

House Bill 3876

Sponsored by Representative SMITH G

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act would set up a safe harbor against suit for city or county laws that set stated limits on camping on public property. (Flesch Readability Score: 62.6).

Provides a safe harbor for certain local regulations governing camping on public property against the cause of action otherwise available to challenge the objective reasonableness of such regulations.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

Relating to the regulation of public property with respect to persons experiencing homelessness; amending ORS 195.530; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 195.530 is amended to read:

195.530. (1) As used in this section:

(a) "City or county law" does not include policies developed pursuant to ORS 195.500 or 195.505.

(b)(A) "Keeping warm and dry" means using measures necessary for an individual to survive outdoors given the environmental conditions.

(B) "Keeping warm and dry" does not include using any measure that involves fire or flame.

(c) "Public property" has the meaning given that term in ORS 131.705.

(2) 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 must be objectively reasonable as to time, place and manner with regards to persons experiencing homelessness.

(3) It is an affirmative defense to a charge of violating a city or county law described in subsection (2) of this section that the law is not objectively reasonable.

(4)(a) A person experiencing homelessness may bring suit for injunctive or declaratory relief to challenge the objective reasonableness of a city or county law described in subsection (2) of this section. The action must be brought in the circuit court of the county that enacted the law or of the county in which the city that enacted the law is located.

(b) Suit may not be brought under this subsection against a regulation described in subsection (6) of this section.

(5) For purposes of subsections (2) and (3) of this section, reasonableness shall be determined based on the totality of the circumstances, including, but not limited to[,]:

(a) The impact of the law on persons experiencing homelessness[.];

(b) The impact on other users of the public property;

(c) The availability of county or city resources; and

(d) The intended use of the public property.

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

(6) Notwithstanding subsections (2) to (4) of this section, the governing body of a city or county may adopt the following regulations:

(a) A prohibition on camping on public property between the hours of 7:00 a.m. and 7:00 p.m.

(b) A prohibition on camping in, on or adjacent to:

(A) A city hall;

(B) A county courthouse;

(C) A police station;

(D) A fire station;

(E) A public library;

(F) A public park;

(G) Property associated with the storage or transmission of utilities, including but not limited to water, wastewater, sewer, stormwater, electricity and gas;

(H) Public playground equipment;

(I) Public sporting fields;

(J) A highway as defined in ORS 801.305; and

(K) Public property located in a flood plain or flood zone.

(c) A prohibition on locating a campsite within:

(A) 300 feet of the entrance to a business.

(B) 500 feet of a site that provides services or shelter to persons experiencing homelessness.

(C) 1,000 feet of the property line of a childcare facility.

[(6)] (7)(a) In any suit brought *[pursuant to]* **under** subsection (4) of this section, the court, in its discretion, may award reasonable attorney fees to a prevailing plaintiff if the plaintiff:

[(a)] (A) Was not seeking to vindicate an interest unique to the plaintiff; and

[(b)] (B) At least 90 days before the action was filed, provided written notice to the governing body of the city or county that enacted the law being challenged of an intent to bring the action. *[and]*

(b) The notice *[provided]* **required under paragraph (a)(B) of this subsection must provide** the governing body with actual notice of the basis upon which the plaintiff intends to challenge the law **and the specific provision of the law that the plaintiff considers objectively unreasonable.**

[(7)] (8) Nothing in this section creates a private right of action for monetary damages for any person.

SECTION 2. This 2025 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect on its passage.