



AMERICAN CIVIL LIBERTIES UNION

Oregon

January 31, 2023

Senate Committee On Housing and Development
Oregon State Legislature
900 Court St. NE
Salem, OR 97301

RE: Testimony in Support of SB 799 – Making Evictions Rare & Fair

Chair Jama, Vice-Chair Anderson, and Committee Members,

Thank you for the opportunity to share our strong support for SB 799 on behalf of the American Civil Liberties Union of Oregon (ACLU of Oregon). With more than 28,000 members statewide, the ACLU of Oregon is a nonpartisan, nonprofit organization dedicated to preserving and enhancing civil liberties and civil rights.

We often testify about bills that are reactive to the effects of houselessness, rather than those that proactively address the root causes of housing insecurity – before houselessness occurs. SB 799 is a welcome exception to this trend.

Many Oregonians' conception of houselessness is limited to people they see living on the streets, without much thought given to the policies those people faced before losing their homes. Housing insecurity begins much earlier than the point of houselessness and occurs due to a multitude of factors, including the laws that people must navigate when seeking employment, supporting their families, and paying rent.

Countless studies have demonstrated that preventative measures prove far more effective than reactive ones. Intervening during the early stages of housing insecurity – such as by extending notice periods for termination of tenancy that renters receive – can significantly lower the rate of houselessness and reduce strain on public resources.

- **Making evictions rare and fair is critical to addressing the houselessness crisis; SB 799 helps prevent houselessness by providing people time to access services that will help them maintain their tenancy.**

As stated by the U.S. Interagency Council on Homelessness:

The overall number of people experiencing homelessness will only go down if more people exit homelessness than enter it. Ending homelessness requires working on

both fronts—rehousing people who are already homeless while preventing people from becoming homeless in the first place.¹

An important strategy for reducing the rate of houselessness is to “[p]romote equitable strategies and programs that are focused on preventing evictions, including legal services; protection and advocacy services” and emergency financial assistance.²

This is why SB 799 is so important. We must prevent more Oregonians from becoming houseless, and to do this, we must amend fast-track eviction timelines so that people can access services that will prevent them from losing their homes. According to national housing security data, this bill could not be more urgent for Oregonians.

- **Rates of houselessness are alarmingly high across Oregon, and houselessness disproportionately impacts historically-disenfranchised and marginalized communities including BIPOC individuals and veterans.**

Across our state – from urban to rural areas – Oregonians are experiencing alarming rates of houselessness. Data from the federal agency Housing & Urban Development (HUD) show that as of late 2022³:

- **Oregon is in the top three U.S. states with the highest rates of homelessness:** 42 per 10,000 Oregonians experience houselessness.
- **Oregon is in the top four U.S. states with houseless people living unsheltered:** 62% of Oregonians experiencing homelessness live in unsheltered situations.
- **Oregon is in the top four U.S. states with an increase in the number of houseless people between 2020 and 2022:** during this period, we saw an increase of 3,304 people experiencing houselessness and an increase of 2,324 people experiencing chronic patterns of houselessness.
- **Oregon is in the top four U.S. states with the largest number of individuals experiencing houselessness in largely rural areas:** this includes high rates of youth and veteran houselessness in rural areas of Oregon.
- **Oregon is in the top two U.S. states with the largest number increase of houseless veterans:** from 2020 to 2022, 131 more veterans experienced houselessness in our state.
- **Of all U.S. states, Oregon has the highest rate of families living unsheltered:** 1,991 Oregonians in houseless families – which is 59% of people in families experiencing houselessness – are living unsheltered.

¹ <https://www.usich.gov/fsp/prevent-homelessness>

² *Id.*

³ All the data in this section is from the 2022 Annual Homelessness Assessment Report by HUD: <https://www.huduser.gov/portal/sites/default/files/pdf/2022-AHAR-Part-1.pdf>

The data also shows that houselessness disproportionately impacts Black people – who experience houselessness at more than 3 times the rate of white people – and American Indian people – who experience houselessness at more than 4 times the rate of white people.⁴

- **Once houseless, Oregonians face additional legal challenges to meet their basic human needs of food and fluids, sufficient rest, clothing and shelter, restrooms, basic sanitation, health and safety.**

Eating food and drinking fluids, getting sufficient rest, having adequate clothing and shelter, using a restroom, and having access to basic sanitation, health and safety are basic human needs and fundamental human rights for all Oregonians.

