

239 North Olympic Ave.  
Arlington, WA 98223  
Phone: 360 - 925 - 6521  
Fax: 360 - 386 - 4005

U.S Department of Housing and Urban Development  
Attention: FOIA Appeals  
Office of Ethics and Appeals Law Division  
Office of General Counsel  
451 Seventh Street, SW Suite 2130  
Washington, DC 20410

Re: FOIA Control No: 18-FI-HQ-01615/ Fee waiver

June 25, 2018

Dear Office of General Counsel,

I requested information, on behalf of the Church of the Gardens, related to the Annual Homeless Assessment Report. under the Freedom of Information Act (5 U.S.C. 552). Specifically, I requested the scope of the study and analysis which explain the following:

How people are counted who don't use emergency shelters and transitional housing.

How death rates of homeless people are recognized in this research.

If any variables were used to account for people who were in hospitals and other institutions.

Why the count period used for this report is from January.

What variables are used for *zero provider communities*, if any, to inform Congress of the homeless people who live in those areas.

What happens to data from communities which don't meet standards.

Define usable data and/or unusable data.

How the study is funded and what it costs.

On June 5, 2018 I received a letter informing me the request for a fee waiver had been denied because the Department is obligated to safeguard the public treasury by refusing to grant waivers except as provided by the FOIA. The reason listed on the letter follows: *Under the FOIA, requesters deemed other requesters generally pay HUD's search and review costs, except for the first two hours of search (or review) time, and photocopying costs in excess of 100 pages. Therefore, your request for a fee waiver is denied.*

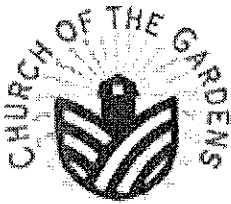
Church of the Gardens appeals to your office for reconsideration in this matter.

24 C.F.R. sec. 15.110 k (5) Requests for the waiver or reduction of fees should address the factors listed in paragraphs (k)(2) and (3) of this section, insofar as they apply to each request.

Each element necessary to resolve this appeal for a waiver of fees is addressed separately for your consideration.



*A place where people are helping people*



239 North Olympic Ave.  
Arlington, WA 98223  
Phone: 360 - 925 - 6521  
Fax: 360 - 386 - 4005

24 C.F.R. sec. 15.110 k (2) (i) The subject of the requested records should concern identifiable operations or activities of the Federal Government, with a connection that is direct and clear, not remote or attenuated.

HUD uses information collected by communities and determines what data is reported to Congress. The Annual Homeless Assessment Report (AHAR) is completed on a yearly basis, and is used by Congress for decision-making with the purpose of appropriating funds. Funds appropriated were paid for by the public.

24 C.F.R. sec. 15.110 k (2) (ii) The disclosable portions of the requested records should be meaningfully informative about government operations or activities and "likely to contribute" to an increased public understanding of those operations or activities. The disclosure of information that already is in the public domain, in either a duplicative or a substantially identical form, would not be as likely to contribute to such increased understanding, where nothing new would be added to the public's understanding.

The AHAR is 94 pages (90 pages of reading content). The report is based largely on the universal data elements in HUD's Homeless Management Information System (HMIS) Data Standards, and the *point-in-time count* done in January (Henry, Watt, Rosenthal, & Shivji, pg. 6, 2017). The length, and complexity of the report generated from the data elements, make it difficult for many people to understand.

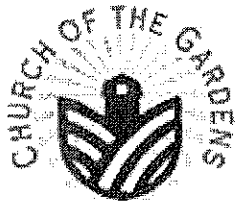
The report confirms at least 553,742 people were homeless during the *point-in-time counts*. Washington State providers turned in data supporting 29 people were homeless per 10,000, and that homelessness had decreased 14% from 2010-2017. It is difficult to appreciate the findings in this report when homelessness in most places seems to be increasing. For practical purposes the report tends to conflict with the homelessness people witness in their communities. This conflict exists because the AHAR excludes many groups of people including:

- people who are sheltered because they're victims of domestic violence
- people who are in jail or hospital
- unborn children of expectant mothers
- people who died because of homelessness
- people the agency has classified as *service resistant*.
- people who for whatever reason avoid being counted, i.e. pet owners
- people who live in rural areas who do not have a reporting community in their area.

