



MEDFORD
CITY ATTORNEY'S OFFICE

March 5, 2021

via email only
Cindy Robert
Rainmakers Government Strategies

Re: City of Medford support for HB 3115

Dear Ms. Robert,

The City of Medford writes this letter in support of HB 3115, the result of many collaborative meetings between different stakeholders. The standard this bill sets for reasonable time-place-manner restrictions is generally consistent with recent federal case law. The bill adds clarity to this case law by making this requirement concise and clear to all Oregonians, including those who may not closely track the nuances of federal case law. It recognizes the rights of individuals experiencing homelessness while also recognizing the rights of municipalities to reasonably regulate their public property to ensure that the use of public property remains available to all for its intended uses.

The litigation provisions of this bill are structured in a manner to encourage collaborative, reasonable behavior by all parties involved, both before and during litigation. It encourages the litigation to stay focused on the reasonableness of the restrictions of a local ordinance on their face, instead of individual, fact-specific monetary claims. Litigation over such local ordinances may occur with or without this bill, but this bill provides a pathway for that litigation to be efficient and focused, which is in the best interest of all involved.

This bill stands in contrast with HB 2367, which does not succeed in balancing multiple different policy perspectives. Regardless of the intent of HB 2367, its overbroad provisions deprive municipalities of appropriate tools to reasonably regulate public property to ensure that that public property remains available to all for its intended uses.

Sincerely,

Eric B. Mitton
Deputy City Attorney