

House Bill 3124

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 **as introduced**.

Increases time that written notice must be posted before removal of homeless individuals from established camping site. 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

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

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

SECTION 1. ORS 203.079 is amended to read:

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

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

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

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

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

[(d)] (5)(a) All [*unclaimed*] personal property **at the camping site that remains unclaimed after removal** shall be given to [*law enforcement officials whether 24-hour*] **the city manager, or the city manager’s designee given responsibility for complying with this subsection, whether notice is required under subsection (3) of this section or not.**

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

(c) **Weapons, drug paraphernalia and items that appear to be either stolen or evidence of a crime shall be given to law enforcement officials.**

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

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 (a) Where unclaimed personal property given to the city manager or the city manager's
2 designee under subsection (5) of this section will be stored;
3 (b) A phone number that individuals may call to find out where the property will be
4 stored; or
5 (c) If a permanent storage location has not yet been determined, the address and phone
6 number of an agency that will have the information when available.

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

10 (b) The property shall be stored for a minimum of [30] **90** days during which it [will] **shall** be
11 reasonably available to any individual claiming ownership. Any personal property that remains un-
12 claimed [for 30] **after 90** days may be disposed of. *[For purposes of this paragraph, "personal
13 property" means any item that is reasonably recognizable as belonging to a person and that has ap-
14 parent utility. Items that have no apparent utility or are in an insanitary condition may be immediately
15 discarded upon removal of the homeless individuals from the camping site. Weapons, drug paraphe-
16 nalia and items that appear to be either stolen or evidence of a crime shall be given to law enforcement
17 officials.]*

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

22 [(2)] (9) The [24-hour] **72-hour** notice [required] **requirement** under subsection [(1)] (3) of this
23 section [shall] **does** not apply:

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

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

29 [(3)] (10) A person authorized to issue a citation for unlawful camping under state law, admin-
30 istrative rule or city or county ordinance may not issue the citation if the citation would be issued
31 within 200 feet of [the] a notice [described in] **required under subsection (3)** of this section and
32 within two hours before or after the notice was posted.

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

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

37 **Sec. 1.** (1) The Department of Transportation may enter into an intergovernmental agreement
38 with a city that has a population of 500,000 or more for the removal, storage and disposition of
39 personal property deposited, left or displayed on property that is owned by the department.

40 (2) Notwithstanding ORS 377.650, 377.653 and 377.655, an intergovernmental agreement entered
41 into under this section may provide alternative provisions related to the removal, storage and dis-
42 position of personal property if the alternative provisions conform with the requirements for local
43 government policy for removal of homeless individuals and personal property [described] under ORS
44 203.079[, except that under this section the notices described in ORS 203.079 must be posted 48 hours
45 in advance].

- 1 (3) In addition to the requirements described in subsection (2) of this section, an intergovern-
2 mental agreement entered into under this section must include the following:
3 (a) Requirements for posting notice before the removal of personal property, including but not
4 limited to the following:
5 (A) That the notice is created using durable materials and securely posted within 30 feet of the
6 personal property to be removed;
7 (B) That the notice must provide the date the notice begins and the date upon which the city
8 may begin removing personal property; and
9 (C) That the notice must provide a description of:
10 (i) How an individual may access personal property that is removed and stored; and
11 (ii) The length of time the city will store personal property before the city disposes of it.
12 (b) A requirement that the notice expires 10 days after the city posts the notice.
13 (c) A severe weather protocol regarding the weather conditions under which the city will not
14 remove personal property.
15 (d) Provisions related to inventorying and storing the personal property to be removed.
16 (e) Provisions related to the city relinquishing unclaimed personal property after the storage
17 period to the city's designated agent.
18 (f) Provisions related to when the city will provide impact reduction services, including but not
19 limited to trash collection.
20 (4) The [48-hour] **72-hour** notice **under ORS 203.079** required under subsection (2) of this sec-
21 tion does not apply:
22 (a) When there are grounds for law enforcement officials to believe that illegal activities other
23 than camping are occurring;
24 (b) Where there is an exceptional emergency, such as possible site contamination by hazardous
25 materials; or
26 (c) When there is immediate danger to human life or safety.
27 (5) Before the city adopts an intergovernmental agreement under this section or changes to the
28 agreement, the city shall invite public comment on the proposed agreement or the proposed changes
29 to the agreement.
- 30 **SECTION 3. This 2021 Act being necessary for the immediate preservation of the public**
31 **peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect**
32 **on its passage.**