

III Cicero Institute

Solving Texas's Street Homelessness Problem

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In the ten years after 2007, Texas made strides in reducing homelessness. The total homeless population plummeted from 40,000 to just under 24,000 persons, a 40% drop. Yet after 2017, Texas homelessness started to rise again, especially “unsheltered” homelessness, or those living on the streets. The unsheltered population has increased from 7,000 to 10,500 people in the past three years.¹ Some cities like Austin saw almost a 50% increase in their unsheltered homeless population in 2019 alone. Austin now has almost half of its homeless population outside of shelters – the highest rate in the state.² The recent coronavirus pandemic will only exacerbate these trends and the problems that emerge from them.

Despite Texas’s strong economy, there are several reasons for this statewide reversal on homelessness in the several years approaching the pandemic. First, housing prices in some Texas metro areas, especially Austin, have increased rapidly. Austin rent prices have increased by 50% since the end of the last recession in 2010, which has driven many marginal renters into the streets.³ A report from the White House Council of Economic Advisors has shown that a doubling in rents can almost double the homeless population, and it seems that this effect is at work.⁴

More generally, cities like Austin have also ended bans on camping or lying in the streets, and in the process have both attracted more homeless individuals and lost a tool to help encourage homeless people into needed treatment. These cities have understandable concerns that removing people from the streets would be uncompassionate. But leaving homeless people on the streets and in crowded encampments is bad both for the homeless and for the cities in which they live. Cities can prevent street-camping and provide superior alternative treatment and shelter options at a reasonable cost, and many cities have done so.

We offer four viable reforms to help solve Texas’s unsheltered homeless problem. The first reform is to redirect Texas’s homelessness grants into providing cheap available shelter and pay-for-performance services. The second is to redirect Texas’s public safety grants into the creation of Homeless Outreach Teams in those cities and to support best-in-practice specialty courts for those with drug addictions and mental health issues. The third is to reform the state’s Assisted Outpatient Treatment (AOT) and inpatient admittance criteria for individuals undergoing a mental health crisis. The fourth is to use state power to clean up encampments on state land and provide superior shelter alternatives.

¹ “Texas,” National Alliance to End Homelessness, <https://endhomelessness.org/homelessness-in-america/homelessness-statistics/state-of-homelessness-report/texas/> “Texas Homelessness Statistics,” United States Interagency Council on Homelessness, <https://www.usich.gov/homelessness-statistics/tx/>

² Mark D. Wilson, “Austin sees 11% increase in homeless count, 45% increase in unsheltered population,” Statesmen, May 19, 2020, <https://www.statesman.com/news/20200519/austin-sees-11-increase-in-homeless-count-45-increase-in-unsheltered-population#:~:text=The%20latest%20total%20of%20homeless,1%2C500%20people%20who%20were%20unsheltered.&text=In%20total%2C%20volunteers%20counted%20%2C506%20people%20experienci ng%20homelessness.https://www.texastribune.org/2019/12/09/how-many-people-are-homeless-texas-least-25000/>

³ “Rent trend data in Austin, Texas,” Rent Jungle, October 2020, <https://www.rentjungle.com/average-rent-in-austin-rent-trends/R> Rental trends famously vary depending on the statistical source, but more easily measured Housing prices have increased even faster than rents, almost doubling in the ten years to 2020. “Austin Home Values,” Zillow, <https://www.zillow.com/austin-tx/home-values/>. Most Texas cities are famously open to new building, which keeps rental and housing prices down, but Austin has some notable restrictions on building causing increased housing costs. Megan Elizabeth Shannon, “Quantifying the Impacts of Regulatory Delay on Housing Affordability and Quality in Austin, Texas,” The University of Texas at Austin, May 2015, <http://soa.utexas.edu/sites/default/disk/SHANNON-MASTERSREPORT-2015.pdf>

⁴ Council of Economic Advisors, The State of Homelessness in America, September 2019, <https://www.whitehouse.gov/wp-content/uploads/2019/09/The-State-of-Homelessness-in-America.pdf>

This paper demonstrates a few reforms that the state of Texas and its cities can do to reduce open camping and street homelessness. While these reforms are simple, they can provide better and more efficient services for the state's homeless residents and improve quality of life in surrounding communities.

