



HOUSING ALLIANCE

March 9, 2021

House Committee on Judiciary
Oregon State Legislature
900 Court Street NE
Salem, OR 97301

Dear Chair Bynum, Vice-Chair Noble, Vice-Chair Power, Members of the Committee:

I am writing to you today on behalf of the Oregon Housing Alliance to share our support for HB 3115.

The Oregon Housing Alliance is a coalition of more than ninety organizations from all parts of the state. Our members have come together with the knowledge that housing opportunity is the foundation on which all of our success is built – individual success as students, parents, workers, and community members as well as the success of our communities.

We represent a diverse set of voices including affordable housing developers, residents of affordable housing, local jurisdictions, and organizations working to meet basic needs in every corner of our state.

A safe and stable place to call home is a basic human need.

We know that prior to the pandemic, many seniors, families, and people who experience disabilities are paying too much of their income towards rent, and may be experiencing housing instability. In Oregon, three out of four households with extremely low incomes pay over half of their income towards rent. When people pay a significant portion of their income towards rent, they have too little money left over for food, medicine, utilities, and an emergency may mean they end up experiencing homelessness.

Oregon also has one of the highest rates of people experiencing unsheltered homelessness, meaning they are sleeping outside, in a tent, or a car. In 2019, Oregon Housing and Community Services commissioned a study of shelter¹ in our state, and found that Oregon is one of four states where more than half of people experiencing homelessness don't have access to shelter. In Oregon, 61% of people experiencing homelessness are unsheltered. This high rate is directly due to the lack of availability of shelter in our community. In addition, some people seeking shelter are unable to access it due to barriers in shelter – they cannot stay with their partner or their pet because of shelter capacity or policy.

It is important to note that people of color disproportionately experience homelessness and housing instability due to historic and systemic discrimination in housing and employment, and

¹ <https://www.oregon.gov/ohcs/ISD/RA/Oregon-Statewide-Shelter-Study.pdf>

many other factors. People experiencing unsheltered homelessness are disproportionately people of color, compared to their percentage of the general population. In Oregon, the 2019 Point in Time count² showed that while Black Oregonians make up 1.9% of the general population, they make up 6% of people experiencing homelessness who were counted in 2019.

Multnomah County's 2019 Point in Time Count report³ notes:

“Institutional, systemic and interpersonal racism are among the structural causes of homelessness. The main consequence is an overrepresentation of communities of color in the homeless population. This means that there are disproportionately high rates of people identifying with various racial and ethnic groups in the homeless population as compared to their share of the general population.”

The national Supporting Partnerships for Anti-Racist Communities (SPARC) report on homelessness and disparities notes⁴: *“Although Black people comprise 13% of the general population in the United States and 26% of those living in poverty, they account for more than 40% of the homeless population suggesting that poverty rates alone do not explain the over-representation.”*

Systemic racism and the racism found in housing and employment (and other systems) is one of the structural causes of homelessness. BIPOC communities who disproportionately experience homelessness, and unsheltered homelessness, are more likely to experience the many negative consequences of unsheltered homelessness. A recent study by Portland State University's Homeless Research Action Collaborative found:

“The results of the survey reveal profound racial disparities even in basic answers about who accesses shelter or who pitches tents. More than 1 in 4 people of color slept on the streets without a tent compared to only 1 in 10 people who are white.”⁵

Recent research by the Connecticut Coalition to End Homelessness⁶ indicates strong linkages between incarceration, homelessness, and criminalization of homelessness, and significant racial disparities.

People experiencing homelessness are our neighbors and members of our community.

People experiencing homelessness often are penalized for doing things many of us take for granted - sitting, sleeping and keeping warm and dry. This type of law enforcement does not help us keep people experiencing unsheltered homelessness safe, and the enforcement of “quality of life” laws against people who have no alternative but to try to survive outside does nothing to help end their homelessness. In fact we know that arrests, fines, and citations can only add barriers to people ending their homelessness and getting back into housing by adding criminal history or fines that are difficult obstacles to overcome.

² <https://public.tableau.com/profile/oregon.housing.and.community.services#!/vizhome/2019Point-in-TimeDashboard/Story1>

³ <https://multco.us/file/82568/download>, p.5

⁴ <https://c4innovates.com/wp-content/uploads/2019/03/SPARC-Phase-1-Findings-March-2018.pdf>

⁵ <https://www.streetroots.org/news/2020/12/02/opinion-what-do-people-experiencing-homelessness-need>

⁶ <https://www.prisonpolicy.org/blog/2021/02/10/homelessness/>

Two recent federal court decisions have provided protection for people experiencing homelessness from arrest or citation for sleeping and related activities in instances in which there is not enough shelter available in communities, or the laws prohibiting these activities are unreasonable.

