



May 3, 2019

**VIA EMAIL ONLY**

<b>Senator Shemia Fagan</b> <a href="mailto:Sen.ShemiaFagan@oregonlegislature.gov">Sen.ShemiaFagan@oregonlegislature.gov</a>	<b>Senator Dallas Heard</b> <a href="mailto:Sen.dallasheard@oregonlegislature.gov">Sen.dallasheard@oregonlegislature.gov</a>
<b>Senator Jeff Golden</b> <a href="mailto:Sen.JeffGolden@oregonlegislature.gov">Sen.JeffGolden@oregonlegislature.gov</a>	<b>Senator Tim Knopp</b> <a href="mailto:Sen.TimKnopp@oregonlegislature.gov">Sen.TimKnopp@oregonlegislature.gov</a>
<b>Senator Laurie Monnes Anderson</b> <a href="mailto:Sen.LaurieMonnesAnderson@oregonlegislature.gov">Sen.LaurieMonnesAnderson@oregonlegislature.gov</a>	

Re: *Proposed Amendment to HB 2916 – Transitional Housing Accommodations*

Dear Chair Fagan, Vice-Chair Heard and Committee Members:

I am writing on behalf of myself and the **one hundred and seventy** concerned residents of the St. Johns neighborhood of Portland listed below, some of whom have direct experience working with homeless individuals. At the public hearing on April 29<sup>th</sup>, it appeared that there may have been some confusion regarding the effect of HB 2916 on the planned homeless camp in the St. Johns neighborhood of Portland. Advocates for the bill suggested that Portland’s declared housing state of emergency authorized setting up camps under some authority other than ORS 446.265. That statute, at (5) limits the number of campgrounds for transitional housing accommodations to 2 parcels per municipality. Subsection (4) of the statute imposes certain building code requirements on the structures in the camp. These two provisions are substantive civil law and pre-empt any conflicting provision of the Portland City Charter or municipal ordinance. HB 2916 removes both of these limitations.

- **The City of Portland cannot authorize the St. Johns homeless camp under current law.** There are already at least two City-authorized transitional housing accommodations within the Portland city limits, the Right to Dream Too camp and the Kenton Woman’s Village. There are also a number of unofficially sanctioned camps such as Hazelnut Grove, in the Overlook neighborhood, which the City intends to move to the St Johns site. The City has previously been successfully sued regarding the applicability of ORS 446.265, notwithstanding the City’s declared housing state of emergency. See *Building Owners and Managers Association of Oregon, et al. v. Portland Mayor Charles Andrew Hales, et al.*

- **The City of Portland cannot be trusted to properly manage a camp next door to a school and 2 pre-schools.** The City has consistently failed to prevent unauthorized and dangerous homeless camping in both sanctioned and unsanctioned camps. The City allowed homeless people to set up a camp, called “Forgotten Realms” in 2016 on City owned property in North Portland, not far from St Johns, in a mixed residential/commercial neighborhood. The camp was supposed to be managed by 3 non-profit groups. After 2 years of persistent complaints of criminal activities and quality of life issues from neighbors, one of the camp residents accidentally started a large fire which burned much of the camp and a neighboring home and business. The business owner’s lawsuit against the City for failing to enforce the building code and address criminal activities is pending:  
<https://www.oregonlive.com/news/2018/12/lawyer-jolted-awake-by-burning-homeless-camp-sues-city-for-541k.html>
- **The City of Portland cannot be trusted to properly manage a camp next door to a school and 2 pre-schools, cont.** Prior to 2016, the Forgotten Realms camp was located in the Overlook neighborhood of North Portland (also near St. Johns), on City property, adjacent to the unofficially sanctioned, but City-supported Hazelnut Grove camp. Forgotten Realms was populated by people who had been expelled from Hazelnut Grove for drug use, violence and other issues. The City allowed this second camp to exist for years before it was wiped out by a fire of unknown origins that also damaged a neighboring home:  
[https://www.kptv.com/news/homeless-camp-goes-up-in-flames-in-n-portland-damages/article\\_ef3cea42-945b-5bea-acbe-f64e94ff77b7.html](https://www.kptv.com/news/homeless-camp-goes-up-in-flames-in-n-portland-damages/article_ef3cea42-945b-5bea-acbe-f64e94ff77b7.html)
- **The City of Portland has consistently refused to address the impacts of homelessness on residents in St. Johns.** In 2016, the Portland People’s Outreach Project (PPOP) set up shop in St Johns. This group’s volunteers, most of whom are self-professed addicts, hand out needles, tourniquets, heroin cooking supplies, and meth pipes to homeless people via bicycle delivery service. <https://news.streetroots.org/2016/01/14/meth-pipe-project-comes-portland> The group explicitly does not require any needle clean up or return of used products <http://www.portlandpeoplesoutreach.org/#/> This policy has caused a large influx of people who are addicted to meth, heroin, or both, and our neighborhood (and school playground) to become littered with discarded needles and meth pipes. Needle distribution is permitted under Oregon law. *See* ORS 475.525(3). However, the distribution of other drug paraphernalia is a criminal offense. *See* ORS 475.525(1). The City has received a number of complaints about PPOP’s activities in our neighborhood, but has refused to take any action.
- **The City of Portland has consistently refused to address the impacts of homelessness on residents in St. Johns, cont.** Our neighborhood was well patrolled by the Portland Police until the City decided to close our neighborhood police precinct in 2009. Many of our neighborhood residents have reported property crimes, violence, intimidation, and open drug use by some of the homeless people in St Johns. Response time has been slow, if it occurs at all. Police officers have repeatedly claimed that there’s not much that they can do. The police are under a great deal of pressure from the Mayor and activists to reduce the number of arrests of homeless people. In 2018, homeless people accounted for 52% of all arrests in Portland, while making up 3% of the population.  
[https://www.oregonlive.com/portland/2018/07/portland\\_mayor\\_ted\\_wheeler.html](https://www.oregonlive.com/portland/2018/07/portland_mayor_ted_wheeler.html)

We, the concerned neighbors of St Johns, do not mean to imply that all homeless people are criminals or addicts. We recognize that many are decent people who need assistance to re-gain permanent housing, and that transitional housing accommodations might be part of the solution. However, it is equally clear that many homeless people suffer from serious mental health or addiction issues, and these people often congregate near City-sanctioned camps. In light of our experiences and the City of Portland's abysmal track record, we feel that it is reasonable to separate City-sanctioned camps from schools and senior care facilities. Such precautions are taken with a number of other land uses, including cannabis dispensaries which are not permitted within 1000 feet of schools, despite posing no obvious risks. *See* OAR 333-008-1000 through 333-008-1248 and OAR 333-008-2000 through OAR 333-008-3010. Again, we strongly encourage you to amend HB 2916 in order to protect the safety of vulnerable students and seniors.

Sincerely,

**VIAL FOTHERINGHAM LLP**



Michael J. Vial

MJV/

cc: Senator Lew Frederick

[Sen.LewFrederick@oregonlegislature.gov](mailto:Sen.LewFrederick@oregonlegislature.gov)

**Co-Signed:**

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