THE PROBLEM OF ENCAMPMENTS

Until about 20 years ago, there were few homeless encampments in America and few cities allowed camping on their streets.⁵ Recently, many cities began to worry that removing such camps would be cruel and instead have allowed them to expand. In reality, these encampments are dangerous and destructive for the homeless. The more compassionate route is pushing residents into safer and sheltered situations.

The biggest problem with these encampments is that they are bad for the health of those living in them. The Arizona Center for Problem-Oriented Policing simply notes that "homeless encampments can be dangerous to health." Garbage in these camps attracts rats; food cannot be stored nor dishes washed, leading to more food-borne disease; toilets are often not available

so waste is scattered about living areas; diseases spread easily in close and unsupervised quarters; unprotected cooking and heating fires can get out of control; and so forth. One Boston camp tested positive for coronavirus at rates 25 times the level of the rest of the city. Due largely to its unsheltered homeless population, San Francisco now has over 28,000 reports of human feces on the streets per year.⁶

Violence in these camps can also be endemic. One small Florida homeless encampment had 3 homicides in 10 months. One California encampment had 5 shooting deaths in one month. Although general statistics on the health of unsheltered and camping homeless is hard to come by, in Los Angeles, which has some of the largest open camps in the developed world, 3 homeless people die in street encampments every day, or 1,000 a year, a rate of death higher than those of combat soldiers in Iraq and Afghanistan.⁷

Nearby neighborhoods also suffer from homeless encampments. Human waste and garbage can pollute watersheds and occasionally be carried onto other property. Studies have shown that areas next to homeless encampments have higher levels of petty and serious crime, especially theft, armed robbery, rape, and aggravated assault.⁸ The encampments also frighten nearby homeowners,

⁵ Rebecca Cohen, Will Yetvin, Jill Khadduri, "Understanding Encampments of People Experiencing Homelessness and Community Responses: Emerging Evidence as of Late 2018," Abt Associates, January 7, 2019, <https://www.huduser.gov/portal/sites/default/files/pdf/Understanding-Encampments.pdf> Julie Hunter, Paul Linden-Retek, Sirine Shebaya, Samuel Halpert, "Welcome Home The Rise of Tent Cities in the United States," National Law Center on Homelessness & Poverty, March 2014, https://law.yale.edu/sites/default/files/documents/pdf/WelcomeHome_TentCities_final_report.pdf ngeles- In previous generations, so-called "hobo jungles" often arose near railroad tracks, but they were usually miles outside of nearby towns. Kenneth Kusmer, *Down and Out, On the Road* (New York: Oxford University Press, 2003), 135.

⁶ For waste, Ben Gilbert, "People are pooping more than ever on the streets of San Francisco," Business Insider, April 19, 2019, <https://www.businessinsider.com/san-francisco-human-poop-problem-2019-4#:~:text=Between%202011%20and%202018%2C%20San,increased%20to%20more%20than%2028%2C000.> And Boston Taylor Romine, "'We need to fix it quickly.' Asymptomatic coronavirus cases at Boston homeless shelter raise red flag," CNN, April 17, 2020, <https://www.cnn.com/2020/04/17/us/boston-homeless-coronavirus-outbreak/index.html>

⁷ For violence Walter Pacheco, "Homeless camp is site of 3rd killing," Orlando Sentinel, August 23, 2007, <https://www.orlandosentinel.com/orl-db-homicide-stephenking-story.html> Sam Levin, "More than 1,000 homeless people died in Los Angeles county last year," The Guardian, October 30, 2019, <https://www.theguardian.com/us-news/2019/oct/30/homeless-deaths-los-angeles-county>

⁸ Sharon Chamard, "Homeless Encampments," ASU Center for Problem-Oriented Policing, January 2010, <https://popcenter.asu.edu/content/homeless-encampments-0>

drive away businesses, and prevent the use of public space and public parks.

