

--Madam Chair and Committee Members, thank you for the opportunity to speak on SB 629, which addresses the criminalization of homelessness.

--My name is Ken Neubeck and I live in Eugene in Lane County.

--I am active with the homeless advocacy community, volunteer with Occupy Medical and the Egan Warming Centers, and have served on the Eugene Human Rights Commission for eight years.

--As a human rights advocate I tend to view homelessness in terms of two major challenges:

--1. Meeting the need for adequate emergency shelter, transitional housing, and permanent housing, along with case management and social services.

--2. Ending the criminalization of homelessness, wherein people who are unhoused are cited or even arrested for carrying out necessary life-sustaining activities in public space.

--The first challenge, providing shelter, housing, and services, is receiving increasing attention in Lane County, although we have a long way to go to meet the needs of low income people, including those who are homeless.

--Criminalization is not being addressed, and herein lies the importance of SB 629, the Right to Rest Act

--As many as 3,000 people may be homeless in Lane County, most of whom live in the Eugene/Springfield area.

--It has been estimated that 63 percent of people who were homeless in Lane County in 2013 were unsheltered, giving us the nation's 19th highest per capita number of unsheltered homeless (Dan Bryant, "Our Unprotected," Register Guard).

--People who are unsheltered must conduct their life-sustaining activities in public space.

--They often have no choice but to sit, lie, eat, sleep, and even relieve themselves in places where they are observed by others.

--In Eugene and many other communities, City ordinances and policies turn these life sustaining activities into violations of the law, leading to citations and fines, or even arrests and jail.

--Let me give some examples of how necessary life-sustaining activities are turned into matters for law enforcement.

--No-camping ordinance. Camping is illegal in Eugene except in areas specifically designated by the City, such as the recently established rest stops or Opportunity Village Eugene, a village on City land.

--No-camping signs are posted in Eugene parks and violations can result in citations and fines; No-trespassing signs are also being posted, and violations can result in arrest and jail.

--Car-camping ordinance. Car-camping is illegal in Eugene except in specifically designated areas overseen by St. Vinnies that are allowed to accommodate several vehicles each.

--People who violate the car-camping ordinance and do not move their vehicles can have their vehicles towed away to a private tow yard. To get their vehicles back they must pay towing and storage fees as well as a City fine. They often lack money to do so.

--Urination and Defecation ordinance. People who are unsheltered and homeless often do not have access to rest rooms and are forced to relieve themselves in public space.

--There are not enough public rest rooms and those that exist are not always open 24/7 -- Public urination or defecation is a citable offense.

--This is not covered in SB 629 but adds to criminalization.

--Sidewalk Use Permit. Business owners may apply for permits that extend their rights to do business to include the public sidewalk in front of their establishment.

--People who sit to rest or just stand there can be charged with trespass, an arrestable offense.

--Some argue that these laws and policies are not aimed at people who are homeless—they are neutral and apply to all.

--They are, it is said, aimed at curbing behaviors that violate the law.

--Who, however, is most likely to engage in these behaviors but people who are unsheltered and unhoused?

--Which, as I said, includes two thirds of Eugene's homeless population.

--In practice enforcement thus has a disparate impact on the unsheltered homeless.

--Having no safe and legal place to be, they are the ones most likely to be forced to camp or car-camp in public space where they will likely be noticed and cited.

--The unsheltered homeless are also the ones who have no private bathrooms or money to purchase something in a restaurant so as to use its rest rooms.

--They are the ones most likely to be on the streets at all hours of the day, and be subject and vulnerable to trespass policies that local businesses can invoke.

--In my view, not only is the human right to housing being violated, but so are the human rights to personal security, to freedom from discrimination, to health, and to dignity.

--The criminalization of homelessness has many negative consequences, not only for people who are unhoused, but for the community as a whole.

--1. This approach is ineffective in that it does not reduce homelessness; instead it increases the sense of marginalization, the anxieties, the depression of those who are unhoused.

--2. It is an expensive misuse of the time and training of members of EPD, who taxpayers expect to prevent and solve serious crimes; many officers do not like having to treat people who are homeless as law violators.

--3. Criminalization leaves people who are homeless with criminal records that may make it even more difficult for them to find a job or permanent housing, or be eligible for certain government assistance programs.

--4. When people who are homeless accumulate criminal records, these records serve as a barrier to the achievement of fair housing and to the exercise of fair housing choice.

--5. There are data indicating that communities criminalizing homelessness have higher rates of violent crimes, including hate crimes, committed against people who are unsheltered and unhoused.

--6. The U.S. Department of Housing and Urban Development is considering reducing the points awarded to Continuum of Care proposals for funding from applicants not implementing alternatives to criminalization—this would harm the entire community.

--Let me give some examples of alternatives to criminalization that a city like Eugene could aggressively pursue were SB 629 to be passed:

--1. Further expand emergency and transitional shelter for those who are homeless, e.g., camping, car-camping, and rest stop opportunities on surplus municipal, county, and state properties (which costs government little or nothing); businesses could likewise offer use of properties not being used. Expand on what has proven successful.

--2. Create more transitional housing run inexpensively by non-profits, such as the innovative self-governing village of 30 tiny houses called Opportunity Village Eugene, and as is planned for an already operating tented camp called Nightingale Health Sanctuary. OVE is already planning for Emerald Village, providing permanent tiny houses for which people who were homeless could pay small amounts and earn equity.

--3. Take full advantage of increases in the state and federal budgets for expansion of affordable housing and housing assistance for people who are homeless or at risk of homelessness.

--3. Shift more money from the EPD budget to CAHOOTS—an emergency response team operating in Eugene, and now Springfield--so that law enforcement is not the principal responder to complaints about people who are homeless; this frees up police to do other work.

--4. Create a municipal court-run citation dismissal or diversion program for people who are or have been homeless, that wipes clean police records of low-level infractions so they can more easily find jobs and housing.

--5. If the proposed state law does not pass, pass a county-wide “Ban the Box” ordinance that would prohibit private employers or landlords from asking criminal history questions on initial applications for jobs or housing.

--6. Pull back from any planned ordinance or policy proposals that have the potential, even if unintended, of furthering criminalization of homelessness.

In short, criminalization of homelessness is ineffective, expensive, and harms people who are homeless.

SB 629, in outlawing criminalization, encourages local communities to become highly proactive in finding ways to address homelessness that are 1) effective in reducing homelessness, 2) less costly than a law-enforcement approach, 3) helps rather than harms those who are unhoused, and 4) benefits the entire community.