



**OFFICE OF COMMISSIONER DAN RYAN
CITY OF PORTLAND**

March 9, 2021

Representative Bynum, Chair
House Committee on Judiciary
Oregon State Legislature
900 Court Street NE
Salem, OR 97301

RE: City of Portland support for HB 3115

Dear Chair Bynum and Members of the Committee:

HB 3115 builds on the basic principles of the *Martin v. City of Boise* 9th Circuit ruling that stated that homeless persons cannot be punished for sleeping outside on public property in the absence of adequate alternatives.

In 2018, the City of Portland supported the State in codifying the Anderson Agreement in HB 4054. It mandates the time, place, and manner requirements around sleeping and camping outside for someone experiencing homelessness. This helps to balance the survival needs of people living outside with community members access to public property. The City of Portland created a program, which community members can use to report issues of illegal camping or related garbage within Portland. Instead of a police response, which can result in fines or arrests, harm-reduction interventions such as bathrooms, litter pick-up and outreach are provided. If a removal of property is required, it is stored for 30 days in order for the owner to reclaim. At no point in the process, does an arrest or fine need to be made. It is important for the City of Portland to retain the ability to manage maintain its public property while balancing the needs of people living unsheltered.

HB 3115 provides a framework for cities and counties to develop and update local ordinances with policies on public space management. The workgroup was able to reach consensus on the importance of preventing criminalization of homeless individuals for living their lives in a public space.

We would like to see a narrower definition for “public property” to ensure that local jurisdictions can place reasonable restrictions of the use of public space, specifically as it relates to environmentally sensitive land and structures like tents on sidewalks. It is important that HB 3115 does not end up as an unfunded mandate on local jurisdictions. Additionally, it is important that this legislation not be a conduit for endless litigation

against local jurisdictions. Cities and counties need to be able to retain the ability to conscientiously manage public property while balancing the interests of the entire community, both housed and unhoused.

We appreciate the work of stakeholders to draft this bill and look forward to transitioning to a conversation about how the state can partner with cities and counties in preventing homelessness. We think these upstream conversations and investments are essential to address the crisis cities and counties are experiencing.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Ryan", with a stylized flourish at the end.

Dan Ryan
Portland City Commissioner