I am writing to convey strong support of HB 3115, sponsored by House Speaker Tina Kotek. The bill summary says that HB3115 "Provides that local law regulating sitting, lying, sleeping or keeping warm and dry outdoors on public property that is open to public must be objectively reasonable as to time, place and manner with regards to persons experiencing homelessness."

Context for HB3115 is important. In Martin vs. the City of Boise, the Ninth Circuit court made a landmark decision that limits a city's ability to engage in criminalization of homelessness. More recently, the U.S. District Court in the District of Oregon issued an opinion in Blake v. City of Grants Pass, confirming the Ninth Circuit decision in Martin v. City of Boise in limiting a City's ability to engage in criminalization of homelessness.

The Grants Pass case applies the Martin decision beyond anti-camping ordinances, to a wide variety of anti-homeless measures, whether the consequence leads to jail sentences or fines for engaging in life-sustaining conduct in the absence of any adequate alternative. These court decisions reflect that criminal and civil penalties used to punish unhoused people for existing in public spaces, when there is nowhere else to go, can violate the cruel and unusual punishment aspects of the Eighth Amendment.

"Punishing people for involuntarily living outside violates the constitution, regardless of what form that punishment takes," said Ed Johnson, Director of Litigation at the Oregon Law Center."

While camping and sit-lie bans may always be contentious with strong feelings and opinions on all ends, those two court case rulings apply in Oregon, making it harder to implement camping bans, and bans on sitting or lying on public property. The Oregon Law Center (OLC), the League of Oregon Cities (LOC), and Association of Oregon Counties (AOC), and City of Salem representatives worked together to create HB3115 to codify the Martin and Blake rulings, adding a standard of objective reasonableness as to time, place and manner with regard to persons experiencing homelessness.

HB3115 also includes a path for a person experiencing homelessness to challenge reasonableness of any city or county law that regulates the acts of sitting, lying, sleeping or keeping warm and dry outdoors on public property that is open to the public, whether or not they have been cited, with attorney fees awarded to the prevailing plaintiff.

However, there are built in safeguards that prevent unwarranted litigation: HB3115 requires advance notice of any challenges, so the governing body can reconsider and defend its position if the local law aligns with the Martin and Blake rulings, and the governing body has the valuable opportunity to reconsider and amend its position if its law is not aligned with Martin or Blake rulings. HB 3115 enables bans to be implemented within reasonableness standards, WITH the opportunity for governing bodies to correct themselves if their laws do not meet the letter or intent of the Martin and Blake rulings, thus preventing invalid challenges from going further. HB3115 allows bans with reasonableness standards applied, and HB3115 creates a built in path of checks and balances so governing bodies can implement bans in ways that keep them aligned with the very rules they are required to follow anyway.

We currently have a humanitarian crisis, with so many people having nowhere to go. Even with various shelter projects in the works, the current options for people to legally be in a vehicle, in a tent, in a shelter, or in supported or independent apartments, houses, or tiny homes, the math leaves hundreds of people with nowhere to go. Our camping ban forbids any structure with a roof, leaving people exposed to the elements. People are already dying on the streets and dying in camps.

If streets and sidewalks are clean and tidy, at the cost of unsheltered people having fewer places to go, at the cost of many people with disabilities