

House Bill 3937

Sponsored by Representative OSBORNE

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 reduce the number of hours that a notice must be posted before homeless people may be removed from an established camping site. The Act would say when property left behind shall be disposed of or collected. The Act would apply only to small cities. (Flesch Readability Score: 68.5).

Applies to cities that have a population of 50,000 or less. Reduces the number of hours that notice must be posted before removing homeless individuals from an established camping site. Provides circumstances in which property left at an established camping site after the notice period shall be disposed of or collected.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to homeless camps; creating new provisions; amending ORS 195.505 and 195.530; and de-
3 claring an emergency.

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

5 **SECTION 1. (1) A policy developed pursuant to ORS 195.500 by a city that has a popu-**
6 **lation of 50,000 or less shall conform, but is not limited, to the following provisions.**

7 **(2) As used in this section, "established camping site" means a campsite that has been**
8 **in place for five consecutive days or 120 consecutive hours.**

9 **(3) Except as provided in subsection (9) of this section, at least 48 hours before removing**
10 **homeless individuals from an established camping site, law enforcement officials shall post**
11 **a written notice, in English and Spanish, at all entrances to the established camping site to**
12 **the extent that the entrances can reasonably be identified.**

13 **(4)(a) When a 48-hour notice is posted, law enforcement officials shall inform the local**
14 **agency that delivers social services to homeless individuals as to where the notice has been**
15 **posted.**

16 **(b) The local agency may arrange for outreach workers to visit the established camping**
17 **site that is subject to the notice to assess the need for social service assistance in arranging**
18 **shelter and other assistance.**

19 **(5)(a) This subsection applies to property left at an established camping site after the**
20 **expiration of the 48-hour notice period and removal of the homeless individuals from the site.**

21 **(b) Property shall be disposed of if it consists of:**

22 **(A) Items that have no apparent value or utility;**

23 **(B) Items that are in an insanitary condition;**

24 **(C) Items that are or have been in close enough proximity to hazardous or biohazardous**
25 **items or materials that they create a health risk to workers at the site; or**

26 **(D) Prescription medication that is expired or not in its original container.**

27 **(c) Property that consists of weapons, controlled substances other than prescription**

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.

1 medication and items that appear to be either stolen or evidence of a crime shall be given
 2 to or retained by law enforcement officials.

3 (d) Unexpired prescription medication in its original container shall be collected.

4 (e) Other property may be disposed of or collected if, in the opinion of a law enforcement
 5 official at the established camping site, it consists of items that:

6 (A) Can reasonably be identified as belonging to an individual;

7 (B) Have apparent value or identity; and

8 (C) Are not subject to disposal under paragraph (b) of this subsection.

9 (f)(A) Property described in paragraphs (d) and (e) of this subsection that is collected
 10 shall be given to a law enforcement official, a local agency that delivers social services to
 11 homeless individuals, an outreach worker, a local agency official or a person authorized to
 12 issue a citation described in subsection (10) of this section, whether notice is required under
 13 subsection (3) of this section or not.

14 (B) The collected property must be stored in a facility located in the same community
 15 as the established camping site from which it was removed.

16 (6) The written notice required under subsection (3) of this section must state, at a
 17 minimum:

18 (a) Where property that is collected will be stored;

19 (b) A phone number that individuals may call to find out where the property will be
 20 stored; or

21 (c) If a permanent storage location has not yet been determined, the address and phone
 22 number of an agency that will have the information when available.

23 (7)(a) The property that is collected shall be stored in an orderly fashion, keeping items
 24 that belong to an individual together to the extent that ownership can reasonably be deter-
 25 mined.

26 (b) The property shall be stored for a minimum of 10 days during which it shall be rea-
 27 sonably available to any individual claiming ownership. Any property that remains unclaimed
 28 after 10 days may be disposed of or donated to a corporation described in section 501(c)(3)
 29 of the Internal Revenue Code as amended and in effect on December 31, 2024.

30 (8) Following the removal of homeless individuals from an established camping site on
 31 public property, the law enforcement officials, local agency officials and outreach workers
 32 may meet to assess the notice and removal policy, to discuss whether the removals are oc-
 33 ccurring in a humane and just manner and to determine if any changes are needed in the
 34 policy.

35 (9)(a) The 48-hour notice requirement under subsection (3) of this section does not apply:

36 (A) When there are grounds for law enforcement officials to believe that illegal activities
 37 other than camping are occurring at an established camping site.

38 (B) In the event of an exceptional emergency at an established camping site, including,
 39 but not limited to, possible site contamination by hazardous materials, a public health
 40 emergency or other immediate danger to human life or safety.

41 (b) If a funeral service is scheduled with less than 48 hours' notice at a cemetery at
 42 which there is an established camping site, or a camping site is set up at the cemetery less
 43 than 48 hours before the scheduled service, the written notice required under subsection (3)
 44 of this section may be posted at least 24 hours before removing homeless individuals from
 45 the camping site.

1 **(10) A person authorized to issue a citation for unlawful camping under state law, ad-**
 2 **ministrative rule or city or county ordinance may not issue the citation if the citation would**
 3 **be issued within 200 feet of a notice required under subsection (3) of this section and within**
 4 **two hours before or after the notice was posted.**

5 **(11) Any law or policy of a city or county that is more specific or offers greater pro-**
 6 **tections to homeless individuals subject to removal from an established camping site pre-**
 7 **empts contrary provisions of this section.**

8 **SECTION 2.** ORS 195.505 is amended to read:

9 195.505. (1) A policy developed pursuant to ORS 195.500 **by a county or by a city that has a**
 10 **population greater than 50,000** shall conform, but is not limited, to the following provisions.

