of a successful common property regime. In fact, she observes, two other prerequisites are more critical. First, the system must face significant environmental uncertainty, and there must be social stability in the group of user/owners. These user/owners—the set of individuals who withdraw resource units from a common pool resource—Ostrom describes as “Appropriators.” Appropriators may live in or near the common property, may remain latent and unorganized or they may begin to organize into discussions which evolve into commonly accepted rules for who has access to the common property resource, under what conditions, and develop some mechanisms for conflict resolution within the appropriators. The discussion forum for these issues could be any local gathering spot, organized association meeting, or any other place where the users of the common property congregate occasionally to discuss mutual problems. This pattern is reflective of the social stability Ostrom described as essential to successful common property regimes. These commoners must have “shared a past and expect to share a future.” (Ostrom 1990) They have to be capable of more than short term maximization and self interest. They must also be engaged in long-term reflection about joint outcomes.

Second, Ostrom notes, the system must face environmental uncertainty. Environmental instability gives commoners incentives to share risks while social stability, as noted above, allows, forces, or permits them to preserve resources for the future. While environmental instability and social stability are generally associated with rural places (rural landowners face

random weather, insect and crop risks and are known, anecdotally, for their sense of community), these conditions can be said to exist in urban America if environmental instability is defined as social and economic instability as well as physical instability. For many residents of U.S. public housing, depopulation, gentrification, unemployment, and violence can be just as random and unpredictable as conditions in rural areas. While the social stability of these neighborhoods is often involuntary, created by economic, social and racial barriers to mobility, there is also human knowledge, social infrastructure and the property itself which can be energized for development through new conceptions of common property (Ingerson 1997).

Ostrom has written extensively on the conditions she believes are crucial to the emergence and survival of Appropriator Organizations (AO), however, six general propositions summarize the variables largely agreed upon as critical to the viability of an AO.

The six variables are:

1. The organization devises a small set of simple rules related to access and use patterns agreed to by the appropriators
2. The enforcement of these rules is shared by all appropriators, supplemented by some “official” observers and enforcers.
3. The organization is constituted with internally adaptive mechanisms.
4. The appropriators from the CPR are able to sustain legal claims as owners of the CPR
5. The organization is nested in a set of larger organizations in which it is perceived as legitimate
6. The organization is not subjected to rapid exogenous change

To understand the amazing synthesis between the Morningside resident’s conceptualization of their situation, the proposed remedies to their situation and Ostrom’s propositions it is important to consider each one independently.

### **The Small Set of Simple Rules**

The small set of simple rules Ostrom cites as crucial to the survival of an AO is precisely the device the Morningside residents attempted to develop first. Concerns about permissible and prohibited behaviors, social norms and reciprocity led their discussions. As Ostrom suggests, the constraints the residents developed to structure behavior, were few, unambiguous, easy to pass along to new members and generated high degrees of agreement among members. (Develop: behavior regarding care of lawns, children, access by visitors and others, protection of privacy, historic concerns about “common areas,” new regulation of community zones, etc. Worried about disabled/abandoned vehicles, crime—especially drugs, loitering and homeless, noise, public image, economic development within area...Community influential figures to establish norming...)

### **Dual Enforcement**

Rules of the AO, enforced by the appropriators themselves, but backed up or sanctioned by other “official” enforcers appear to be an essential condition for survival. Dual enforcement is a mutually reinforcing process which helps reinforce the social sanctions put in place by users. IF users know, understand and have agreed to a simple set of rules, and if social sanctions are used to sanction one another for rule infractions of various kinds, there is a higher probability that rule infractions will not go unnoticed and unsanctioned if social sanctions are backed up by official “guardians.” (In case of Morningside development, **every** conceivable relevant official from 5 distinct levels of government and every imaginable agency was in on planning, understood priorities, helped establish rule and sanction structure, were supportive of effort and agreed to help with enforcement as necessary. Enlarge).

