

DON'T COUNT ON IT

How the HUD Point-in-Time Count Underestimates
the Homelessness Crisis in America



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EXECUTIVE SUMMARY

Crisis of homelessness and the PIT Count

Homelessness remains a national crisis, as stagnated wages, rising housing costs, and a grossly insufficient social safety net have left millions of people homeless or at-risk of homelessness.¹ It is important to have an accurate estimate of the number of people experiencing homelessness in this country if we want to enact effective laws and policies to address the homeless crisis. Each year the Department of Housing and Urban Development (HUD) releases an annual Point in Time (PIT) count of the homeless population in this country. This report is used throughout the country to measure progress on homelessness, to assess the efficacy of different policies, and to allocate federal funds, amongst other uses. This count includes a shelter count and a street count of unsheltered homeless individuals. In 2016 HUD reported that 549,928 people were homeless on a single night in January with 32% of those unsheltered.²

Flaws in the PIT Count

The annual PIT counts often mobilize large numbers of volunteers and serve to educate communities about homelessness. However, despite all the community effort and goodwill that goes into them, and due to no fault of the professionals and volunteers who carry them out, the counts are severely flawed.

Unfortunately, the methods used by HUD to conduct the PIT counts produce a significant undercount of the homeless population at a given point in time. In addition, regardless of their methodology or execution, point in time counts fail to account for the transitory nature of homelessness and thus present a misleading picture of the crisis. Annual data, which better account for the movement of people in and out of homelessness over time, are significantly larger: A 2001 study using administrative data collected from homeless service providers estimated that the annual number of homeless individuals is 2.5 to 10.2 times greater than can be obtained using a point in time count.³

Inconsistent Methodology: Varies by COC and over time, making trends difficult to interpret or inaccurate

HUD issues guidelines for the Continuum of Care (COC) programs across the country to follow when conducting the PIT count. However, these guidelines change from year to year and are not applied in the exact same manner by each COC. This inconsistency

results in trends that are difficult to interpret and often do not reflect the true underlying data. For instance, in 2013 homeless people in Rapid Rehousing (RRH) were separated from the Transitional Housing (TH) classification and were no longer included in the homeless count.⁴ Therefore the reported number of homeless people declined from 2012 to 2013 even where there was no actual change in homeless population.

Most methodologies miss unsheltered homeless people

Individual COCs determine their own counting procedures using guidelines issued by HUD. Generally, the counts are conducted over a single night using volunteers, homeless service provider staff, advocates, and occasionally members of law enforcement. These types of visual street counts are problematic for several reasons. The first is that the people need to be seen in order to be counted, however, a study of shelter users in New York found that 31% slept in places classified as “Not-Visible” the night of the count.⁵ This problem is exacerbated by the increase in laws that criminalize homelessness. As documented in *Housing Not Handcuffs*, the Law Center’s 2016 report that reviewed the laws in 187 cities around the country, laws that criminalize necessary human activities performed in public places such as sitting, lying, sleeping, loitering, and living in vehicles are prevalent and increasing.⁶

Only some kinds of homelessness are counted

The definition of homelessness that HUD uses is narrow and does not measure the real crisis. It does not permit the inclusion of people that are “doubled up”, meaning that they are staying with friends or family due to economic hardship. The PIT counts also exclude people in some institutions such as hospitals and jails; this may result in a disproportionate undercounting of racial and ethnic minorities, who are overrepresented in incarcerated populations. For example, separate from its HUD submission, the Houston COC also reports an “Expanded” count which includes individuals in county jails that reported they were homeless before arrest. This “Expanded” count increased the total number of homeless individuals in 2017 by 57% from 3605 to 5651.⁷ This indicates that there is a significant homeless population that is incarcerated that is not being included in the HUD PIT count.

1 National Law Center on Homelessness and Poverty, *Housing Not Handcuffs: Ending the Criminalization of Homelessness in U.S. Cities* (2016).

2 Off. of Community Plan. & Dev., Dep’t of Housing and Urban Development, *The 2016 Annual Homeless Assessment Report to Congress* (2016).

3 Stephen Metraux et al., *Assessing Homeless Population Size Through the Use of Emergency and Transitional Shelter Services in 1998: Results from the Analysis of Administrative Data from Nine US Jurisdictions*, 116 Pub. Health Rep. 344, (2001).

4 Kevin C. Corinth, *On Utah’s 91 Percent Decrease in Chronic Homelessness*, Am. Enterprise Inst. (2016).

5 Kim Hopper et al., *Estimating Numbers of Unsheltered Homeless People Through Plant-Capture and Postcount Survey Methods*, 98 Am. J. Pub. Health 1438 (2008).

6 National Law Center on Homelessness and Poverty, *Housing Not Handcuffs: Ending the Criminalization of Homelessness in U.S. Cities* (2016).

7 Catherine Troisi et al., *Houston/Harris County/Fort Bend County/Montgomery County 2017 Point-in-Time Count Report*, The Way Home and Coalition for the Homeless (2017).

There are better methodologies

Several other independent studies have been dedicated to counting the homeless population. A 2001 study by Burt *et al.* used the 1996 National Survey of Homeless Assistance Providers and Clients (NSHAPC) to produce one-day, one-month, and one-year estimates of the homeless population.⁸ Their methods involved making evidence based adjustments to the data using the assumptions that a certain number of homeless individuals do not visit available homeless assistance providers, some areas do not even have homeless assistance providers, and that people tend to move in and out of homelessness over time. It was also recognized that some individuals may use more than one homeless assistance service and therefore the data was also de-duplicated. The final estimate from their study was 2.3 to 3.5 million adults and children in the U.S. were homeless at some point during the year in 1996.⁹

Recommendations

This report highlights many of the issues associated with the accuracy of the HUD PIT counts and how they produce a significant undercount of the homeless crisis in this country. The results of the PIT counts—and even the trend data—are not necessarily accurate indicators of the success or failure of programs or policies that address homelessness.

Conduct a better count nationally. HUD's count should:

- Be nationally coordinated with a more consistent and more rigorous methodology. This and requires appropriate funding levels in order to get more useful data.
- Include estimation techniques designed and overseen by experts in order to quantify the number of homeless individuals that were missed during the count.
- Include all people experiencing homelessness, including individuals that are institutionalized in hospitals and jails or prisons
- Include a separate estimate of people who are doubled up due to economic hardship.
- Ensure that all data, from all subpopulations, is disaggregated by race and ethnicity.