Despite claims that insufficient shelter is the reason for these encampments, most studies show that many of the chronically homeless on the streets or in encampments do not want to go into existing shelter programs. Surveys of those in encampments find that many, from 25% to 41%, say that they would not go into shelters if the camp were closed. Larger numbers say that if forced to leave, they would just move to another camp or city.⁹ In practice, when options are provided, even larger proportions refuse to accept them. Burien, Washington, a majority minority city near Seattle, recently had around 100 homeless people on the streets and in encampments. After they instituted a camping ban, and gave ample warning and options for treatment, all except 6 left the city rather than accept shelter and services, and there was only one arrest when clearing the public space.¹⁰ Similarly, in the recent legal case of *Martin v. City of Boise*, the 9th Circuit Court of Appeals mandated that Boise, Idaho and other cities could not remove homeless people from public spaces without “sufficient” shelter, but the court ignored the fact that despite hundreds of homeless people on Boise’s streets, there had never been a night in which the city’s three main shelters had been full.¹¹

The reality is that existing encampments are dangerous, but city and state governments refuse to close them because they fear that the current alternatives are insufficient. But cities do have the ability to end these encampments while providing

better alternatives that actually help the homeless get back on their feet.

THE TYPES OF SHELTER THE HOMELESS NEED

There are several ways to help those in homeless camps return to better environments. They are described below in order of ascending cost and the amount of structured services required.

For many, homelessness is less the result of the absence of a home than the absence of a friend and family network. That is why most cities, even very progressive coastal cities, run “family reunification” programs that offer to connect homeless people to their often distant families again, and pay for transportation. Although derided as mere “greyhound therapy” by some, there are few things more helpful than returning a person to the support structure that knows them best. As an option and not a mandate, it is appropriate and helpful.¹²

Another simple solution is to open “safe parking” spaces for those who still own a car but don’t have a residence. These homeless individuals are the most likely to be able to get back on their feet and return to work. These spaces can be set up with minimal cost on public lots with some basic utility attachments and bathrooms. The City of San Diego provided safe parking lots at the cost of \$165,000 a year each, and each of these lots hosted about 350 homeless individuals over the course of the year, for an annual cost of about \$500 per person.¹³ Additionally, temporary

⁹ Sharon Chamard, “Homeless Encampments,” ASU Center for Problem-Oriented Policing, January 2010, <https://popcenter.asu.edu/content/homeless-encampments-page-3>

¹⁰ Christopher F. Rufo, “Enforcement Works,” *City Journal*, August 23, 2019, <https://www.city-journal.org/reducing-street-homelessness-burien-washington>

¹¹ Theodore H. Frank, “*City of Boise v. Robert Martin et. al*” September 25, 2019, <https://media4.manhattan-institute.org/sites/default/files/eide-amicus-Boise-09252019.pdf>

¹² “Family Reunification Program,” Downtown San Diego, <https://downtownsandiego.org/family-reunification-program/>

¹³ Lisa Halverstadt, “The Spike in City Spending on Homelessness Aid Is Clear, but the Results Are Murkier,” *Voice of San Diego*, January 9, 2019, <https://www.voiceofsandiego.org/topics/government/the-spike-in-city-spending-on-homelessness-aid-is-clear-but-the-results-are-murkier/> Amanda Shotsky, “Mayor Faulconer to expand Safe Parking Program for homeless in San Diego,” *CBS8*, April 16, 2019, <https://www.cbs8.com/article/news/politics/mayor-faulconer-to-expand-safe-parking-program-for-homeless-in-san-diego/509-e9df27a4-59e4-49d4-9f22-30de445f37ed>

assistance to landlords to accept the temporarily homeless, or “rapid rehousing,” is a solution that sometimes prevents a further spiral into despair, especially when combined with services.¹⁴

Another solution for those caught in encampments, but who still value some of their freedom, is “structured camping facilities,” or encampments that are overseen by the government. These facilities allow the homeless to bring their property and tents inside, but are accompanied by police patrols and cleaning. The main complaints of the homeless about these camps are usually their distance from services, food, and public transportation. There are ways to ensure these amenities in the camps at minimal expense. For instance, the government may open “day resource centers” where the homeless can stay during the daytime and be provided with basic social services that are more often located downtown, often in the midst of busy commercial districts.¹⁵