Communities across Oregon have created laws that penalize people experiencing homelessness for activities of daily living. A 2017 report by the ACLU of Oregon⁷ found two hundred and twenty-four laws within local jurisdictions in Oregon that would criminalize homelessness in some way – from camping bans to anti-loitering laws to obstructing streets, and more.

HB 3115 provides both local jurisdictions and their law enforcement officers with guidance and clarity as to the changes contemplated by two landmark cases – *Boise v. Martin*, and *Blake v. City of Grants Pass*. Both decisions mean that for people experiencing homelessness, punishing them for experiencing homelessness while not providing alternatives such as shelter or housing, is not allowed.

Years after the *Boise v. Martin* opinion was issued, however, jurisdictions across Oregon still have local ordinances banning camping on public property at all times in all places in the jurisdiction. Some cities say that they are in compliance with the case law because their selective enforcement of the ordinance is in line with the *Boise* decision holding. This does not solve the problem, though, for either people experiencing homelessness or law enforcement. It does not provide people experiencing homelessness clear guidance about where they can or cannot sit or sleep, and people experiencing homelessness are unlikely to be able to assert any rights in that situation. HB 3115 is a step forward towards providing clarity for people experiencing homelessness, and help cities to understand that local ordinances simply banning camping are not allowed.

Rather than continue to criminalize the very basics that people need to do to survive while experiencing homelessness, collectively, we should prioritize working to build enough safe, stable, and affordable homes for people experiencing homelessness, to remove barriers to getting into housing, and to prevent the further criminalization of people experiencing homelessness.

The Legislature should provide basic protections to people experiencing homelessness so they do not face fines, fees, or arrests for activities of daily living. We urge your support of HB 3115.

Sincerely,



Alison McIntosh
On Behalf of the Oregon Housing Alliance

⁷ <https://www.aclu-or.org/en/publications/decriminalizing-homelessness-oregon>

Housing Alliance Members

1000 Friends of Oregon
211info
Aging in the Gorge
Benton Habitat for Humanity
Bienestar
Bradley Angle
BRIDGE Housing
Business for a Better Portland
CASA of Oregon
Central City Concern
Chrisman Development
Church Women United of Lane County
City of Beaverton
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City of Hillsboro
City of Hood River
City of Portland
City of Tigard
Clackamas County
Coalition of Community Health Clinics
Coalition of Housing Advocates
College Housing Northwest
Community Action Partnership of Oregon
Community Action Team
Community Alliance of Tenants
Community Development Partners
Community Housing Fund
Community Partners for Affordable Housing
Community Vision
Cornerstone Community Housing
DevNW
Ecumenical Ministries of Oregon
Enterprise Community Partners
Fair Housing Council of Oregon
Farmworker Housing Development Corp.
FOOD for Lane County
Habitat for Humanity of Oregon
Habitat for Humanity Portland/Metro East
Hacienda CDC
Home Forward
Homes for Good
Housing Authorities of Oregon
Housing Authority of Clackamas County
Housing Development Center
Housing Oregon
Human Solutions
Immigrant & Refugee Community Organization

Impact Northwest
Innovative Housing, Inc.
Interfaith Alliance on Poverty
JOIN
Lane County Health and Human Services
League of Oregon Cities
League of Women Voters of Oregon
Lincoln County
Looking Glass Community Services
Mainstream Housing Inc.
Metro
Mid-Columbia Housing Authority
NAYA Family Center
Neighborhood Partnerships
NeighborImpact
NeighborWorks Umpqua
Network for Oregon Affordable Housing
Northwest Housing Alternatives
Northwest Pilot Project
Oregon AFSCME Council 75
Oregon Coalition of Christian Voices
Oregon Center for Public Policy
Oregon Coalition on Housing & Homelessness
Oregon Council on Developmental Disabilities
Oregon Food Bank
Our Children Oregon
Partners for a Hunger-Free Oregon
Portland Community Reinvestment Initiatives
Portland Homeless Family Solutions
Portland: Neighbors Welcome
Proud Ground
Raphael House
REACH CDC
Residents Organizing for Change (ROC) Oregon
Rogue Action Center
Rose CDC
St. Francis Shelter
St. Vincent de Paul of Lane County, Inc.
ShelterCare
Sisters Habitat for Humanity
Sponsors, Inc.
SquareOne Villages
Street Roots
Think Real Estate
Transition Projects
Washington County
Welcome Home Coalition