Conduct a better count locally. Even without change from HUD COCs can:

- Include estimation techniques designed and overseen by experts in order to quantify the number of homeless individuals that were missed during the count.
- Include all people experiencing homelessness, including individuals that are institutionalized in hospitals and jails or prisons
- Separately estimate individuals who are doubled up with friends or family due to economic hardship.

How and when to use current PIT count data:

- Current PIT count data must always be used with the explicit recognition that the data represent significant undercounts.
- Usage of year-to-year trends must include scrutiny of any methodology or classification changes that may have also occurred over the time period.

8 Martha Burt et al., *Helping America's Homeless: Emergency Shelter or Affordable Housing*, 24-53 (1st Ed. 2001).

9 *Id.*

INTRODUCTION

Crisis of homelessness

Homelessness remains a national crisis, as stagnated wages, rising housing costs, and a grossly insufficient social safety net have left millions of people homeless or at-risk of homelessness.¹⁰ The U.S. Department of Housing and Urban Development (HUD) released its Annual Homeless Assessment Report to Congress (AHAR) in 2016, including the results of the HUD Point in Time (PIT) count and the Housing Inventory Count (HIC). A key finding for 2016 was that homelessness decreased nationally by 2.6% over the previous year and the unsheltered population fell by 10.2%.¹¹ Some individual states, however, saw dramatic increases over the same time period, including Colorado (6.0%), Washington (7.3%), Oklahoma (8.7%), and the District of Columbia (14.4%).¹²

In 2016, HUD reported that 549,928 people were homeless on a single night in January with 32% of those unsheltered.¹³ These numbers may seem high, but the point in time count methods used by HUD are often argued to be significant undercounts.¹⁴ A recent study of the Los Angeles County PIT count concluded that the current methods are insufficient to accurately identify year to year changes in the homeless population.¹⁵ The PIT counts rely on HUD's narrow definition of homelessness that only includes people in emergency shelters, transitional housing, and in certain public locations. Excluded from their counts are people that are in the hospital, incarcerated, living "doubled up", or simply not visible to the people conducting the counts on the particular night of the survey.

In addition, regardless of their methodology or execution, point in time counts fail to account for the transitory nature of homelessness and thus present a misleading picture of the crisis. Annual data, which better account for the movement of people in and out of homelessness over time, are significantly larger: A 2001 study using administrative data collected from homeless service providers estimated that the annual number of homeless individuals is 2.5 to 10.2 times greater than can be obtained using a point in time count.¹⁶

The results of a 2001 study using data collected from administrative records of homeless services providers estimated that the actual number of homeless individuals is 2.5 to 10.2 times greater than those obtained using a point in time count, which translates to an equivalent annual number of 1,374,820 to 5,609,265 homeless individuals for 2016.¹⁷

This report is in no way a criticism of the professionals and volunteers that conduct the PIT counts. Through the counts, they are able to increase public awareness of the homeless crisis and connect homeless individuals to services. The PIT counts are a valuable community engagement opportunity for volunteers and helps expose them to the work that service providers do and to homeless individuals themselves. Nonetheless, the PIT counts result in a significant undercount of the real homeless population in this country and should be improved in order to better guide policy and practice.

What is the PIT count and why is this important?

HUD administers the Point-in-Time (PIT) count of sheltered and unsheltered homeless individuals, as well as the Housing Inventory Count (HIC) of beds provided to serve the homeless population, through its Continuum of Care (COC) program.¹⁸ COCs receive funds from HUD under the McKinney-Vento Homeless Assistance Act to provide direct services to homeless people in their communities. They are collaboratives typically composed of nonprofit service providers, state, and local governments agencies. HUD requires each of the COCs across the country to conduct a PIT count of sheltered and unsheltered homeless people and a HIC of shelter beds. HUD publishes guidelines and tools for the COC to utilize; however, these guidelines vary from year to year and provide a degree of latitude regarding the counting methodologies.

COCs are required to submit PIT count data with their Homeless Assistance Program applications. The first COC Homeless Populations and Subpopulations Report was produced in 2005, and 2007 is the first year for which national PIT count data are available. In 2016 there were 402 COCs spanning a range of population sizes in urban, suburban, and rural areas. The COCs rely heavily on volunteers to conduct their counts, many of whom receive as little as one hour of training.¹⁹

It is important to have an accurate estimate of the number of people experiencing homelessness in this country in order to have

10 *Housing Not Handcuffs: Ending the Criminalization of Homelessness in U.S. Cities*, *supra* note 1.

11 *The 2016 Annual Homeless Assessment Report to Congress*, *supra* note 2.

12 *Id.*

13 *Id.*

14 See, e.g., Maria Foscarnis, *Homeless Problem Bigger Than Our Leaders Think*, USA Today, Jan. 16, 2014, <https://www.usatoday.com/story/opinion/2014/01/16/homeless-problem-obama-america-recession-column/4539917>; Patrick Markee, *Undercounting the Homeless 2010*, Coalition for the Homeless, January 2010; Daniel Flaming & Patrick Burns, *Who Counts? Assessing Accuracy of the Homeless Count*, Economic Roundtable, (Nov. 2017).

15 *Id.*

16 Stephen Metraux et al., *Assessing Homeless Population Size Through the Use of Emergency and Transitional Shelter Services in 1998: Results from the Analysis of Administrative Data from Nine US Jurisdictions*, 116 Pub. Health

Rep. 344, (2001).

17 Metraux, *supra* note 3.

18 HUD is authorized to require COCs to conduct PIT counts through the McKinney-Vento Homeless Assistance Act Sec. 427 (b)(3).

19 Applied Survey Research, San Francisco Homeless Count & Survey 2017 Comprehensive Report (2017).

an understanding of the scope and nature of the problem and, especially, the policy responses and funds needed to address it. These numbers are also used to determine funding allocations, the dividing up total funds among communities depending on population size. The size of the homeless population also contributes to the overall populations of states and local jurisdictions, affecting their political representation.