At a slightly more structured level, Oakland has created “community cabins” (more colloquially known as “tuff sheds”) that cost \$30,000 to build and \$18,000 a year to maintain with services. Other places in lower-cost states have built shelters for as little as \$10,000 a unit.¹⁶ By contrast, Austin spends \$28,000 a year per

homeless individual for its direct homeless and shelter services, without taking into account other expenditures such as hospitalization and jail time.¹⁷

Finally, for those homeless individuals who have been on the streets for at least a year, known as the “chronically homeless,” and who show little indication that they can return to support on their own, the state can assist in the creation of competitively-provided Permanent Supportive Housing (PSH) or supportive service contracts. Today, most PSH contracts with states and cities just reward providers for keeping open beds or warehousing residents. Even the few PSH Pay-for-Performance programs in existence mainly try to reward providers for keeping the homeless inside the housing program, as opposed to improving the homeless’s overall well-being. Instead, cities could provide PSH and service contracts that actually try to help the homeless improve their lives.¹⁸

All of these types of shelter and services have benefits for different groups. But one problem in providing such homeless services is that neighbors can be opposed to them. There are many reasons, from crime to property values, to be legitimately worried about nearby homeless services and shelters. The solution is to enforce

¹⁴ “Performance Benchmarks and Program Standards,” National Alliance to End Homelessness, March 2016, <https://endhomelessness.org/wp-content/uploads/2016/02/Performance-Benchmarks-and-Program-Standards.pdf> Although rapid rehousing without service or caser management seems to have little positive effect, adding these requirements to private housing vouchers that are cheaper than Section 8 housing vouchers shows promise. Kevin C. Corinth, “What should we do about homeless families? Comments on the Family Options Study,” AEI, August 2015, <https://www.aei.org/wp-content/uploads/2015/08/What-should-we-do-about-homeless-families.pdf>

¹⁵ Theodore H. Frank, “City of Boise v. Robert Martin et. al” September 25, 2019, <https://media4.manhattan-institute.org/sites/default/files/eide-amicus-Boise-09252019.pdf>

¹⁶ “Oakland Unveils Newest Rapid-Rehousing Facility and City Council Passes \$8.6 Million Emergency Funds for Homeless Services,” City of Oakland, October 31, 2018, <https://www.oaklandca.gov/news/2018/oakland-unveils-newest-rapid-rehousing-facility-and-city-council-passes-8-6-million-emergency-funds-for-homeless-services>.

“Oakland’s ‘Tuff Sheds’ Not Tough Enough In Battle Against Homelessness,” KPIX CBS SF Bay Area, September 24, 2018, <https://www.youtube.com/watch?v=szEZfKj2pSY>

Erika Lundahl, “Tiny Houses for the Homeless: An Affordable Solution Catches On,” Charter for Compassion, <https://charterforcompassion.org/problem-solving/tiny-houses-for-the-homeless-an-affordable-solution-catches-on>

¹⁷ Echo Austin & Politifact. <https://www.politifact.com/factchecks/2019/oct/17/greg-abbott/how-much-does-city-austin-spend-homeless-person/> As Politifact notes, some of this spending is spent on people who are no longer homeless, but at the same time, much spending outside of the homeless budget also goes to homeless individuals, so if anything the total is an underestimate.

¹⁸ J.B. Wogan, “Can Homelessness Programs Make Money -- and Should They?,” Governing, June 2018, <https://www.governing.com/topics/health-human-services/gov-money-for-homeless.html>

even higher levels of public safety and cleaning around them than were enforced before. Mayor Kevin Faulconer of San Diego made a promise that any homeless shelter would be accompanied by a public assurance that the area around it would be both safer and cleaner than it was before the site came, and since then his city council has voted to expand the services programs to more areas, with minimal neighborhood opposition.¹⁹

As this section has made clear, there are a myriad of different shelter arrangements for the homeless, all of which are superior to current encampments and can provide for different homeless populations at reasonable costs. There is no reason for mayors or local officials to claim that they have to allow current encampments to continue in lieu of better alternatives.