However, according to research summarized by the ACLU of Oregon in 2017, Oregon’s cities and counties had 224 laws at that time that criminalized basic human activities such as sitting, lying, resting, and eating in public.⁵

As shared in personal stories from Oregonians, cities and counties across Oregon use laws criminalizing basic human activities to discriminate against and harass individuals experiencing houselessness in cruel and inhumane ways:

Ibrahim, Portland: “They wake you up in the dead of sleep and you have to walk around in the cold and rain trying to find a new place. When you finally get settled, an hour later, they move you again . . . When you have no sleep like that, you don’t really know what is going on around you. Your whole body is telling you it can’t go anymore. It’s screaming. Your legs won’t move. Your eyes won’t open. You start developing mental issues. I was so exhausted.”⁶

Cara: “In my 14 and 1/2 years on the streets, so many things happened to me. I was held captive. I lost my children. I never had a moment to rest. It was beyond exhausting . . . You are out here by yourself. When you finally get away from downtown and the police harassing you, you then have to worry about other people. And if you got pushed far enough out, you’d have to worry about cougars.”⁷

Mel, Eugene: “I was teaching kids, working in the school district. Having to wake up in the morning, find a shower somewhere and get to work on time was an obstacle every day. Having to be productive was even harder. I was so sleep deprived . . . There were too many predators providing shelter to women, offering a place to shower and wash their clothes, and then sexually assaulting them . . . You would

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<https://endhomelessness.org/homelessness-in-america/homelessness-statistics/state-of-homelessness-dashboards/?State=Oregon>

⁵ <https://www.aclu-or.org/en/publications/decriminalizing-homelessness-oregon>;
https://www.aclu-or.org/sites/default/files/field_documents/aclu-decriminalizing-homelessness_executive-summary_web_final.pdf;
https://www.aclu-or.org/sites/default/files/field_documents/aclu-decriminalizing-homelessness_full-report_web_final.pdf

⁶ *Id.*

⁷ *Id.*

finally start to create a safe space with people you trust. The police would break us up.”⁸

The cumulative toll that lack of sleep, rest, food, and safety takes on a person’s physical and mental health is immense. Being roused and ousted throughout the night, moving from place to place, the stress of not being free to rest, stand, or eat in public spaces — these continuing hardships can cause severe fatigue. At the same time, the challenges of severe poverty, economic insecurity, exposure to the elements, physical disabilities, abuse from housed people and law enforcement, and mental health issues also greatly impact health and wellness.⁹

- **Many cities and towns across Oregon are pursuing criminalization strategies toward houseless people. However, the criminalization of houselessness violates Oregonians’ fundamental constitutional rights and perpetuates the systemic problems that lead to continuing houselessness.**

Cities and towns across Oregon are pursuing even more criminalization of houseless people, from the City of Portland, whose mayor and Council are pursuing forced mass encampments, to Bend, which is severely limiting when and how unhoused people can camp on city property, to towns in Southern Oregon that have proposed ordinances to tighten camping restrictions.

The criminalization of houselessness violates individuals’ civil liberties and civil rights. In western states including Oregon, Washington, California, and Idaho, anti-camping ordinances that target people who have no alternatives have been deemed unconstitutional under the Eighth Amendment — meaning these bans are considered cruel and unusual. Today, many laws across Oregon that are used to discriminate against and harass individuals experiencing houselessness raise similar civil liberties and civil rights concerns.¹⁰

Laws that criminalize houselessness make almost all aspects of basic survival and daily living a crime. Consequently, these laws perpetuate the cyclical poverty and criminal records that prolong many Oregonians’ housing insecurity. Criminal justice involvement has severe implications for life success: for many, citations, arrests, court fees, police encounters and criminal records all go hand in hand with living unhoused, especially for those who are already unsheltered.¹¹

Criminal justice backgrounds significantly reduce access to jobs, the ability to rent a home, and the ability to receive social services and other related support. Court fees can create debt and result in additional fines, incarceration, and other punitive sanctions. Compounding debt for individuals experiencing housing insecurity can make saving the necessary funds to move into stable housing insurmountable. Additionally, criminalization often leads to the confiscation and destruction of important personal property, including medication, identification, family memorabilia, and shelters.¹²

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

Criminalizing houselessness also takes a financial toll on public resources because it is expensive to enforce, requiring cities and other municipalities to spend limited funds on police, court, and jails. Utilizing punitive measures that rely on criminal justice system resources is not only far more costly than investments in support and prevention services, but also continues to send many of the same people back into the criminal justice system for daily-life offenses they cannot avoid. Enforcing laws that continue to tap public dollars without stopping cycles of criminal justice involvement is less cost-effective than addressing root causes of houselessness head-on.

The myriad of laws and practices across Oregon that criminalize houselessness also foster and perpetuate negative public perceptions of people experiencing houselessness. These narratives exacerbate the divide between unhoused and housed communities, which result in additional harsh and counterproductive efforts to criminalize houselessness — as opposed to efforts to achieve real solutions for the housing insecurity crises occurring across Oregon.

In summary, criminalization strategies are expensive, do not solve houselessness, and make the problem of houselessness worse. So, instead of pursuing criminalization strategies, Oregon must pursue real, preventative solutions such as SB 799.

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It is wrong, cruel, and indefensible to criminalize the basic human needs and human rights of Oregonians experiencing houselessness. Instead, Oregon must enact preventative strategies to lower houselessness rates and help financially insecure people access the services they need to maintain stable housing.

The ACLU of Oregon urges your support of SB 799.

Thank you,
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Pronouns: She/Her/Hers
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