HUD refers to the data from the counts to inform Congress about the rates of homelessness in the U.S. and to measure the effectiveness of its programs and policies aimed at decreasing homelessness, and legislators frequently rely on the results of the counts to determine whether public policies are reducing homelessness. Rather than understanding that the PIT count represents only a portion of the homeless population, many interpret the count as a comprehensive depiction of the crisis and rely on it to inform policy design and implementation decisions. This can lead to policies that fail to address the homelessness crisis or may even exacerbate it.

FLAWS IN THE PIT COUNT

Methodology varies by COC & over time

HUD issues PIT count guidelines to be followed for each count, but specific procedures are determined by individual COC. The COCs vary widely from large urban cities to small rural towns. Even urban COCs can be quite different; for instance, the San Francisco COC is 47 square miles in area while the COC that contains Houston is 3,711 square miles.

One difference in count procedures used by COCs includes the length of the count; most COCs conduct the count in a single night, however, some conduct it over several. For example, the San Francisco count is done on a single night, the Houston area count is done over three consecutive nights, and the Greater Los Angeles COC conducts a three day street count followed by a 3-day youth count.²⁰ There are also basic methodological differences, such as some COCs, while others do not. Also, some COCs conduct annual counts, while others do them on odd years only. Methods to upscale or annualize PIT counts can be used to more accurately portray homeless populations; however, they are not always applied consistently from year to year. One such example is in the reported 91 percent decrease in Chronic Homelessness in Utah from 2005 to 2015.²¹ A 2016 review of the data and counting procedures by Kevin Corinth at the American Enterprise Institute revealed that changes to the way the homeless counts had been annualized accounted for at least a portion of the decrease in the

number of chronically homeless people reported from 2005 to 2015. He showed that the 2009 annualized count is almost double the PIT count, while in 2015 the annualized count is identical to the PIT count (Figure 1). This indicates that there was likely a change in the methodology used to annualize the data from 2012 to 2015 and that the actual decline in chronically homeless people is most likely lower than reported.²²

HUD counting and reporting guidelines change over the years, having an impact on the PIT counts and its interpretation of year to year trends. One example is the reclassification of Rapid Rehousing (RRH) in 2013. From 2011-2012, RRH was included in the Transitional Housing (TH) category and therefore classified as Sheltered Homeless. However, in 2013, RRH was separated from TH and was reclassified as Permanent Housing and no longer included in the homeless population count.²³ Therefore at least a portion in any decline in the homeless population count from 2012 to 2013 could be attributed to this change in classification.

Similarly, Utah reported a decline in chronically homeless people in 2010; however, at least a portion of this decline can be attributed to a change in classification. In 2009 Utah was including individuals in transitional housing in their chronic homeless totals, but this methodology was changed in 2010 when the count no longer included this population. Therefore the reported number of

Figure 2. Number of Chronically Homeless Individuals, Annualized and Point-in-Time, Utah 2005–15

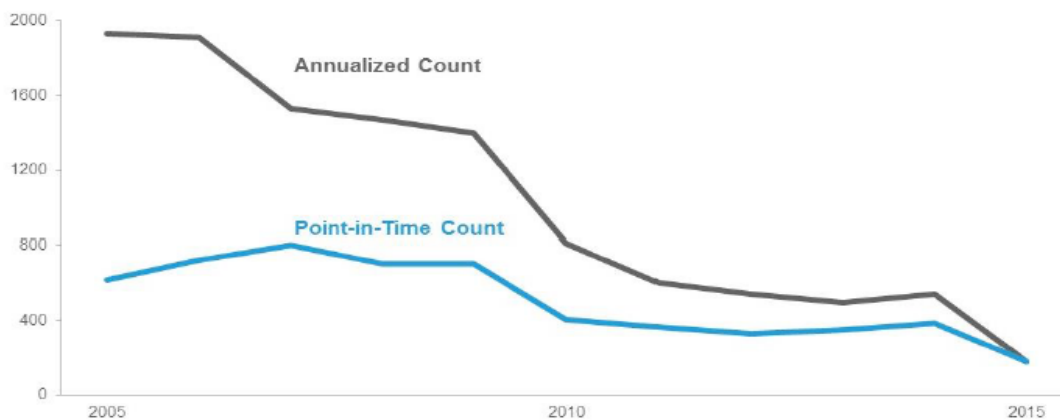


Figure 1. Number of Chronically Homeless Individuals, Annualized and Point-in-Time, Utah 2005–15 (From Corinth, K., On Utah's 91 Percent Decrease in Chronic Homelessness, American Enterprise Institute, March 2016)

Sources: Utah Department of Workforce Services, "Comprehensive Report on Homelessness: State of Utah 2014," <https://jobs.utah.gov/housing/scso/documents/homelessness2014.pdf>; Utah Department of Workforce Services, "Comprehensive Report on Homelessness: State of Utah 2015," October 2015, <https://jobs.utah.gov/housing/scso/documents/homelessness2015.pdf>; and US Department of Housing and Urban Development, Point-in-Time Counts of Homeless Persons.

²⁰ See *id.*; Markee, *supra* note 14.

²¹ Corinth, *supra* note 4.

²² *Id.*

²³ *Id.*

chronically homeless people was reduced from 2009 to 2010 simply by removing those in transitional housing from the count.²⁴

The changes in counting procedures can produce misleading conclusions. For example, nationally, the number of homeless people in families that were unsheltered decreased significantly from 2012 to 2013, but this may have been due to changes in the methods used to conduct their counts. In fact, HUD's 2013 report to Congress contained a warning regarding the validity of the results, stating:

*"The number of homeless people in families that were unsheltered has declined considerably in all three geographic categories between 2012 and 2013 ... However, in recent years many BoS or statewide CoCs have changed their enumeration methods to better account for the large geographic region, which could have affected the numbers considerably."*²⁵

Finally, shifts in large cities—whether valid or not—can affect overall numbers and suggest national trends that may be misleading or inaccurate. For example, the 2009 PIT count showed a large decline in homelessness nationwide, primarily driven by the City of Los Angeles, in which the total count of homeless people dropped from 68,608 to 42,694 in a two year period. In fact, if the cities with the top three largest declines in the count of total homeless people are excluded, there was a 2.1 percent increase in the rest of the county from 2008 to 2009.²⁶ In its report to Congress, HUD stated:

*"The removal of these large cities from the PIT counts and the resulting shift in trends illustrates the need to interpret changes in one-night PIT counts carefully ... one-night PIT counts are particularly sensitive to dramatic changes within the nation's largest cities and to evolving enumeration strategies."*²⁷

These examples show that changes to the way that data is collected and classified can create the impression that there is a change in the number homeless individuals, even if there is no such trend in the underlying data.