REFORMING MENTAL HEALTH TREATMENT

Simply getting the unsheltered homeless into safe environments is important, but for many it is not enough. Nationally, 28% of the homeless report having a severe mental illness. Local numbers are hard to come by, but in large cities such as Dallas, that number can go up to 43%.²⁰ Although homelessness surveys don't provide specific mental health statistics for the chronically homeless and unsheltered populations, it is doubtless that the vast majority of the homeless

with mental illnesses are among these groups. Unfortunately, the deinstitutionalization of the mentally ill and continuing, usually overstated, concerns about civil liberties has created a reluctance to push them into treatment, leading to tens of thousands of unsupervised mentally ill homeless on our streets. Yet the mentally ill need public compassion and attention more than anyone.

Right now, for the severely mentally ill who need inpatient treatment in Texas, one problem is that the state has two standards for those who can potentially be ordered for treatment: there is one for emergency evaluation and one for actual admittance. This can lead to the inappropriate scenario where someone is evaluated to be a danger to himself or others in first evaluation, but does not meet the separate criteria for actual admission.²¹ Texas law also only allows a maximum of 48 hours of inpatient treatment, which is too short to stabilize most patients. Finally, the language on inpatient commitment is ambiguous and vague. Besides other criteria, an individual can only be committed if they present "a danger to self or others," but the law does not clarify that the danger can involve inability to take care of oneself, allowing long-term deterioration and self-destruction without any intervention.

There are other problems with what is known as "Assisted Outpatient Treatment" (AOT) for those

¹⁹ CBS News 8 Team, "Mayor announces three tent shelters around San Diego for homeless," CBS8, September 13, 2017, <https://www.cbs8.com/article/news/mayor-announces-three-tent-shelters-around-san-diego-for-homeless/509-cdcod945-5900-46ea-940a-4be5454d1b8a>; Kevin Faulconer, "How San Diego Cleaned Up Its Act—And Got Real On Homelessness," Hoover Institution, October 30, 2019, <https://www.hoover.org/research/how-san-diego-cleaned-its-act-and-got-real-homelessness> At the same time he ensured that people could not camp without consequence on city streets, Cody Dulaney, "San Diego police issue twice as many illegal lodging tickets to homeless during pandemic," inewsourc, May 25, 2020, <https://inewsourc.org/2020/05/25/san-diego-police-ticket-homeless-pandemic/>. Austin has made a similar pledge, of sorts. After it ended its laws against camping last year, it made an exception for the area around the main homelessness service center, the ARCH, to ensure that it didn't attract excessive community attention.

²⁰ Sara Durr, "Mayors Examine Issues of Homelessness and Hunger in America," The United States Conference of Mayors, December 8, 2016, <https://www.usmayors.org/2016/12/08/mayors-examine-issues-of-homelessness-and-hunger-in-america/> <https://www.ourcalling.org/mental-healthcare-crisis-dallas/#:~:text=The%20homeless%20community%20of%20Dallas,homeless%20are%20severely%20mentally%20ill>.

²¹ Adult Protective Services Handbook, Texas, https://www.dfps.state.tx.us/handbooks/aps/files/APS_pg_4800.asp

severely mentally ill whose condition is not severe enough to warrant inpatient treatment. For one, Texas does not have a “psychiatric deterioration standard,” which means courts cannot examine the likelihood that the individual will continue to mentally deteriorate without assistance as a reason for admitting someone to treatment. It also allows an initial order of assisted outpatient treatment for only 90 days, which is often not enough to stabilize a mentally ill individual, especially when they remain on the streets.²²

A few basic reforms to mandated mental health treatment, which would clarify the standards of admittance and extend times for supervision, when combined with reforms to the mental health and drug treatment courts described below, would help a significant portion of the unsheltered homeless population.

