

A-Engrossed
House Bill 3124

Ordered by the House April 12
Including House Amendments dated April 12

Sponsored by Representative LIVELY

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.

Increases time that written notice must be posted before removal of homeless individuals from established camping site. **Increases categories of persons to whom unclaimed personal property from camping site may be given.** Requires written notice to state how individuals may claim personal property removed from camping site. Requires that unclaimed personal property be stored in orderly fashion. Provides that local law that is more specific or provides greater protections to homeless individuals subject to removal from established camping site preempts contrary provisions of section.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to homelessness; amending ORS 203.079 and section 1, chapter 21, Oregon Laws 2018; and
3 declaring an emergency.

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

5 **SECTION 1.** ORS 203.079 is amended to read:

6 203.079. (1) A policy developed pursuant to ORS 203.077 shall *[include, but is not limited to,]*
7 **conform, but is not limited, to the following[.] provisions.**

8 **(2) As used in this section, "personal property" means any item that can reasonably be**
9 **identified as belonging to an individual and that has apparent value or utility.**

10 *[(a)]* **(3) [Prior to] Except as provided in subsection (9) of this section, at least 72 hours**
11 **before** removing homeless individuals from an established camping site, law enforcement officials
12 shall post a **written** notice, *[written]* in English and Spanish, *[24 hours in advance]* **at all entrances**
13 **to the camping site to the extent that the entrances can reasonably be identified.**

14 *[(b)]* **(4)(a) [At the time that a 24-hour] When a 72-hour** notice is posted, law enforcement offi-
15 cials shall inform the local agency that delivers social services to homeless individuals **as to** where
16 the notice has been posted.

17 *[(c)]* **(b)** The local agency may arrange for outreach workers to visit the camping site *[where a*
18 *notice has been posted]* **that is subject to the notice** to assess the need for social service assistance
19 in arranging shelter and other assistance.

20 *[(d)]* **(5)(a)** All *[unclaimed]* personal property **at the camping site that remains unclaimed**
21 **after removal** shall be given to *[law enforcement officials whether 24-hour]* **a law enforcement of-**
22 **ficial, a local agency that delivers social services to homeless individuals, an outreach**
23 **worker, a local agency official or a person authorized to issue a citation described in sub-**
24 **section (10) of this section, whether** notice is required **under subsection (3) of this section or**
25 **not.**

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 (b) The unclaimed personal property must be stored in a facility located in the same
2 community as the camping site from which it was removed.

3 (c) Items that have no apparent value or utility or are in an insanitary condition may
4 be immediately discarded upon removal of the homeless individuals from the camping site.

5 (d) Weapons, drug paraphernalia and items that appear to be either stolen or evidence
6 of a crime shall be given to or retained by law enforcement officials.

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

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

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

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

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

17 (b) The property shall be stored for a minimum of 30 days during which it *[will]* shall be rea-
18 sonably available to any individual claiming ownership. Any personal property that remains un-
19 claimed *[for]* after 30 days may be disposed of. *[For purposes of this paragraph, "personal property"*
20 *means any item that is reasonably recognizable as belonging to a person and that has apparent utility.*
21 *Items that have no apparent utility or are in an insanitary condition may be immediately discarded*
22 *upon removal of the homeless individuals from the camping site. Weapons, drug paraphernalia and*
23 *items that appear to be either stolen or evidence of a crime shall be given to law enforcement*
24 *officials.]*

25 *[(e)]* (8) Following the removal of homeless individuals from a camping site on public property,
26 the law enforcement officials, local agency officials and outreach workers may meet to assess the
27 notice and removal policy, to discuss whether the removals are occurring in a humane and just
28 manner and to determine if any changes are needed in the policy.

29 *[(2)]* (9) The *[24-hour]* **72-hour** notice *[required]* **requirement** under subsection *[(1)]* (3) of this
30 section *[shall]* **does** not apply:

31 (a) When there are grounds for law enforcement officials to believe that illegal activities other
32 than camping are occurring **at an established camping site**.

33 (b) In the event of an exceptional emergency *[such as]* **at an established camping site, in-**
34 **cluding, but not limited to,** possible site contamination by hazardous materials *[or when there is],*
35 **a public health emergency or other** immediate danger to human life or safety.

36 *[(3)]* (10) A person authorized to issue a citation for unlawful camping under state law, admin-
37 istrative rule or city or county ordinance may not issue the citation if the citation would be issued
38 within 200 feet of *[the]* a notice *[described in]* **required under subsection (3) of this section** and
39 within two hours before or after the notice was posted.

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

43 **SECTION 2.** Section 1, chapter 21, Oregon Laws 2018, is amended to read:

44 **Sec. 1.** (1) The Department of Transportation may enter into an intergovernmental agreement
45 with a city that has a population of 500,000 or more for the removal, storage and disposition of

1 personal property deposited, left or displayed on property that is owned by the department.

2 (2) Notwithstanding ORS 377.650, 377.653 and 377.655, an intergovernmental agreement entered
3 into under this section may provide alternative provisions related to the removal, storage and dis-
4 position of personal property if the alternative provisions conform with the requirements for local
5 government policy for removal of homeless individuals and personal property [*described*] under ORS
6 203.079[, *except that under this section the notices described in ORS 203.079 must be posted 48 hours*
7 *in advance*].

8 (3) In addition to the requirements described in subsection (2) of this section, an intergovern-
9 mental agreement entered into under this section must include the following:

10 (a) Requirements for posting notice before the removal of personal property, including but not
11 limited to the following:

12 (A) That the notice is created using durable materials and securely posted within 30 feet of the
13 personal property to be removed;

14 (B) That the notice must provide the date the notice begins and the date upon which the city
15 may begin removing personal property; and

16 (C) That the notice must provide a description of:

17 (i) How an individual may access personal property that is removed and stored; and

18 (ii) The length of time the city will store personal property before the city disposes of it.

19 (b) A requirement that the notice expires 10 days after the city posts the notice.

20 (c) A severe weather protocol regarding the weather conditions under which the city will not
21 remove personal property.

22 (d) Provisions related to inventorying and storing the personal property to be removed.

23 (e) Provisions related to the city relinquishing unclaimed personal property after the storage
24 period to the city's designated agent.

25 (f) Provisions related to when the city will provide impact reduction services, including but not
26 limited to trash collection.

27 (4) The [*48-hour*] **72-hour** notice **under ORS 203.079** required under subsection (2) of this sec-
28 tion does not apply:

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

31 (b) Where there is an exceptional emergency, such as possible site contamination by hazardous
32 materials; or

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

34 (5) Before the city adopts an intergovernmental agreement under this section or changes to the
35 agreement, the city shall invite public comment on the proposed agreement or the proposed changes
36 to the agreement.

37 **SECTION 3. This 2021 Act being necessary for the immediate preservation of the public**
38 **peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect**
39 **on its passage.**

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