



The League of Women Voters of Oregon is a 101-year-old grassroots nonpartisan political organization that encourages informed and active participation in government. We envision informed Oregonians participating in a fully accessible, responsive, and transparent government to achieve the common good. LWVOR Legislative Action is based on advocacy positions formed through studies and member consensus. The League never supports or opposes any candidate or political party.

May 4, 2021

To: Senate Committee On Judiciary and Ballot Measure 110 Implementation  
Senator Floyd Prozanski, Chair

Re: **HB 3115** – Relating to regulation of public property with respect to homeless - **SUPPORT**

The League of Women Voters of Oregon strongly supports HB 3115, based on our belief that government policies should promote social and economic justice and the health and safety of all Americans. As this bill also touches on constitutional issues, we also rely on our position that supports the individual liberties guaranteed by the US Constitution.

HB 3115, sponsored by House Speaker Tina Kotek, provides that local sit-lie ordinances must be “objectively reasonable as to time, place, and manner with regards to persons experiencing homelessness.” It also affirms the right of homeless persons to challenge these ordinances in court and to be awarded attorney fees in certain circumstances. The bill was brought forward to align Oregon law with a 9<sup>th</sup> Circuit Court of Appeals ruling in 2019 that struck down a sit-lie ordinance in Boise, Idaho, on the grounds it violated the Constitution’s ban on cruel and unusual punishment. It was appealed to the US Supreme Court, which declined to take up the case. Boise agreed to pay a settlement of \$1.3 million to prevent homelessness and to refrain from arresting or citing individuals for sleeping outside when no shelter is available. The ruling sets an important precedent that Oregon cities, as well as cities across the nation, must take into account before enacting ordinances related to the homeless.

The League believes the Boise ruling makes clear it is not legal to criminalize homelessness or to assess fines for sitting, lying, sleeping, or keeping warm and dry outdoors on public property that is open to the general public. As long as behavior is “objectively reasonable,” it is the government’s responsibility to meet the needs of the homeless with resources and compassion. This responsibility is even more critical during times of crisis, including the current Covid-19 pandemic. Many people have lost their jobs and homes because of circumstances beyond their control. The US Constitution guarantees that persons experiencing homelessness should have the same rights and privileges as any other citizen, including access to temporary shelter and use of public spaces.

In a February 8 KGW news article, Joanne Zuhl, the executive editor of *Street Roots*, stated, “One reason why these laws are so contentious is because of the disparity between what people define as reasonable,” Zuhl said. “And that perspective is weighted by whether or not you are experiencing or have experienced homelessness.” The League urges that the criteria for “objectively reasonable” behavior should be judged with an empathetic eye as to what homeless individuals are up against as they struggle to survive on the streets on a daily basis.

The League urges passage of HB 3115, and we thank you for the opportunity to discuss this legislation.

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