WHAT THE STATE CAN DO

First, the state should do all it can to end encampments and move people to safer environments. The state can and should ensure clean-ups of encampments on state land, including land under or around state highways, and provide alternatives.²³ Governor Greg Abbot recently cleared some of the state Transportation

Department land and opened nearby structured camping facilities. The state can and should expand these to provide alternatives to any camps on state public land.²⁴

The state also can use its fiscal clout to encourage cities to do better. Texas provides about \$5 million a year in Emergency Solution Grants (ESG) as part of a federal program to “Continuums of Care” (CoCs) that run local homeless services. These grants focus on immediate shelter for those in dire need. The state also offers, on its own, Healthy Community Collaboratives grants (\$25 million), Reducing Youth Homelessness grants (\$1.5 million) and Ending Homelessness grants (\$150,000) to CoCs for a range of short-term homeless services.²⁵ The state should allocate these grants only to those CoCs and cities that show consistent declines in unsheltered homelessness. If a city or CoC region shows any significant increase in unsheltered homeless, it should lose its grants. The grant allocations should also be redirected to focus on only three possible programs, structured camping facilities, open parking spaces, and community cabins, provided at costs below \$15,000 per unit, as the most efficient shelter services. The state should also mandate that all CoCs create “By Name Lists” so that they know everyone who

²² Lisa Dailey et.al, “Grading the States: An Analysis of Involuntary Psychiatric Treatment Laws,” Treatment Advocacy Center, <https://www.treatmentadvocacycenter.org/storage/documents/grading-the-states.pdf>

²³ Texas Transportation Code §472.012;
In Austin, the state TxDOT began cleaning up encampments after bridge inspectors had trouble accessing overpasses, but the city had technically agreed to take over the duty in 1986. Christopher Neely, “Clearing of homeless camps under state highway overpasses will continue despite Austin’s loosened public camping laws,” Community Impact Newspaper, July 11, 2019, <https://communityimpact.com/austin/central-austin/city-county/2019/07/11/clearing-of-homeless-camps-under-state-highway-overpasses-will-continue-despite-austins-loosened-public-camping-laws/>. If an encampment outside of state land becomes a public health risk due to an outbreak of disease, the governor can potentially order a quarantine and clear the site, but this should only be used in true emergency situations. Texas Health and Safety Code §81.084: Application of Control Measures to Property

²⁴ Ashley Killough, Ed Lavandera and Joel Delarosa, “Texas governor orders cleanups of Austin homeless encampments after the city relaxed its laws,” CNN, November 5, 2019, <https://www.cnn.com/2019/11/05/politics/austin-homelessness/index.html>

²⁵ Home and Homelessness Programs, Texas Department of Housing and Community Affairs, <https://www.tdhca.state.tx.us/home-division/> “Housing and Urban Development,” Code of Federal Regulations, April 1, 2017, <https://www.govinfo.gov/content/pkg/CFR-2018-title24-vol3/xml/CFR-2018-title24-vol3-part576.xml#seqnum576.409> HUD still has to approve each state and local government’s “consolidated plan.” The overall allocation to states, cities, and other entities is the same as for the CDBG program, for some reason, but the state’s portion still has significant discretionary capability, and almost no restrictions in the state code about how to allocate these funds: <https://statutes.capitol.texas.gov/Docs/GV/hm/GV.2306.htm>

comes into the shelter system and can track them over time.²⁶

The state also offers Homeless Housing and Service Program (HHSP) grants out of its own funds, also at about \$5 million a year, which focus on more long-term homeless services.²⁷ As with the short-term grants, HHSP grants should be allocated only to cities that show consistent declines in unsheltered homelessness, and funding should be cut off if cities fail to meet these goals. More importantly, every dollar of these grants should go to Pay-For-Performance housing and service contractors, rather than unconditioned PSH contracts.

The Pay-For-Performance Model should be based on three key metrics. Service providers should receive about \$20,000 a year from the funds that the city currently spends directly on shelter services. The providers should support their homeless clients in any way they see fit to improve the three key metrics, the number of days unhoused; the number of days incarcerated; and the number of days hospitalized. The state should provide performance contracts to nonprofits who promise to reduce these three metrics relative to baselines established by surveying the rest of the homeless population, with \$10 for reduction in days unhoused, \$100 for reductions in days

incarcerated, and \$1,000 for reductions in days hospitalized. If we set the expected baseline of homeless costs around the US Department of Housing and Urban Development level, of about \$35,000 of hospitalization costs and \$10,000 of incarceration and crime costs a year, the state, local governments, and nonprofits could save thousands of dollars a year due to even slight improvements in outcomes for the homeless.²⁸