Counting procedures systemically undercount unsheltered adults and youth

While actual counting procedures vary by COC, it is difficult to imagine that it would be possible to count every homeless individual in a given area in a single night. Typical counts are completed using volunteers supported by city staff, advocates, service providers, and occasionally local police enforcement. Volunteers are typically required to undergo 1 hour of training before they can participate

in the count.²⁸ Some COC's must cover a large area with a relatively small number of volunteers. For instance, in 2017, the COC that contains Houston is 3,711 square miles in area and used 60 teams of volunteers and 150 people from the homeless service provider community, outreach teams, and VA staff to conduct the count over three nights.²⁹

Volunteers are generally dispatched to predetermined areas in teams to conduct their counts. This requires knowledge of where homeless individuals are likely to be living on the night of the count, which may be obtained through consultation with homeless advocates, service providers, and previously homeless individuals.³⁰ This counting approach relies on homeless individuals residing in visual locations, an assumption that can be problematic; one study in New York found that 31% of the interviewed homeless people who slept outside on the night of the PIT count were in places classified as "Not-Visible".³¹

As documented in *Housing Not Handcuffs*, the Law Center's 2016 report that reviewed the laws in 187 cities around the country, laws that criminalize necessary human activities performed in public places are prevalent and increasing.³² Laws prohibiting camping in public, sleeping in public, sitting or lying in public, loitering, and living in vehicles all potentially contribute to the undercount of homeless individuals as many would seek to avoid contact with those trying to count them. This would be especially true in the cases when city workers or police are involved in the counting procedure.

HUD training materials instruct volunteers to avoid areas that are deemed too dangerous to visit at night, such as abandoned buildings, large parks, and alleys, the very places where unsheltered homeless people are likely to be, especially if they are trying to protect themselves from the elements, crime, or police enforcing criminalization laws.

Some counts include a follow up interview with individuals counted in order to gain additional demographic information and to avoid double counting, while other counts are visual only. COCs that rely on visual only methods require the enumerators to make a judgment call on whether an individual is actually homeless or not. Volunteers are also sometimes instructed not to disturb homeless people residing inside of tents or vehicles. In such cases, they will have to make an educated guess at the number and description of

24 *Id.*

25 Off. of Community Plan. & Dev., Dep't of Housing and Urban Development, The 2013 Annual Homeless Assessment Report to Congress (2014).

26 Off. of Community Plan. & Dev., Dep't of Housing and Urban Development, The 2009 Annual Homeless Assessment Report to Congress (2010).

27 *Id.*

28 See, e.g., *San Francisco Homeless Count & Survey 2017 Comprehensive Report* *supra* note 19; *2017 Greater Los Angeles Homeless Count Results*, Los Angeles County and Continuum of Care, *supra* note 20; Metro Denver Homeless Initiative, 2017 Point-In-Time Report: Seven-County Metro Denver Region (2017)..

29 Troisi, *supra* note 7.

30 *San Francisco Homeless Count & Survey 2017 Comprehensive Report*, *supra* note 19.

31 Hopper, *supra* note 5, 1440.

32 *Housing Not Handcuffs: Ending the Criminalization of Homelessness in U.S. Cities*, *supra* note 1.

people inside.³³

HUD recognizes that accurately counting the unaccompanied homeless youth population is problematic because they often gather in different locations than adult populations, generally do not want to be found or even come in contact with adults, may not consider themselves to be homeless, and may be difficult to identify as homeless by an adult.³⁴

Definition of homelessness is narrow and doesn't measure the real crisis

Doesn't include "doubled up"

HUD's definition of unsheltered homeless people for the PIT count includes individuals and families, "with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground." The sheltered count includes individuals and families, "living in a supervised publicly or privately operated shelter designated to provide temporary living arrangement (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, or local government programs for low-income individuals)".³⁵ Neither of these definitions include individuals or families that are homeless but living "doubled up" meaning that they are staying with friends or extended family members due to economic hardship. This is particularly significant because the count is conducted each year on a night in January when the temperatures are typically cold. The intention of this is to maximize the participation in shelters where homeless individuals are easier to count, however, if the shelters are full (which is commonly the case),³⁶ individuals may temporarily "double up" with friends or family and will not be counted.

Doesn't include certain institutions, such as jail/prison

A 2008 national survey of 6953 jail inmates found that 15.3% were homeless at some point in the year before incarceration.³⁷ Another study found that 10 percent of people entering state and federal prison had recently been homeless and that 10 percent of those leaving prison go on to be homeless at some point.³⁸ Current and past HUD guidelines have no provisions for counting individuals that are in prison or jail regardless of the potential size of this population. Attempts to quantify this population are left up to individual COCs.

The Houston COC does not include incarcerated individuals in their homeless individual count submitted to HUD; however, they do separately report an "Expanded" count which includes individuals in county jails the night of the count if they stated they were homeless before arrest. The "Expanded" count increases the total number of homeless individual in the Houston COC in 2017 by 57% from 3,605 to 5,651.³⁹

The San Francisco COC also conducts a count of the individuals that are in hospitals, residential rehabilitation facilities, and jails in their sheltered counts; however, they also exclude these individuals from the numbers they submit to HUD. This population amounts to 26% (641 people) of the sheltered count in 2017.⁴⁰ They also state that 5% of individuals surveyed reported being in jail/prison immediately prior to becoming homeless, and 20% had been in jail the previous 12 months.⁴¹

The Butte County 2017 Homeless Point in Time Count Report states that 21 individuals interviewed spent the night of the survey in jail. Furthermore, the County Sheriff's department reported that 26% of the jail population was homeless inmates, with 84% of the charges for felonies and 24% for misdemeanors.⁴² 206 of the 1983 of the survey respondents cited incarceration as their cause of homelessness, and 265 said a criminal history was a primary barrier to ending their homelessness.⁴³ Additionally, their survey revealed that ordinances about sitting, lying, and storing property in public places led 181 people to be ticketed, 80 to be arrested, and nearly 50 to be incarcerated in the previous year.⁴⁴

33 Focus Strategies, Orange County Continuum of Care 2017 Homeless Count & Survey Report (2017).

34 *Promising Practices for Counting Youth Experiencing Homelessness in the Point-in-Time Counts*, U.S. Department of Housing and Urban Development, November 2016.

