

House Bill 4054

Sponsored by Representative REARDON, Senator MONROE; Representatives ALONSO LEON, BYNUM, NATHANSON, NOSSE, PILUSO, WITT (Pre-session filed.)

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**.

Authorizes Department of Transportation to enter into intergovernmental agreement with city having population of 500,000 or more for purpose of removing certain personal property from locations within city's urban growth boundary.

A BILL FOR AN ACT

1
2 Relating to removal of personal property.

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

4 **SECTION 1. Section 2 of this 2018 Act is added to and made a part of ORS 377.605 to**
5 **377.655.**

6 **SECTION 2. (1) The Department of Transportation may enter into an intergovernmental**
7 **agreement with a city that has a population of 500,000 or more for the removal, storage and**
8 **disposition of personal property that is deposited, left or displayed within the city's urban**
9 **growth boundary.**

10 **(2) Notwithstanding ORS 377.650, 377.653 and 377.655, an intergovernmental agreement**
11 **entered into under this section may provide alternative provisions related to the removal of**
12 **personal property.**

13 **(3) At a minimum, any intergovernmental agreement entered into under this section**
14 **must provide the following:**

15 **(a) Reasonable posting requirements and adequate notice before removal of the personal**
16 **property, including but not limited to the following:**

17 **(A) That the notice must be written in English and Spanish and address the owners or**
18 **possessors of the personal property to be removed; and**

19 **(B) That the notice must be posted where the personal property is located at least 48**
20 **hours before removal of the personal property and may remain posted for up to 10 days after**
21 **posting.**

22 **(b) That at or before the time the notice is posted, the city shall inform a local agency**
23 **that delivers social services to homeless individuals where the notice is posted.**

24 **(c) That the local agency that is notified under paragraph (b) of this subsection may ar-**
25 **range for outreach workers to visit the location where the notice is posted to assess the need**
26 **for social services assistance in arranging shelter and other assistance.**

27 **(d) That all unclaimed personal property must be given to law enforcement officials,**
28 **whether 48-hour notice is required or not.**

29 **(e) That the claimed personal property must be stored for a minimum of 30 days, during**
30 **which the personal property will be reasonably available to any individual who claimed own-**

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 **ership.**

2 **(f) That any personal property that remains unclaimed for 30 days may be disposed of.**
3 **For purposes of this paragraph, personal property is any item that is reasonably recognizable**
4 **as belonging to a person and that has apparent utility. Items that have no apparent utility**
5 **or are in an insanitary condition may be immediately discarded upon removal from a lo-**
6 **cation.**

7 **(g) That weapons, drug paraphernalia and other items that appear to be either stolen or**
8 **evidence of a crime must be given to law enforcement officials.**

9 **(h) That there will be periodic review of the agreement to assess the notice and removal**
10 **procedures, to discuss whether the removals of personal property are occurring in a humane**
11 **and just manner and to determine if any changes to the agreement are needed.**

12 **(4) The 48-hour notice required under subsection (3) of this section does not apply at the**
13 **location of the personal property to be removed:**

14 **(a) When there are grounds for law enforcement officials to believe that illegal activities**
15 **other than camping are occurring;**

16 **(b) When there is an exceptional emergency, such as possible site contamination by**
17 **hazardous materials; or**

18 **(c) When there is immediate danger to human life or safety.**

19 **(5) Notwithstanding any other provision of law, a public body, as defined in ORS 174.109,**
20 **may not cite an individual for trespass or illegal camping if the citation is:**

21 **(a) Issued within 200 feet of a notice posted as described in this section; and**

22 **(b) Within two hours before or after posting of the notice.**

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