The state also offers public safety grants to cities, and there are two ways that these can be repurposed to focus on the needs of the homeless population. First, the state can ensure that grants to cities with above-average unsheltered homeless populations go to Homeless Outreach Teams (HOTs), which are trained to deal with homeless individuals and get them into treatment.²⁹ Houston created a HOT in 2011, and it is now composed of nine police officers and four case managers that have helped Houston to reduce its homelessness by half since its creation. Its success should be replicated across the state. The State Criminal Justice Planning Fund (\$25 million a year), and grants passed down through the federal Justice Assistance Grant Program (about \$13 million a year), can be repurposed to focus on the needs of homeless offenders and victims by redirecting 25% of those grants into HOTs for any city with above-average street homelessness. These HOTs

²⁶ This surprisingly simple and obvious reform is very recent and is still not required by many cities. Jake Maguire, "The By-Name List Revolution," Community Solutions, April 6, 2018, <https://community.solutions/the-by-name-list-revolution/>

²⁷ "State & City Funded Rental Housing Programs," National Low Income Housing Coalition, May 4, 2016, <https://reports.nlihc.org/rental-programs/catalog/homeless-housing-and-services-program> The legislative direction for this is fairly open and most reforms can be done by administrative code. Legislation: <https://statutes.capitol.texas.gov/Docs/GV/htm/GV.2306.htm> Administrative Code: [https://texreg.sos.state.tx.us/public/readtac\\$ext.ViewTAC?tac_view=5&ti=10&pt=1&ch=7&sch=D&rl=Y](https://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=5&ti=10&pt=1&ch=7&sch=D&rl=Y) "H.B. No. 1 General Appropriations Act Eighty-Sixth Legislature," https://www.lbb.state.tx.us/Documents/Appropriations_Bills/86/Conference_Bills/86R_HB1-F.pdf The current requirements for Supportive Housing Services funded by the state mental health services demand that they use a "Housing First" Model. This requirement should be removed for a focus on shelter and performance-based services. <https://www.tdhca.state.tx.us/tich/doc/s/2018-AnnualReport.pdf>

²⁸ The budgetary implications for this would be unclear if it was an addition to current HHSP funds, since most of the \$10,000 criminal justice savings are not on budget, and around \$15,000 of the state hospitalization expenses are Medicaid, of which are 60% paid for by the federal government, but since the funds for this will come entirely out of existing HHPD, it will at worst be revenue neutral.

²⁹ Almost all of the costs are hospital related. In New York, hospitalization costs are \$35,000 a year for the chronically homeless, and prison and jail costs are only about \$1,000 a year. If we estimate the social cost of crime as a multiple of this, considering that some crimes are not detected and the costs of crime are also borne by the public, we can estimate \$10,000 a year in criminal costs. Costs. "Supportive Housing is Cost Effective," National Alliance to End Homelessness, January 2007, http://ceh.org/wp-content/uploads/2015/04/supportive_housing_brief.pdf HUD sets expected costs per hospitalization event and jail time, and these can be used to compute the total. Brooke Spellman et al., "Coast Associated With First-Time Homelessness for Families and Individuals," HUD, March 2010, https://www.huduser.gov/publications/pdf/costs_homeless.pdf

will be required as a condition of the grant to get the homeless into shelter conditions and treatments.³⁰

The state can also ensure that its community courts grant dollars are focused on mental health and drug treatment courts, which have shown success in pushing individuals into treatment. Right now, many of the state's community or specialty courts are reluctant to push individuals into treatment, but the state's "Drug Courts" and "Specialty Courts" grants (\$2 million a year) can be conditioned on moving a larger proportion of all drug and mental health cases through the system (as opposed to the normal jail system) and processing cases faster.³¹ Any city that reduced the proportion of all arrests in the system going to specialty courts for two years in row would lose their specialty court funding, as would any city that did not process the majority of drug and mental health court cases in 45 days (otherwise the referrals from the specialty courts would take place long after the possibility of helping the individual in a crisis had passed).³²

The state can also reform its inpatient and AOT mental health treatment laws to ensure that those with severe mental illnesses get immediate treatment and can be stabilized. Inpatient treatment should be at least three days and outpatient treatment should be supervised for at least six months. At the same time, the state

should clarify that "psychological deterioration" is a justifiable reason for the state to intervene before someone's mental illness causes long-term consequences, and the state should include inability to take care of oneself as part of an evaluation of self-harm. At every step in this process, courts can and will supervise the treatment both to ensure that the individual improves, and also that their basic civil liberties are respected. The individuals will still have the ability to appeal any treatment programs to the regular courts.³³ As part of the AOT program, the state, like 16 other states, can ask for federal waivers that apply Medicaid funding to case management for homeless individuals.³⁴ All of these changes will help ensure that mentally ill individuals receive the treatment they need.

