



**Testimony of Kimberly McCullough, Policy Director
Regarding HB 4054 – ODOT & Municipal Intergovernmental Agreement
Senate Committee on Business and Transportation
02/21/2018**

Chair Beyer and Members of the Committee:

The American Civil Liberties Union of Oregon¹ appreciates the opportunity to provide this committee with comments on HB 4054, which would allow the Department of Transportation (ODOT) to enter into intergovernmental agreements with cities having a population of 500,000 or more (currently this only includes the City of Portland) for the purpose removing personal property from ODOT property.

At the outset, we want to thank the City of Portland and ODOT for their willingness to engage in conversations with the ACLU of Oregon about our concerns, and also for their willingness to work additional sideboards into the bill which we hope will reduce the harm to individuals who are experiencing homelessness when they, their camps, and their property are removed from ODOT property. We particularly appreciate the fact that under the amended bill, notices must include provisions related to:

- The city providing impact reduction services, including but not limited to trash collection;
- Severe weather protocols regarding weather conditions when the city will not remove property; and
- Storage and retrieval of removed property.

In addition, HB 4054 now requires an opportunity for public comment on proposed agreements and changes to agreements. In addition to the public comment opportunity, **our hope is that the City of Portland and ODOT will engage in further conversations with the ACLU of Oregon, various stakeholders, and members of our community who are experiencing homelessness about how to craft these provisions in ways that reduce harm to individuals experiencing homelessness as much as possible.**

¹ The American Civil Liberties Union of Oregon (ACLU of Oregon) is a nonpartisan, nonprofit organization with more than 42,000 members in the State of Oregon.

In addition, we want to express our hope that this bill will not lead to an increase in the number and frequency of sweeps of homeless camps on ODOT property. When camps are broken up and perpetually moved from place to place, and when people experiencing homelessness are swept from spaces they have gathered to seek safety, the ability to rest, and the formation of community, great harm can occur. Precious and essential belongings are lost, isolation occurs, and lives are placed in danger. This is why sweeps (or even “better” sweeps) are not the answer we should be searching for.

Instead, we encourage the City of Portland, municipal governments across the state, and this body, to focus their energy on measures that aim to decriminalize homelessness and eliminate the need for sweeps to occur at all.

Yes, those measures should include more shelters and affordable housing. But until enough housing is accessible, state and local **government should work with camp organizers and our houseless neighbors to locate and maintain safe and sustainable spaces for camps to exist.** The houseless community needs our support and solidarity. They need us to work with them, instead of seeing them as a problem to be moved from place to place.

Last year, the ACLU of Oregon published a report, [Decriminalizing Homelessness: Why Right to Rest Legislation is the High Road for Oregon](#). This report shows that basic acts of survival are being criminalized all across the state. We encourage you to read this report to gain a greater understanding of the criminalization of homelessness that is occurring in cities and counties throughout Oregon.

Our research found that Oregon’s most populous cities and counties have 224 laws that criminalize necessary life-sustaining activities like sitting, lying, resting, or eating in public. When someone has nowhere else to do these things, fines, fees, and a criminal record only further entrenches them in homelessness. Oregonians living on the street are forced make impossible choices to go about their daily lives.

We hope that each of you will engage in conversations with us about how we can reduce the criminalization of homelessness, eliminate the need for sweeps of homeless camps, and work on creative solutions that make our communities healthy and safe for everyone.

Thank you for your consideration of our comments regarding HB 4054. Please feel free to contact me if you have any questions, comments, or concerns.