35 Dep't of Housing & Urban Dev., Notice CPD-16-060 Notice for Housing Inventory Count (HIC) and Point-in-Time (PIT) Data Collection for Continuum of Care (CoC) Program and the Emergency Solutions Grants (ESG) Program (2016).

36 See, e.g. Brandon Marshall, *Nashville Homeless Shelters At Capacity*, News Channel 5, Jan. 6, 2017, <http://www.newschannel5.com/news/nashville-homeless-shelters-at-capacity>; Alasyn Zimmerman, *Homeless shelters at capacity as temperatures drop*, KOAA News 5, Sep. 20, 2017, <http://www.koa.com/story/36416084/homeless-shelters-at-capacity-as-temperatures-drop>; Jake Zuckerman, *Front Royal homeless shelter at capacity*, Northern Virginia Daily, Dec. 2, 2016, <http://www.nvdaily.com/news/2016/12/front-royal-homeless-shelter-at-capacity/>; Esmi Careaga, *Homeless shelters at full capacity*, Local News 8, Dec. 15, 2016, <http://www.localnews8.com/news/homeless-shelters-at-full-capacity/215333225>; Dennis Hoey, *Portland homeless shelters reach capacity because of bitter weather*, Press Herald, Dec. 5, 2016, <http://www.pressherald.com/2016/12/15/portland-homeless-shelters-reach-capacity-because-of-bitter-weather/>.

37 Greg A. Greenberg & Robert A. Rosenheck, *Jail Incarceration, Homelessness, and Mental Health: A National Study*, 59 *Psychiatric Serv.* 170 (2008)

38 Caterina G. Roman & Jeremy Travis, *Where Will I Sleep Tomorrow? Housing, homelessness, and the returning prisoner*, 17 *Housing Pol'y Debate* 389, 395 (2006).

39 Troisi, *supra* note 7.

40 *San Francisco Homeless Count & Survey 2017 Comprehensive Report*, *supra* note 7.

41 *Id.*

42 Housing Tools, 2017 Homeless Point in Time Census & Survey Report: Butte Countywide Homeless Continuum of Care (2017).

43 *Id.*

44 *Id.*

These examples show that it is entirely possible to quantify the number of homeless individuals that are incarcerated during the night of the PIT count and that these populations are significant in numbers. Moreover, if the criminalization of homelessness continues—or increases—they will become even larger.

Current data indicate that homelessness disproportionately affects certain racial and ethnic minorities, the 2016 Annual Homeless Assessment Report to Congress states that 39% are African-Americans (despite being only 13% of the population overall); 22% Hispanic (19% overall); and 3% Native American (1% overall).⁴⁵ But because such minorities are also over-represented in the criminal justice system, in particular for the low-level “quality of life” violations typically used to criminalize homelessness,⁴⁶ by not counting homeless persons who are in jail or prison on the night of the count, the PIT count likely systemically *under*-counts the *over*-representation of homeless persons of color.

Within criminalized homeless populations, persons of color are disproportionately targeted by law enforcement. The United Nations Special Rapporteur on Racism specifically cited the example of Los Angeles’ Skid Row during his 2008 visit to the United States.⁴⁷ 69% of the 4,500 homeless individuals in Skid Row are African American.⁴⁸ Beginning in September 2006, the City announced its “Safer City Initiative,” bringing 50 new police officers to the area supposedly to target violent crime.⁴⁹ However, in the first year of the SCI program, the police confiscated only three handguns, while issuing an average of 1,000 citations per month, primarily for jaywalking violations by African Americans - 48 to 69 times the number of citations in the city at large.⁵⁰ Officers also enforce an ordinance which prohibits sitting, lying and sleeping on the sidewalk—one older African American woman, Annie, has been arrested more than 100 times for these violations since the beginning of the Initiative.⁵¹

Once arrested, unaffordable bail means that homeless persons are nearly always incarcerated until their trials occur – or until they agree to waive their trial rights in exchange for convictions. In a survey of homeless persons, 57% stated that bench warrants

had been issued, leading to their arrest.⁵² 49% of homeless people report having spent five or more days in a city or county jail.⁵³ In 87% of cases with bail of \$1000 or less in New York City in 2008, defendants were not able to pay and were incarcerated pending trial.⁵⁴ The average length of pretrial detention was 15.7 days – more than two weeks, often for minor offenses.⁵⁵ This means significant numbers of homeless persons are spending significant amounts of time in jail, but they are homeless again as soon as they are released.

Indeed, because the rate of criminalization is increasing,⁵⁶ this disproportionate undercounting of incarcerated homeless persons of color may also be increasing. Thus, it is important not only to count the homeless individuals in jail, but also to ensure this data is disaggregated so we can continue to measure these impacts.

Department of Education counts appear to show different results

The U.S. Department of Education (ED) collects data on the number of homeless children and youth enrolled in our nation’s public schools, in order ensure success of the Education for Homeless Children and Youth (EHCY) program, authorized under the McKinney-Vento Homeless Assistance Act.⁵⁷ This data provides an additional indicator of the scale of the homeless crisis. In the 2015-2016 school year, there were over 1.36 million homeless children counted in our public schools—a 70% increase since the inception of the housing foreclosure crisis in 2007 and more than double the number first identified in 2003 (602,000).⁵⁸ This is in part due to greatly improved identification, but is nonetheless significant. The other point is that except for a slight (less than 3%) decline from 2013-2014 to 2014-2015 school years, the ED numbers have gone up every single year since data was first collected in 2003. Contrast this with the PIT count which has decreased in recent years. This is significant because reliance on the HUD numbers would lead us to believe that things are getting better, when the trend from ED clearly shows things are getting worse and continue to get worse (despite the so-called end of the recession).

ED counts children that are homeless at any point during the school year, including those living “doubled up”, staying in hotels/

45 *The 2016 Annual Homeless Assessment Report to Congress*, *supra* note 2.

46 See, e.g. Gary Blasi et.al, *Policing Our Way Out of Homelessness? The First Year of the Safer Cities Initiative on Skid Row*, (Sept. 2007).