### **Internally Adaptive Mechanisms**

Even though AO rules should be as simple and few as possible, the governance structure should be relatively complex if it is to survive long-term. Two aspects of adaptability, the capacity of an AO to use multiple decision rules and to relate these to different types of problems and the capacity of an AO to change its structure over time in response to environmental changes are critical. Interestingly, the Morningside participants emulated almost exactly the three types of authority rules Ostrom indicates are central to an AO’s long term viability. The Morningside residents determined that they would need to:

1. Create a position for a single individual who would be authorized to make decisions for the residents when related to important, emergency or rapidly changing conditions
2. Create a council where major problems can be aired, general rules and agreements established, and penalties assessed
3. Rely on the broadest possible consensus but with formal rules requiring extraordinary majorities for deciding on actions of unusual severity, which might involve substantial penalties or when unusual sacrifice would be required.

### **Ownership**

Many theorists argue that for an AO to survive, the users of the CPR should also be its owners. In the case of subsidized housing, many experiments with ownership programs are on-going, however the Morningside project was not a consideration of ownership status. The Morningside case represented a study in the perceptions of the residents as they learned it see themselves as “coowners” of the resource (even though outsiders and many tax payers would argue they have no legal claim on it). While conflicts among residential users can potentially be worked out within the de facto legal framework described above, conflicts between users and “outsiders” likely cannot be worked out locally and would necessarily be settled in a de jure legal system. (Explain New Urbanist conception of why it should not matter about “ownership” in this particular case). Ostrom also notes that those who arrange for the provision of a CPR, “providers,” and those who actually construct or take action to ensure the long-term sustenance of the system itself, “producers,” are not necessarily discreet entities and in neither case is ownership a direct issue. A national government could provide an irrigation system by arranging its financing and design, while arranging with local farmers to produce and maintain the system.

If local farmers were then given authority to provide maintenance for the system, they then become both providers and producers of activities related to that CPR. Similarly, if the national government provides a subsidized housing community, in the sense that they arrange resources and designs for the community, but at that point the residents are empowered to produce and maintain the community, they similarly become providers and producers of activities related to a CPR.

### **Nesting of an AO in a Larger System**

Related to the previous concept of dual enforcement, the nesting of an AO within a larger set of organizations and authorities for dealing with problems beyond the boundaries of the AO is particularly critical. Nesting of AOs in federated structures enables participants to cope with holdout problems and events from outside the system which may affect the CPR's operation. Local appropriators need the capacity for effective communication with larger organizations to effectively deal with these problems. (Also, important to have "sub-units" help reinforce discipline of larger unit—enlarge here). External organizations or authorities can provide essential inputs to decision making on-going at the AO level. Scientific, capital fundraising, technological, conflict resolution, and legal information may be critical to the AO at various times and under certain circumstances. The Morningside, as has been explained previously, operates not only in the traditional nest of intergovernmental agencies, jurisdictions and etc., but in addition, great effort was expended to develop a more complex web of public, private, community, relationships to further stimulate conditions for supplemental assistance when needed.

### **Lack of Simultaneous Exogenous Changes**

Any AO is decidedly more likely to remain viable over time if it does not have to cope with numerous simultaneous changes in key exogenous variables such as technology, population, external demands, fluctuating numbers of appropriators, and relationships with central authorities. Large scale changes in exogenous variables may threaten the capacity of individuals to learn enough about the change quickly enough to make appropriate adaptive responses. The greater the amount of change, especially if it is rapid change, the higher the likelihood that the AO will not be able to respond quickly enough. As was noted above, in the case of subsidized housing residents, stability among the population is reinforced by the intrinsic circumstances which put them in public housing in the first place. Unlikely to have wide demographic swings, or out-flux. One threat may be immigrants (language barriers and cultural diversity) could tilt "power/influence" balance. Time will tell. (Expand and clarify here).

