

I write on behalf of the National Homeless Law Center ("Law Center") to express our support of H.B. 2367, the Right to Rest Act, which will protect the rights of all Oregonians to access and use public space in a non-obstructive and non-hazardous manner without the threat of punishment.

The Law Center is the nation's only legal advocacy organization dedicated solely to ending and preventing homelessness using the power of the law. Since 2006, the Law Center has tracked 187 cities across the country and documented their laws punishing homelessness, along with the policy failures of those laws. See e.g. Housing Not Handcuffs 2019: Ending the Criminalization of Homelessness in U.S. Cities ("Housing Not Handcuffs Report"), available at <https://www.nlchp.org/documents/Housing-Not-Handcuffs>.

Criminalization of homelessness is pervasive in the state of Oregon. Cities and counties around the state punish sleeping and resting in public, and those laws are disproportionately enforced against homeless people even when they lack access to adequate housing and shelter alternatives. In 2019, for example, homeless people accounted for over half of all arrests made by the Portland Police, even though homeless people make up some 1% of the local population.

Laws punishing homelessness universally fail to produce constructive policy outcomes. Laws punishing homelessness do not reduce the number of people living outside because these laws do not increase access to housing, which is the solution to homelessness. Instead, laws punishing homelessness undermine housing solutions by saddling homeless people with arrest records and criminal convictions that are significant barriers to securing needed housing and employment. Unaffordable fines can also prevent people from being accepted into housing, leaving them with no option but to remain living in public space.

Along with being ineffective and counter-productive, punitive approaches to homelessness harm public health. As recognized by the U.S. Centers for Disease Control, clearing encampments can cause residents to disperse throughout the community and break connections with service providers, which increases the potential for the spread of infectious diseases, like the coronavirus. Moreover, sweeps often result in the loss of shelters, warm clothing, medication, and other valuable property, which causes acute physical and psychological stress to those suffering such property loss. This, in turn, contributes to worsened physical and mental health in an already vulnerable population. Due to these harms, the American Medical Association and American Public Health Association have both condemned criminalization and encampment sweeps in policy resolutions.

Punitive approaches to homelessness also harm public safety. Criminalization policies divert law enforcement resources from true street crime, clog our criminal justice system with unnecessary arrests, and fill already overcrowded jails. Over-policing of homeless people, who are disproportionately people of color, also exacerbates racial inequality in our criminal legal system. These policies also erode trust between homeless people and police, heightening the risk of violent confrontations, and leaving homeless people more vulnerable to private acts of violence without police protection. This is why the federal Department of Justice has filed statement of interest briefs and issued guidance arguing against the enforcement of criminalization ordinances in the absence of adequate alternatives.

Punitive approaches to homelessness are not just harmful, they are also expensive. Numerous studies have shown that communities actually save money by providing housing and services to those in need, rather than cycling them through expensive hospital and jail systems.

We urge you to support the Right to Rest Act because it will eliminate ineffective, harmful, and expensive approaches to homelessness in Oregon.