People who read the report cannot readily identify this factor when interpreting the information, and could make assumptions that are not accurate. For example, the AHAR provides the following:



*A place where people are helping people*



239 North Olympic Ave.  
Arlington, WA 98223  
Phone: 360 - 925 - 6521  
Fax: 360 - 386 - 4005

#### Since 2016

- The number of homeless veterans increased by 585<sup>1</sup> people between 2016 and 2017.
- This 2016-2017 increase was driven entirely by an 18 percent increase in the number of veterans experiencing homelessness in unsheltered places (2,299 more veterans). Partly offsetting the increase in unsheltered veterans, the number of sheltered veterans decreased by 1,714 people (or 7%) (Henry et al. p. 52, 2017).

These bulleted points follow in succession; although, if the first figure is accurate, it is impossible for the second set of figures to be accurate. It's also important to note the report findings show 36 states had a decrease in homeless veterans, but Washington had experienced the second largest absolute increase for the numbers of homeless veterans overall. Our state also experienced the highest percentage increase. (Henry et al. p. 54, 2017). In fact, the number of homeless veterans increased by 41% last year.

These findings are concerning, but contrary to the overall message sent to decision makers. Many of who, probably read the first few pages of the report, and gave a sigh of relief when they learn homelessness had gone down 14% in the last seven years. However, there's no sigh of relief in Washington.

The AHAR includes individuals who use services. Almost half of the veterans accounted for in Washington were unsheltered. And we have a number of small communities with little or no services available for men. For example, there is no homeless shelter on Whidbey Island near the Naval Air Station. It's impossible to determine why the homeless veteran population has increased in Washington by reading the findings from the AHAR; however, some of the answers may lie in the information the Church has requested.

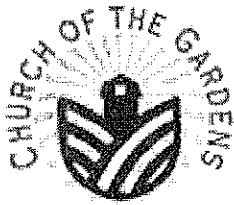
24 C.F.R. sec. 15.110 k (2) (iii) The disclosure should contribute to the understanding of a reasonably broad audience of persons interested in the subject, as opposed to the individual understanding of the requester. A requester's expertise in the subject area and ability and intention to effectively convey information to the public will be considered. It will be presumed that a representative of the news media will satisfy this consideration.

The Church of the Gardens maintains a website that includes publications for public reading. A series was started in 2017 to raise awareness related to homelessness and human suffering. A Blog has been written by Lee Halpin (BA in Social Science, University of Washington) to be included in the *El Abandonado* series which discusses the AHAR. It would be misleading not to include information associated with the process of

---

<sup>1</sup> The "585" is not a typo. This is exactly the number shown on the report.





239 North Olympic Ave.  
Arlington, WA 98223  
Phone: 360 - 925 - 6521  
Fax: 360 - 386 - 4005

data collection. It is not enough for readers to know people are counted in January, and who does the counting; rather, church members need to know why people who are homeless in the rural area where we live are not counted.

24 C.F.R. sec. 15.110 k (2) (iv) The public's understanding of the subject in question, as compared to the level of public understanding existing prior to the disclosure, should be enhanced by the disclosure to a significant extent. However, HUD will not make value judgments about whether information at issue is "important" enough to be made public.

24 C.F.R. sec. 15.110 k (3) To determine whether the second fee waiver requirement is met, HUD will consider the following factors:

(i) HUD will identify any commercial interest of the requester as defined in paragraph (b) of this section, or of any person on whose behalf the requester may be acting, that would be furthered by the requested disclosure. Requesters shall be given an opportunity in the administrative process to provide explanatory information regarding this consideration.

The Advocate's Office for The Church of the Gardens will continue to work with others in pursuing outcomes consistent with the Church's mission, which includes "to minister to and protect those in need such as the hungry, the sick, the poor, the homeless, the indebted, the enslaved, the vulnerable, and all others who are unfairly prevented from exercising their God-given natural rights." You can view the Church of the Gardens full mission statement and website content by visiting: <http://churchofthegardens.org/>

Sincerely,

Scott Stafne, Church Advocate



*A place where people are helping people*