47 U.N. Human Rights Council, Report of the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, Doudou Diène, Mission to the United States of America, U.N. Doc. A/HRC/11/36/Add.3 (2009).

48 Inter-University Consortium Against Homelessness, *Ending Homelessness in Los Angeles*, (2007).

49 Testimony of Gary Blasi, UCLA Professor of Law, University of California, Los Angeles, to State Legislators in Sacramento, CA (July 18, 2007).

50 Blasi, *supra* note 46.

51 Email from Becky Dennison, Los Angeles Community Action Network, Mar. 28, 2014, on file with authors.

52 Paul Boden, *Criminalizing the Homeless Costs Us All* (Mar. 1, 2012).

53 *Picture the Homeless, Homelessness and Incarceration: Common Issues in Voting Disenfranchisement, Housing and Employment*.

54 Human Rights Watch, *The Price of Freedom: Bail and Pretrial Detention of Low Income Nonfelony Defendants in New York City*, at 2 (Dec. 3, 2010)

55 *Id.*

56 National Law Center on Homelessness & Poverty, *Housing Not Handcuffs: Ending the Criminalization of Homelessness in U.S. Cities* (2016).

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58 *Number of Homeless Students Grows More than 70% since 2007-2008*, Nat’l Low Income Housing Alliance (Sept. 21, 2015), <http://nlihc.org/article/number-homeless-students-grows-more-70-2007-2008>; *Education for Homeless Children and Youth Program, Analysis of 2005-2006 Federal Data Collection and Three-Year Comparison*, National Center for Homeless Education, June 2007..

motels, abandoned in hospitals, or awaiting foster care placement. Figure 2 contains a comparison of the National, California, and San Francisco ED counts with the HUD PIT counts for 2016. While direct comparisons are not valid due to differing methodologies, it is noteworthy that the National ED count for homeless children is almost 2.5 times as large as HUD's PIT count of the entire homeless population (1,364,369 vs. 549,928) and 7 times as large as the HUD's PIT count of homeless people in families (1,364,369 vs. 194,716). And while a large portion of the ED numbers consist of children living doubled up, their national unsheltered homeless count is still more than double the HUD count of unsheltered homeless people in families (41,725 vs. 19,153). Similar relationships can be seen in the state of California and the city of San Francisco with ED counts being much larger than the HUD PIT counts. Again, these number cannot be compared directly due to differing methodologies, most notably the fact that the ED numbers are annual. However, the much larger ED totals compared to the HUD PIT counts illustrate the impact that counting methods and classifications have on the resulting counts.

	National	California	San Francisco
Ed – Total	1,364,369	251,155	2,368
Ed – Unsheltered	41,725	7,407	48
Ed - Doubled Up	987,702	212,275	1,348
HUD - Total Homeless	549,928	118,142	6,996
HUD - Unsheltered Homeless	176,357	78,390	4,358
HUD - Homeless People in Families	194,716	20,482	687
HUD - Unsheltered Homeless People in Families	19,153	4,450	33
HUD - Homeless Unaccompanied Children (Under 18)	3,824	847	131
HUD - Unsheltered Homeless Unaccompanied Children (Under 18)	1,606	634	119

Figure 2. Comparison of National, California, and San Francisco Homeless data from the Department of Education vs the Department of Housing and Urban Development for the year 2016. (Source: Homeless Student Enrollment Data by Local Educational Agency, School Year 2015-16, <https://www2.ed.gov/about/inits/ed/edfacts/data-files/lea-homeless-enrolled-sy2015-16.csv> and PIT and HIC Data Since 2007, <https://www.hudexchange.info/resource/3031/pit-and-hic-data-since-2007/>)

Count of sheltered population measures supply not demand

In some ways, the sheltered population count of the PIT count is the most accurate. But what that count tells us is limited. Most shelters in the United States are at capacity. The count of sheltered homeless individuals indicates a city's supply of shelter beds rather than the demand for shelter or housing, and therefore cannot be used by itself to assess the homeless crisis. This can be seen in the plot of Homeless Count and Housing Inventory Count for San Francisco, which has a high unsheltered to sheltered ratio for its homeless population (Figure 3). The trend of Sheltered Homeless from 2007 to 2016 generally tracks the trend of Total Year Round Beds, while the Total Homeless number can be seen to move sharply upwards in 2013 and then downward in 2014. One might see the large drop in Total Homeless count in 2014 as a positive indicator of the state of homelessness in the city; however, it is due entirely to a drop in the Housing Inventory Count and an accompanying drop in count of sheltered individuals as no unsheltered street count was conducted that year. This shows that a count of sheltered individuals alone does not give an accurate view of the state of homelessness in a city. Furthermore, where shelters are continually full, the count of sheltered individuals can only be viewed as a measure of a city's supply and not its demand.

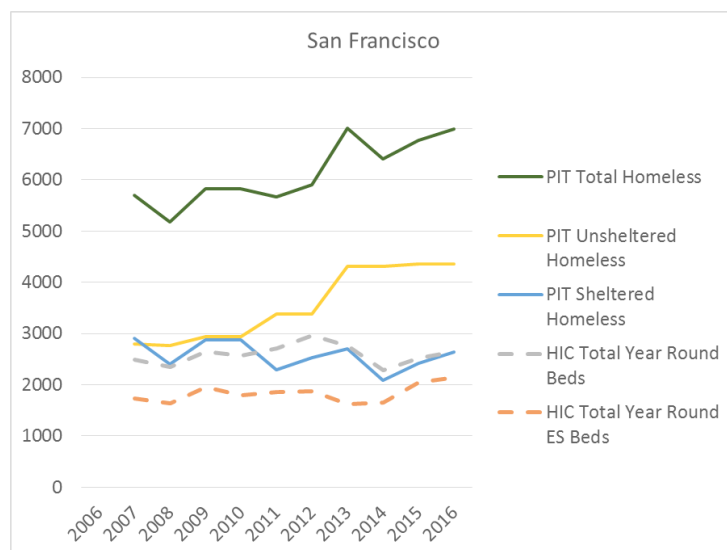


Figure 3. HUD PIT and HIC data for San Francisco (CA 501) from 2007 to 2016. (<https://www.hudexchange.info/resource/3031/pit-and-hic-data-since-2007/>)

ALTERNATIVE COUNTS

Survey at service providers sites over multiple days 1987, 1996

In 1989, Martha Burt and Barbara Cohen published the results of an Urban Institute survey in U.S. cities with populations above 100,000 over a month-long period in 1987.⁵⁹ This study did not include a street count and instead involved interviews at soup kitchens, meal distribution sites, and shelters. This methodology avoided many of the pitfalls that have been previously mentioned regarding counting an unsheltered population. The study produced a one-day estimate of 136,000 and a one-week estimate of 229,000 homeless individuals.⁶⁰ While the study likely did not capture everyone who is doubled up, the researchers were able to significantly improve the unsheltered count, finding that most unsheltered people were using at least one service center at least once a week. Furthermore, it illustrates the importance of conducting a study over a longer time period than one-day.