### **Long Enduring CPR's and Design Principles for More Effective Public Housing Strategies**

In her analysis of the design principles exhibited by long-enduring CPR institutions, Ostrom attempts to account for the success of CPR institutions by isolating the essential elements apparent in most robust institutions. She maintains that it is possible to identify a set of design principles that form a core of conditions and principles which explain the persistence of certain CPRs. The principles are:

1. Clearly defined boundaries. Individuals or households who have rights to withdraw resource units from the CPR must be clearly defined, as must be the boundaries of the CPR itself.
2. Congruence between appropriation and provision rules and local conditions. Appropriation rules restricting time, place, technology, and/or quantity of resource units are related to local conditions and to provision rules requiring labor, material and /or money.
3. Collective-choice arrangements
4. Monitoring
5. Graduated sanctions
6. Conflict resolution mechanisms
7. Minimal recognition of rights to organize. For CPRs that are parts of larger systems.
8. Nested enterprises

(Ostrom 1990, p. 90) pick up substantive matter from text for final draft.

In developing the framework she offers for the analysis of self-organizing and self-governing CPR's, Ostrum argues that three models are typically used to justify the policy position that government officials should impose solutions on individuals who collectively use CPRs: Hardin's tragedy of the commons, the prisoner's dilemma, and Mancur Olson's logic of collective action. All three of these predominant models posit that those using common resource collectively will not cooperate so as to achieve collective benefits. Moreover, perceived as individuals trapped in a static situation, they are understood as collectively unable to change the rules affecting their incentives. However, Ostrom goes on to report that in the cases she has analyzed, when CPRs are success stories, it is because they are rich mixtures of public and private instrumentalities. This fact, she maintains, should shatter the convictions of many policy analysts who maintain that the only way to solve CPR problems is for external authorities to impose full private property rights or centralized regulation. Public policies based on the notion that all CPR appropriators are helpless and that they must have rules imposed on them can destroy whatever institutional and social capital that may have been accumulated during years of experience in a particular location. Further, policies based on models that represent the structures of situations as unchanging or exogenously fixed, lead to policy recommendations that require that someone external to the situation must, necessarily, change the structure.

These conceptualizations tell us much about what individuals will do when they are in a situation they cannot change. What we do not learn from these endeavors is what individuals might do when they have the autonomy to craft their own solutions and institutions and when they can affect each other's norms and perceived benefits. In situations where individuals routinely communicate and interact with each other in a localized physical setting, it is possible that they will learn whom to trust, what effects their actions will have on each other and the CPR, and how to organize themselves to gain benefits and avoid possible harm. When individuals have lived in such circumstances for substantial periods of time, shared norms and patterns of reciprocity



develop. The group possess the social capital with which they can build the institutional arrangements required for resolving their CPR dilemmas. As importantly, existing models seldom consider the capacity of innovators within the appropriator group to develop institutions that might lead them toward better, rather than worse, outcomes for themselves. Current policy analyses, based on the static models of the Tragedy of the Commons, the prisoner's dilemma, and the logic of collective action, similarly fail to consider how the structures of the institutional arrangements within CPRs might be enhanced or inhibited by the structures of the institutional arrangements of the surrounding political regime.

The historical clashes over housing policy in the United States have been more than a dispute over means. They also reflect wide differences over ends—the goals of government, the role of the private market, acceptable taxpayer contributions and burdens, the responsibilities of individuals and communities. However, for those who believe that there should be some alternatives between the dismantling of existing federal housing programs and the status quo, a progressive housing policy, informed by the tenants of CPR theory might well accomplish a number of critical objectives. First, it could provide a position for policy analysis which precludes presumptions about the imposition of external orders on the residents of American subsidized housing, replacing them with the assumption that enabled, empowered citizens can and will organize themselves into the kinds of AO the CPR lit. suggests are capable of sustaining themselves. Second, that housing policy, informed by the language of the commons, can help rebuild the social and economic fabric of troubled neighborhoods overwhelmed by unemployment, concentrated poverty, crime, drugs, abandoned buildings, and hopelessness. A key aspect of accomplishing these objectives is giving residents the opportunity to mobilize on their own behalf—to expand the self-help capacity of poor neighborhoods. What is needed is a combination of federal funds and standards tied to flexible rules developed and carried out by local delivery systems. In this effort, the theoretical framework and discursive language of common property regimes should prove invaluable.

