

Requested by SENATE COMMITTEE ON HOUSING AND DEVELOPMENT

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 3124
(INCLUDING AMENDMENTS TO RESOLVE CONFLICTS)**

1 On page 1 of the printed A-engrossed bill, line 2, after “homelessness;”
2 insert “creating new provisions;”.

3 On page 2, after line 42, insert:

4 **“SECTION 1a. If Senate Bill 410 becomes law, section 1 of this 2021**
5 **Act (amending ORS 203.079) is repealed and ORS 203.079, as amended**
6 **by section 1, chapter __, Oregon Laws 2021 (Enrolled Senate Bill 410),**
7 **is amended to read:**

8 “203.079. (1) A policy developed pursuant to ORS 203.077 shall [*include,*
9 *but is not limited to,*] **conform, but is not limited, to** the following[:]
10 **provisions.**

11 **“(2) As used in this section, ‘personal property’ means any item**
12 **that can reasonably be identified as belonging to an individual and**
13 **that has apparent value or utility.**

14 “[*(a)*] (3) [*Prior to*] **Except as provided in subsection (9) of this sec-**
15 **tion, at least 72 hours before** removing homeless individuals from an es-
16 tablished camping site, law enforcement officials shall post a **written** notice,
17 [*written*] in English and Spanish, [*24 hours in advance*] **at all entrances to**
18 **the camping site to the extent that the entrances can reasonably be**
19 **identified.**

20 “[*(b)*] (4)(a) [*At the time that a 24-hour*] **When a 72-hour** notice is posted,

1 law enforcement officials shall inform the local agency that delivers social
2 services to homeless individuals **as to** where the notice has been posted.

3 “[~~(c)~~] **(b)** The local agency may arrange for outreach workers to visit the
4 camping site [*where a notice has been posted*] **that is subject to the notice**
5 to assess the need for social service assistance in arranging shelter and other
6 assistance.

7 “[~~(d)~~] *Except as otherwise provided in paragraph (e) of this subsection:*]

8 “[~~(A)~~] **(5)(a)** All [*unclaimed*] personal property **at the camping site that**
9 **remains unclaimed after removal** shall be given to [*law enforcement offi-*
10 *cial*s *whether 24-hour*] **a law enforcement official, a local agency that**
11 **delivers social services to homeless individuals, an outreach worker,**
12 **a local agency official or a person authorized to issue a citation de-**
13 **scribed in subsection (10) of this section, whether notice is required**
14 **under subsection (3) of this section** or not.

15 **“(b) The unclaimed personal property must be stored in a facility**
16 **located in the same community as the camping site from which it was**
17 **removed.**

18 **“(c) Items that have no apparent value or utility or are in an in-**
19 **sanitary condition may be immediately discarded upon removal of the**
20 **homeless individuals from the camping site.**

21 **“(d) Weapons, controlled substances other than prescription**
22 **medication and items that appear to be either stolen or evidence of a**
23 **crime shall be given to or retained by law enforcement officials.**

24 **“(6) The written notice required under subsection (3) of this section**
25 **must state, at a minimum:**

26 **“(a) Where unclaimed personal property will be stored;**

27 **“(b) A phone number that individuals may call to find out where**
28 **the property will be stored; or**

29 **“(c) If a permanent storage location has not yet been determined,**
30 **the address and phone number of an agency that will have the infor-**

1 **mation when available.**

2 **“(7)(a) The unclaimed personal property shall be stored in an or-**
3 **derly fashion, keeping items that belong to an individual together to**
4 **the extent that ownership can reasonably be determined.**

5 **“(b) The property shall be stored for a minimum of 30 days during which**
6 **it [will] shall be reasonably available to any individual claiming ownership.**
7 **Any personal property that remains unclaimed [for] after 30 days may be**
8 **disposed of or donated to a corporation described in section 501(c)(3)**
9 **of the Internal Revenue Code as amended and in effect on December**
10 **31, 2020.**

11 *“(B) For purposes of this paragraph, ‘personal property’ means any item*
12 *that is reasonably recognizable as belonging to a person and that has apparent*
13 *utility. Items that have no apparent utility or are in an insanitary condition*
14 *may be immediately discarded upon removal of the homeless individuals from*
15 *the camping site.]*

16 *“(C) Weapons, drug paraphernalia and items that appear to be either sto-*
17 *len or evidence of a crime shall be given to or retained by law enforcement*
18 *officials.]*

19 *“(e) For unclaimed personal property located in Multnomah County:]*

20 *“(A) All unclaimed personal property shall be given to a law enforcement*
21 *official, a local agency that delivers social services to homeless individuals,*
22 *an outreach worker, a local agency official or a person authorized to issue a*
23 *citation described in subsection (3) of this section, whether 24-hour notice is*
24 *required or not.]*

25 *“(B) Facilities for storage of personal property under paragraph (d) of this*
26 *subsection must be located within six blocks of a public transit station.]*

27 *“(f) (8) Following the removal of homeless individuals from a camping*
28 *site on public property, the law enforcement officials, local agency officials*
29 *and outreach workers may meet to assess the notice and removal policy, to*
30 *discuss whether the removals are occurring in a humane and just manner*

1 and to determine if any changes are needed in the policy.

2 “[2] (9)(a) The [24-hour] **72-hour** notice [required] **requirement** under
3 subsection [(1)] (3) of this section [shall] **does** not apply:

4 “[a] (A) When there are grounds for law enforcement officials to believe
5 that illegal activities other than camping are occurring **at an established**
6 **camping site**.

7 “[b] (B) In the event of an exceptional emergency [such as] **at an es-**
8 **tablished camping site, including, but not limited to,** possible site con-
9 tamination by hazardous materials [or when there is], **a public health**
10 **emergency or other** immediate danger to human life or safety.

11 “(b) **If a funeral service is scheduled with less than 72 hours’ notice**
12 **at a cemetery at which there is a camping site, or a camping site is**
13 **established at the cemetery less than 72 hours before the scheduled**
14 **service, the written notice required under subsection (3) of this section**
15 **may be posted at least 24 hours before removing homeless individuals**
16 **from the camping site.**

17 “[3] (10) A person authorized to issue a citation for unlawful camping
18 under state law, administrative rule or city or county ordinance may not
19 issue the citation if the citation would be issued within 200 feet of [the] a
20 notice [described in] **required under subsection (3) of this section** and
21 within two hours before or after the notice was posted.

22 “(11) **Any law or policy of a city or county that is more specific or**
23 **offers greater protections to homeless individuals subject to removal**
24 **from an established camping site preempts contrary provisions of this**
25 **section.”.**

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