The 1996 National Survey of Homeless Assistance Providers and Clients (NSHAPC) was a comprehensive national survey of homeless service providers using methods similar to the 1987 Urban Institute study. The data was collected in two phases, the first phase was conducted from October 1995 to October 1996 and involved telephone surveys with staff at service providers such as soup kitchens and shelters. The second phase was conducted in October and November of 1996 and involved interviews with clients using services in the same types of locations as in phase one.⁶¹ The interview questions used were designed to gather information regarding the frequency and length of time that individuals experienced homelessness. A 2001 study by Burt et al., used this NSHAPC data to create one-day, one-month, and one-year estimates of homeless individuals for the entire country.⁶² Their methods involved making evidence-based adjustments using the assumptions that a certain number of homeless individuals do not visit available homeless assistance providers, some areas do not even have homeless assistance providers, and that people tend to move in and out of homelessness over time. It was also recognized that some individuals may use more than one homeless assistance service and therefore the data was also de-duplicated. The final estimate from their study was 2.3 to 3.5 million adults and children in the U.S. were homeless at some point during the year in 1996.⁶³ Once again, this study illustrates the importance of conducting a survey over a longer time period than a single point in time, and to

recognition that people tend to move in and out of homelessness over time.

Measure and adjust for undercount of unsheltered

In an effort to increase the accuracy of the New York City estimate of its homeless population, researchers Kim Hopper et al. used two methods in conjunction with the annual PIT count.⁶⁴ One approach involved the Plant-Capture method where they “planted” decoys among the homeless population in various locations across the 5 boroughs to see if they were counted by enumerators during the PIT count. Plants at 17 of the 58 (29%) sites reported that they were missed during the count.⁶⁵

The second approach the study used was to conduct interviews with individuals living in shelters following the PIT Count. They interviewed 1,171 people from 23 different sites and asked where they were residing the night of the count. They found that of the 314 respondents that reported being unsheltered, 31% said that they had slept in locations considered “Not-Visible.”⁶⁶

This study illustrates two flaws in the PIT count methodology, first that the enumerators cannot possibly be expected to cover the entirety of their areas of responsibilities as evidenced by the 29% of plants that reported to not being counted. Secondly, that many unsheltered homeless individuals were in “Not-Visible” locations, and thus were most likely missed by enumerators.

Expand the definition

Wilder Research conducts a study of the homeless population in Minnesota every three years, independently of the HUD PIT count. The study includes counts and estimates of the number of people who are homeless and a survey of homeless people. The count takes place every three years on the last Thursday in October in emergency shelters, domestic violence shelters, transitional housing programs, social service agencies, encampments, and abandoned buildings. As many as 1000 volunteers are used to conduct interviews in approximately 400 locations across the state. They also work with homeless service providers to obtain counts of the sheltered homeless population.⁶⁷

The Wilder method uses an expanded definition of homelessness to include people who will imminently lose their housing (with eviction notices), people staying in hotels who lack the resources

59 Burt, *supra* note 8.

60 *Id.*

61 Steven Tourkin & David Hubble, *National Survey of Homeless Assistance Providers and Clients: Data Collection Methods*, U.S. Census Bureau (1997).

62 Burt, *supra* note 8.

63 *Id.*

64 Hopper, *supra* note 5.

65 *Id.*

66 *Id.*

67 *Frequently Asked Questions*, Wilder Research, <http://mnhomeless.org/about/frequently-asked-questions.php> (last visited 11, 1, 2017).

to remain for more than 14 days, or persons doubled up where there is evidence that they may have to leave within 14 days.⁶⁸ The definition is also expanded for youth who are not staying with their parents but are living with a friend or relative.⁶⁹

A comparison of the count conducted by Wilder Research and the HUD PIT count for Hennepin Co. can be seen in Figure 4. The Wilder counts follow the same trend as the HUD PIT data in general, but are consistently higher, by as much as 24% in 2012. A portion of this difference is most likely due to the expanded definition of homelessness used by Wilder.

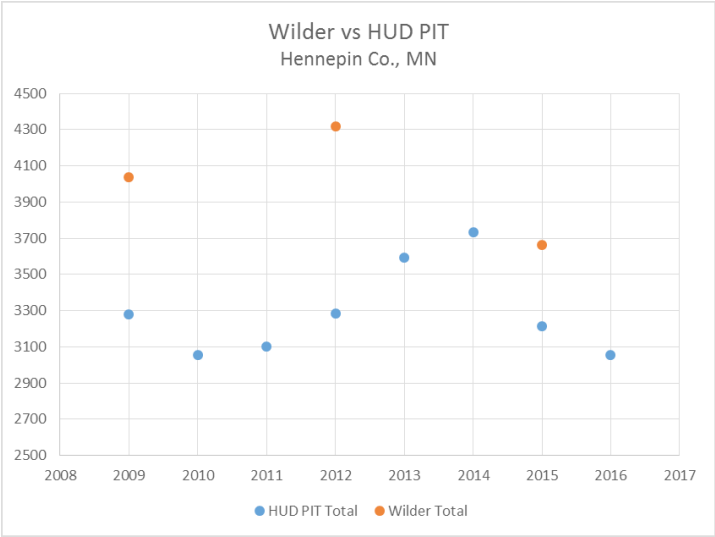


Figure 4. A comparison of the total homeless population count Hennepin Co., MN conducted by Wilder Research with the HUD PIT. (Source: Wilder Research, Homeless Study Detailed Data – Counts <http://mnhomeless.org/minnesota-homeless-study/detailed-data-counts.php>, <https://www.hudexchange.info/resource/3031/pit-and-hic-data-since-2007/>)