The fundamental causes of our current urban crises are directly tied to the federal policies of the last fifty years. One key to solving the housing crisis in the United States is to expand and strengthen the constituency for a progressive national housing policy that can link the needs of the poor with the objectives of other American citizens. Accomplishing this linkage requires the development and strengthening of organizations that can mobilize constituencies and coordinate their organizational efforts into a coherent strategy that can make an impact on public opinion and public policy. Common property theory, with its emphasis on appropriators as producers and providers and focus on congruent rules seems readily adaptable and normatively appropriate to inform a progressive public housing policy. Among the most obvious contributions:

(Outline to be elaborated in final draft)

1. Focus on appropriators as producer/providers eliminates popular stigma of housing project residents as “dependent” or somehow inappropriate consumers of public largess
2. In demonstrating responsibility for collective choice arrangements, conflict resolution mechanisms, monitoring, sanctions and congruent rules, public housing residents are engaged in activities which resonate with broad cultural understanding of “civic

- responsibility”. This resonance may help generate support for programs and encourage growth of mainstream housing constituency.
3. Reconceptualization of resident’s life in public housing, feeling of control, self-ordered (as opposed to imposed) regulations, empowers, dignifies and invests residents with new conception of responsiveness and responsibility. This empowerment and energy could translate into sense of being enabled to manage other aspects of life including employment, parenting, education and community responsibility.
  4. Tenants of CPR, in empowering residents and making them responsible partners in the development of policy avoids the tragedy of policy imposition American housing policy has experienced in the past. Failed experimentation, misguided efforts and the imposition of inappropriate models/reforms have repeatedly damaged individuals, communities and the social fabric of life for residents. Potential to replace with CPR theory as not only restorative, but affirmative policy option
  5. . Robert Putnam’s observation that farmers in Hume’s parable did not cooperate because they were trapped in situation where they had been conditioned to defect to “Tragedy of Commons, prisoner’s dilemma, collective choice” reaction—because they are used to imposition, no control, no responsibility. Dilemmas can be overcome without creating Leviathan if conditions for production of social capital can be created. “Social capital” is network of social organizations, norms, trust that facilitate coordination and cooperation for mutual benefit. (Elaborate Putnam in final draft). Application of CPR theory encourages development of social capital.
  6. Political “Way Out” for mainstream politicians. Can claim credit for improvements in public housing situations, more responsible residents, less crime, etc, by appeal to popular sense of “client responsibility.” Could help prevent draconian, largely ineffective policy decisions with disastrous implications for residents.
  7. For those engaged in pursuit of a tenable, politically palatable, Progressive Housing policy incredible opportunity to reconceptualize. Contribution CPR theory could make is enormous. (Expand in final draft)

## Conclusions

Contemporary political climate, reduce size-scope-scale of govt., lower tax burdens, reduce program costs and limit benefits has profoundly serious implications for state and local governments who provide housing services and to residents who depend upon housing assistance. Planned program cuts/devolution/voucher systems cannot/will not be adequate to need. New plans driven by weak political will, opportunism and narrow interests. Partially, the application of CPR theory can be a way out of disaster in that in contemporary political climate, if progressive housing policy advocates make an effective case which says the social overhead costs required to maintain common-property may be substantially lower when they are imbedded in a customary structure of rights and duties (pick up Runge 1992, p. 31) may be intellectually—or intuitively—appealing to general public. May be one last really serious hope. Perhaps should study Morningside (and others) for direction and potential.

## Notes

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<sup>i</sup> Greensboro, North Carolina, U.S.A.

Morningside Homes is a federally assisted housing project for low-income residents. Established in 1957, it is a predominantly African American community with historically high rates of crime, substance abuse and vandalism issues, and racial tension. 1100 Units, 3530 residents and \_\_\_\_\_ acres. Map attached as Figure 1.

<sup>iii</sup> Put in definition/explanation. Lincoln Land Institute Material.

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