Finally, the state can shame cities into doing better. By ending camps on state land and creating viable alternatives that are safer, more affordable, and better for the homeless than large encampments, the state can help end cities' quiet acquiescence in this tragedy.

CONCLUSION

In the early 2000s, Los Angeles's Skid Row was an international scandal of misery and decay. In 2006, LAPD Commissioner William Bratton

³⁰ "Homeless Outreach Team (HOT)," Houston Police Department, <https://www.houstoncit.org/hot/> "Grants over \$25,000 Administered by the Office of the Governor," The State of Texas Governor, 2013, <https://gov.texas.gov/organization/financial-services/grants> "H.B. No. 1 General Appropriations Act Eighty-Sixth Legislature," https://www.lbb.state.tx.us/Documents/Appropriations_Bills/86/Conference_Bills/86R_HB1-F.pdf <https://external.ojp.usdoj.gov/selector/awardDetail?awardNumber=2018-DJ-BX-0485&fiscalYear=2018&applicationNumber=2018-H3317-TX-DJ&programOffice=BJA&po=BJA> "Funding Announcement: Specialty Courts Program, FY2021," Office of the Governor, Public Safety Office, https://www.county.org/TAC/media/TACMedia/Legislative/Grant-Opportunities/SF-Spec_Courts_Announce-com_PY21.pdf

³¹ For instance, the Travis County Adult Drug Diversion Court has continuously reduced those referred to the court, even while requesting increased funding from the state specialty court grants. Editorial Board, "Transparency, accountability needed at Travis County Drug Court," Statesman, September 25, 2018, <https://www.statesman.com/news/20160904/transparency-accountability-needed-at-travis-county-drug-court>

³² See current demands in Title 2, Subtitle K, Specialty Courts section: t-code/title-2/subtitle-k/

³³ Treatment Advocacy Center, <https://www.treatmentadvocacycenter.org/texas>

³⁴ "From the Field: Wisconsin Biennial Budget Includes Rare Increase for Homeless Services," National Low Income Housing Coalition, Sep 25, 201, <https://nlihc.org/resource/field-wisconsin-biennial-budget-includes-rare-increase-homeless-services>

began a program called "Safer City," which cleaned up homeless camps in Skid Row and pushed people into shelter and treatment. It reduced homelessness and crime on Skid Row by half. When this program was reversed years later, all of the old problems returned, and the number of deaths on Skid Row doubled.³⁵

Similarly, in Austin, after the city ended its anti-camping ordinance, unsheltered homeless went up by 50% in a year, while the number of people in shelters dropped by 20%. Violent and property crime among the homeless themselves increased by over 15% as people returned to dangerous streets.³⁶ Despite any claims of compassion, continuing to allow ubiquitous street camping does not help the homeless.

The state of Texas can help end the dangerous encampments in its cities and help the homeless rebuild their lives. We know how to achieve this goal and we should help communities, including the homeless in those communities, by reducing street homelessness.

³⁵ Sam Levin, "More than 1,000 homeless people died in Los Angeles county last year," The Guardian, October 30, 2019, <https://www.theguardian.com/us-news/2019/oct/30/homeless-deaths-los-angeles-county>)

³⁶ Mark D. Wilson, "Austin sees 11% increase in homeless count, 45% increase in unsheltered population," Statesmen, May 19, 2020, <https://www.statesman.com/news/20200519/austin-sees-11-increase-in-homeless-count-45-increase-in-unsheltered-population#:~:text=The%20latest%20total%20of%20homeless,population%20took%20place%20on%20Jan.>