



Testimony in Support of House Bill 3115
House Committee on Judiciary

Speaker of the House Tina Kotek
March 9, 2021

Chair Bynum, members of the committee, thank you for the opportunity to testify today in support of House Bill 3115.

Oregon has been in the midst of a housing crisis for at least the last five years. Even prior to the challenges brought on by the pandemic, local governments didn't have enough shelter space for everyone who needed it, let alone enough permanent affordable housing options. We all know the number of unsheltered Oregonians has increased. In the last year, the pandemic has created additional risks for individuals experiencing homelessness and has made physical distancing a necessity.

In 2019, the federal court ruling in the case of *Martin v. City of Boise* required local governments to reconsider how they treat people who are experiencing homelessness. This bill is the product of a workgroup process to operationalize and affirm the principles of that landmark decision at the local level. This bill will ensure that individuals experiencing homelessness are protected from fines or arrest for sleeping or camping on public property when there are no other options. Without adequate alternatives like housing, shelter, and safe camping spaces, individuals are left with no option but to sleep outside in public spaces – in a park, under an overpass, or wherever they can find shelter and safety.

House Bill 3115 affirms a key principle of current case law: if a city chooses to regulate “survival activities” like sitting, lying, sleeping or keeping warm and dry, those laws must be reasonable. They must take into account the resources available to houseless individuals and the impact of the regulations on persons experiencing homelessness. If local communities already have laws on the books that are in compliance with the *Boise* decision, they will not have to update their ordinances.

Let me be clear: local governments should be following the federal ruling regarding enforcement against people experiencing homelessness right now. My hope is that local governments that have not yet reckoned with the *Boise* decision will take the opportunity to engage in a transparent, public process to update their ordinances, find ways to expand their shelter capacity, and make the rules clear for all. House Bill 3115 clarifies what they should be doing and/or working toward right now.

I want to thank the Oregon Law Center, the League of Oregon Cities, and others for their hard work and collaborative effort over many months to memorialize the *Boise* decision in a way that works for Oregon.

Thank you for your time and consideration of this important issue.