The Wilder study also includes an estimated number of homeless people in addition to the actual count. Their methods included weighting data collected from shelters using a one-night estimate based on findings from the U.S. General Accountability Office (GAO), a 1998 national study by the Research Triangle Institute, and a 2012 report from U.S. Department of Housing and Urban Development (HUD).⁷⁰ The U.S. GAO study found that for every child and youth in a shelter, 2.7 were doubled-up. The Research Triangle study found that 2.6 percent of all minors age 12 to 17 had been homeless for at least one night and had not used a shelter over the course of a year.⁷¹ These two findings were averaged and then used to weight the sheltered youth count to produce an estimated total youth count. The HUD report stated that for every 100 single adults in shelters, there were 60 not in shelters, and for every 100 persons in families in shelters, there

were 25 not in shelters. These findings were used to weight the sheltered count to provide an estimate of the total homeless adult population.⁷²

They also produced an annual estimate based on a method in a 2001 report on homelessness by the Urban Institute.⁷³ This method assumes that people move in and out of homelessness and those that are homeless during the night of the survey are representative of others who may be homeless at any different night of the year. While the total count of homeless individuals at a given time might remain the same, specific individuals might change, making the total number of people experiencing homelessness in a year larger than the number counted.⁷⁴

Figure 5 shows the Wilder count and its annual estimate of persons experiencing homelessness for the state of Minnesota by year from 1991 to 2015. The Wilder estimate in 2015 is more than 60% higher than their count.⁷⁵ Once again, this shows that the way that data is collected, classified, and processed can have a large impact on the reported estimates of homelessness and that the HUD PIT counts are a significant undercount.

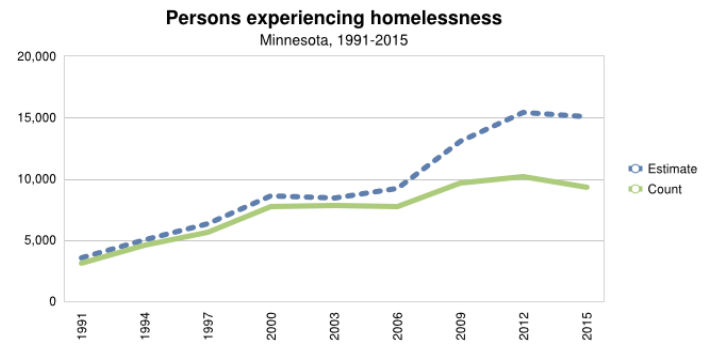


Figure 5. Count and Estimate of the Homeless persons in the state of Minnesota by Wilder Research. “Counts” of the number of people experiencing homelessness come from a census of all people staying in emergency shelters and other programs serving those experiencing homelessness, as well as a head count of those identified as homeless in non-shelter locations on the night of the survey. “Estimates” of the number of people experiencing homelessness are calculated by factoring in study-based estimates of those who are unsheltered, living temporarily with friends or family, and in detoxification centers. (Source: Wilder Research, Homelessness in Minnesota, <http://mnhomeless.org/minnesota-homeless-study/homelessness-in-minnesota.php#1-3457-g>)

68 Wilder Research, Homelessness in Minnesota - Findings from the 2015 Minnesota Homeless Study (2016).

69 *Id.*

70 *Id.*

71 *Id.*

72 *Id.*

73 *Id.*

74 *Id.*

75 *Id.*

CONCLUSIONS AND RECOMMENDATIONS

This report has highlighted many of the issues associated with the accuracy of the HUD PIT counts and how they produce a significant undercount of the homeless crisis in this country. We feel that the results of the PIT counts are not the best indicators of the success or failure of programs and policies that address homeless issues; therefore, the PIT counts as currently conducted should not be used to advise policy decisions.

Once again, this report does not intend to criticize the many professionals and volunteers that conduct the PIT counts but instead hopes to illuminate the shortcomings of the techniques and procedures required by HUD and their effect on the resulting counts.

Recommendations for the national count

Nationally coordinated, methodologically consistent count

Rather than depending on a single point-in-time count conducted by separate COC's across the country, we recommend a program that is nationally coordinated and consistent including input from service providers such as shelters and soup kitchens, the Department of Education, and correctional departments. This effort should be designed and its execution overseen by experts in such counting techniques.

The national program can learn from some of the more accurate studies that have been done. For example, it could include:

Periodic street counts which are conducted over longer periods than a single point in time.

Techniques such as plant and capture along with follow-up surveys to estimate and adjust for the number of individuals that are missed during the counts.

Annualized data and a more inclusive definition to show the true scope of the problem.

The Department of Education currently produces an annual count of homeless students and this data could be incorporated into a national count of all individuals. There is also a significant number of homeless individuals that are currently incarcerated in prisons and jails and any count of homeless individuals should include this population. This could be accomplished through coordination with correctional departments, as is currently done in COCs such as that in Butte.⁷⁶

Ultimately, this would be the most effective long-term solution to addressing the flaws of the current point in time count system. This, however, would require commitment from government at all levels, service providers, and the public to work together. Of course, the real, and most important solution is to end homelessness.

Recommendations for the local counts

Even without change from HUD COCs can:

Include estimation techniques designed and overseen by experts in order to quantify the number of homeless individuals that were missed during the count.

Include all people experiencing homelessness, including individuals that are institutionalized in hospitals and jails or prisons

Separately estimate individuals who are doubled up with friends or family due to economic hardship.

Recommendations for using the PIT count data

Acknowledge it is an undercount

As shown above, the PIT count is a significant undercount of the homeless population, especially of those that are unsheltered, institutionalized, or doubled up. The data should never be used without the explicit acknowledgment of that fact, along with any available data that accounts for the scale of the undercount.

Acknowledge changes in methodology or classification

Particularly, year to year trends should include scrutiny of any methodological or classification changes that may have also occurred over the time period.

Use other data sources as comparison

It can be helpful to use both the HUD figures and the Department of Education (ED) report of homeless students. While the ED report is also an undercount and has its own challenges, it can show some indication of the broader problem because it uses a wider definition of homeless than HUD and produces annual estimates.

⁷⁶ 2017 Homeless Point in Time Census & Survey Report: Butte Countywide Homeless Continuum of Care, *supra* note

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