

Senate Bill 410

Sponsored by Senator GORSEK (Presession 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**.

Requires state agencies to develop and implement policies to ensure humane treatment of homeless individuals. Provides standards for storage facilities used for unclaimed personal property given to law enforcement officials when homeless individuals are removed from established camping site.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to homelessness; amending ORS 203.077 and 203.079 and section 1, chapter 21, Oregon Laws
3 2018; and declaring an emergency.

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

5 **SECTION 1.** ORS 203.077 is amended to read:

6 203.077. All municipalities, [*and*] counties **and state agencies** shall:

7 (1) Develop a policy that recognizes the social nature of the problem of homeless individuals
8 camping on public property.

9 (2) Implement the policy as developed, to ensure the most humane treatment for removal of
10 homeless individuals from camping sites on public property.

11 **SECTION 2.** ORS 203.079 is amended to read:

12 203.079. (1) A policy developed pursuant to ORS 203.077 shall include, but is not limited to, the
13 following:

14 (a) Prior to removing homeless individuals from an established camping site, law enforcement
15 officials shall post a notice, written in English and Spanish, 24 hours in advance.

16 (b) At the time that a 24-hour notice is posted, law enforcement officials shall inform the local
17 agency that delivers social services to homeless individuals where the notice has been posted.

18 (c) The local agency may arrange for outreach workers to visit the camping site where a notice
19 has been posted to assess the need for social service assistance in arranging shelter and other as-
20 sistance.

21 (d)(A) All unclaimed personal property shall be given to law enforcement officials whether
22 24-hour notice is required or not. The property shall be stored for a minimum of 30 days during
23 which it will be reasonably available to any individual claiming ownership. Any personal property
24 that remains unclaimed for 30 days may be disposed of.

25 **(B) Storage facilities must be located within:**

26 **(i) The city in which the property was given to law enforcement officials;**

27 **(ii) Five miles of the camping site; and**

28 **(iii) Six blocks of a public transit station.**

29 **(C)** For purposes of this paragraph, "personal property" means any item that is reasonably re-
30 cognizable as belonging to a person and that has apparent utility. Items that have no apparent

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 utility or are in an insanitary condition may be immediately discarded upon removal of the homeless
2 individuals from the camping site.

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

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

9 (2) The 24-hour notice required under subsection (1) of this section shall not apply:

10 (a) When there are grounds for law enforcement officials to believe that illegal activities other
11 than camping are occurring.

12 (b) In the event of an exceptional emergency such as possible site contamination by hazardous
13 materials or when there is immediate danger to human life or safety.

14 (3) A person authorized to issue a citation for unlawful camping under state law, administrative
15 rule or city or county ordinance may not issue the citation if the citation would be issued within
16 200 feet of the notice described in this section and within two hours before or after the notice was
17 posted.

18 **SECTION 3.** Section 1, chapter 21, Oregon Laws 2018, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (f) Provisions related to when the city will provide impact reduction services, including but not

1 limited to trash collection.

2 (4) The 48-hour notice required under subsection (2) of this section does not apply:

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

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

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

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

11 **SECTION 4. This 2021 Act being necessary for the immediate preservation of the public**
12 **peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect**
13 **on its passage.**

14
