

May 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 having less ease and more pain, at the cost of more people being at the mercy of the elements, at the costs of more hope lost and more lives lost, streets might be prettier in a way that disables the very moving-forwardness we all hope for people to be able to do.

How do our religions and/or our personal values and ethics guide us about how we treat our fellow human beings? In our personal homes, we can sweep dust under the rug and throw clutter into a closet so that our home looks pretty for our guests. Each unsheltered individual is someone’s mother, father, sister, brother, son, daughter. Any one of us could become homeless. I hope that we are not morally okay with applying inhumane bans to real people, real hearts, real lives.

HB3115 is one way to keep us legally safe by insuring we are aligned with applicable rulings, balanced with the reality that we have a humanitarian crisis, where people are sick, hungry, disabled, hopeless, traumatized, and cold, falling

through the cracks, and dying in the crevices. HB3115 keeps us legally safe as it also sets a level of humane-ness that I hope we all believe in.

Please join the Oregon Law Center (OLC), the League of Oregon Cities (LOC), and the Association of Oregon Counties (AOC) in supporting HB3115 as a valuable compromise that applies bans in ways that reflect reasonableness balanced with also treating fellow human beings humanely.

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