11 (2) As used in this section, “personal property” means any item that can reasonably be identified
 12 as belonging to an individual and that has apparent value or utility.

13 (3) Except as provided in subsection (9) of this section, at least 72 hours before removing
 14 homeless individuals from an established camping site, law enforcement officials shall post a written
 15 notice, in English and Spanish, at all entrances to the camping site to the extent that the entrances
 16 can reasonably be identified.

17 (4)(a) When a 72-hour notice is posted, law enforcement officials shall inform the local agency
 18 that delivers social services to homeless individuals as to where the notice has been posted.

19 (b) The local agency may arrange for outreach workers to visit the camping site that is subject
 20 to the notice to assess the need for social service assistance in arranging shelter and other assist-
 21 ance.

22 (5)(a) All personal property at the camping site that remains unclaimed after removal shall be
 23 given to a law enforcement official, a local agency that delivers social services to homeless indi-
 24 viduals, an outreach worker, a local agency official or a person authorized to issue a citation de-
 25 scribed in subsection (10) of this section, whether notice is required under subsection (3) of this
 26 section or not.

27 (b) The unclaimed personal property must be stored:

28 (A) For property removed from camping sites in counties other than Multnomah County, in a
 29 facility located in the same community as the camping site from which it was removed.

30 (B) For property removed from camping sites in Multnomah County, in a facility located within
 31 six blocks of a public transit station.

32 (c) Items that have no apparent value or utility or are in an insanitary condition may be im-
 33 mediately discarded upon removal of the homeless individuals from the camping site.

34 (d) Weapons, controlled substances other than prescription medication and items that appear to
 35 be either stolen or evidence of a crime shall be given to or retained by law enforcement officials.

36 (6) The written notice required under subsection (3) of this section must state, at a minimum:

37 (a) Where unclaimed personal property will be stored;

38 (b) A phone number that individuals may call to find out where the property will be stored; or

39 (c) If a permanent storage location has not yet been determined, the address and phone number
 40 of an agency that will have the information when available.

41 (7)(a) The unclaimed personal property shall be stored in an orderly fashion, keeping items that
 42 belong to an individual together to the extent that ownership can reasonably be determined.

43 (b) The property shall be stored for a minimum of 30 days during which it shall be reasonably
 44 available to any individual claiming ownership. Any personal property that remains unclaimed after
 45 30 days may be disposed of or donated to a corporation described in section 501(c)(3) of the Internal

1 Revenue Code as amended and in effect on December 31, 2020.

2 (8) Following the removal of homeless individuals from a camping site on public property, the
 3 law enforcement officials, local agency officials and outreach workers may meet to assess the notice
 4 and removal policy, to discuss whether the removals are occurring in a humane and just manner and
 5 to determine if any changes are needed in the policy.

6 (9)(a) The 72-hour notice requirement under subsection (3) of this section does not apply:

7 (A) When there are grounds for law enforcement officials to believe that illegal activities other
 8 than camping are occurring at an established camping site.

9 (B) In the event of an exceptional emergency at an established camping site, including, but not
 10 limited to, possible site contamination by hazardous materials, a public health emergency or other
 11 immediate danger to human life or safety.

12 (b) If a funeral service is scheduled with less than 72 hours' notice at a cemetery at which there
 13 is a camping site, or a camping site is established at the cemetery less than 72 hours before the
 14 scheduled service, the written notice required under subsection (3) of this section may be posted at
 15 least 24 hours before removing homeless individuals from the camping site.

16 (10) A person authorized to issue a citation for unlawful camping under state law, administrative
 17 rule or city or county ordinance may not issue the citation if the citation would be issued within
 18 200 feet of a notice required under subsection (3) of this section and within two hours before or after
 19 the notice was posted.

20 (11) Any law or policy of a city or county that is more specific or offers greater protections to
 21 homeless individuals subject to removal from an established camping site preempts contrary pro-
 22 visions of this section.

23 **SECTION 3.** ORS 195.530 is amended to read:

24 195.530. (1) As used in this section:

25 (a) "City or county law" does not include policies developed pursuant to ORS 195.500 or 195.505
 26 **or section 1 of this 2025 Act.**

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

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

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

31 (2) Any city or county law that regulates the acts of sitting, lying, sleeping or keeping warm
 32 and dry outdoors on public property that is open to the public must be objectively reasonable as to
 33 time, place and manner with regards to persons experiencing homelessness.

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

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

40 (5) For purposes of subsections (2) and (3) of this section, reasonableness shall be determined
 41 based on the totality of the circumstances, including, but not limited to, the impact of the law on
 42 persons experiencing homelessness.

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

45 (a) Was not seeking to vindicate an interest unique to the plaintiff; and

1 (b) At least 90 days before the action was filed, provided written notice to the governing body
2 of the city or county that enacted the law being challenged of an intent to bring the action and the
3 notice provided the governing body with actual notice of the basis upon which the plaintiff intends
4 to challenge the law.

5 (7) Nothing in this section creates a private right of action for monetary damages for any per-
6 son.

7 **SECTION 4. This 2025 Act being necessary for the immediate preservation of the public**
8 **peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect**
9 **on its passage.**

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