



April 13, 2021

House Committee on Judiciary
Oregon State Legislature
900 Court St. NE
Salem, OR 97301

RE: Testimony in Support of HB 2367 — Relating to rights of persons experiencing houselessness.

Chair Bynum, Vice Chairs Noble and Power, and Members of the Committee,

Thank you for the opportunity to share support for HB 2367 on behalf of the American Civil Liberties Union of Oregon (ACLU of Oregon). The ACLU of Oregon is a nonpartisan, nonprofit organization dedicated to preserving and enhancing civil liberties and civil rights, with more than 28,000 members statewide.

- **Rates of houselessness are high across most of Oregon, and houselessness disproportionately impacts BIPOC individuals, as well as veterans and the victims/survivors of domestic violence.**

In our state, 35 per 10,000 Oregonians experience houselessness. Only three other states in the United States have a houseless rate worse than Oregon. As well, with 61% of Oregonians experiencing houselessness living outdoors, Oregon is in the top three of states with the highest percentages of unhoused people living unsheltered.¹

Oregon's houseless crisis stretches across the state and rates of houselessness are high across most of Oregon — from urban areas in Portland to less urban areas such as Jackson County, Central Oregon, and Lane County.²

According to the U.S. Department of Housing and Urban Development, the following are estimated numbers of Oregonians experiencing houselessness by specific demographics during 2020:

- 11,995 individuals
- 2,660 people in families with children

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<https://www.opb.org/article/2021/03/19/federal-analysis-shows-oregons-homeless-population-in-decline-prior-to-pandemic/>; see also <https://www.huduser.gov/portal/datasets/ahar/2020-ahar-part-1-pit-estimates-of-homelessness-in-the-us.html>

² <https://oregoncf.org/assets/PDFs-and-Docs/PDFs/OregonHomelessness.pdf>

- 1,314 unaccompanied homeless youth
- 1,329 veterans
- 4,123 chronically houseless individuals³

The data also shows that houselessness disproportionately impacts Black, Indigenous, and People of Color (BIPOC) individuals, as well as veterans.⁴ Also, the data shows that domestic violence is one of the primary causes of houselessness for women and children.⁵

- **All Oregonians have the right to meet their basic human needs of food and fluids, sufficient rest, clothing and shelter, a restroom, basic sanitation and health, and safety.**

Eating food and drinking fluids, getting sufficient rest, having adequate clothing and shelter, using a restroom, access to basic sanitation and health, and safety: these are basic human needs and fundamental human rights for all Oregonians.

However, cities and counties across Oregon have laws that criminalize these types of life-sustaining activities. According to research summarized by the ACLU of Oregon in 2017, Oregon’s cities and counties had 224 laws as of that time that criminalized basic human activities such as sitting, lying, resting, and eating in public.⁶

As shared in personal stories from Oregonians, cities and counties across Oregon use laws criminalizing houselessness to discriminate against and harass individuals experiencing houselessness in cruel and inhumane ways:

Ibrahim, Portland: “They wake you up in the dead of sleep and you have to walk around in the cold and rain trying to find a new place. When you finally get settled, an hour later, they move you again . . . When you have no sleep like that, you don’t really know what is going on around you. Your whole body is telling you it can’t go any more. It’s screaming. Your legs won’t move. Your eyes won’t open. You start developing mental issues. I was so exhausted.”⁷

Cara: “In my 14 and 1/2 years on the streets, so many things happened to me. I was held captive. I lost my children. I never had a moment to rest. It was beyond exhausting . . . You are out here by yourself. When you finally get away from

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<https://www.huduser.gov/portal/datasets/ahar/2020-ahar-part-1-pit-estimates-of-homelessness-in-the-us.html>

⁴ <https://oregoncf.org/assets/PDFs-and-Docs/PDFs/OregonHomelessness.pdf>

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<https://www.justice.gov/archives/ovw/blog/transitional-housing-programs-and-empowering-survivors-domestic-violence>

⁶ <https://www.aclu-or.org/en/publications/decriminalizing-homelessness-oregon>;

https://www.aclu-or.org/sites/default/files/field_documents/aclu-decriminalizing-homelessness_executive-summary_web_final.pdf;

https://www.aclu-or.org/sites/default/files/field_documents/aclu-decriminalizing-homelessness_full-report_web_final.pdf

⁷ *Id.*

downtown and the police harassing you, you then have to worry about other people. And if you got pushed far enough out, you'd have to worry about cougars.”⁸

Mel, Eugene: “I was teaching kids, working in the school district. Having to wake up in the morning, find a shower somewhere and get to work on time was an obstacle every day. Having to be productive was even harder. I was so sleep deprived . . . There were too many predators providing shelter to women, offering a place to shower and wash their clothes, and then sexually assaulting them . . . You would finally start to create a safe space with people you trust. The police would break us up.”⁹

The cumulative toll that lack of sleep, rest, food, and safety takes on a person’s physical and mental health is immense. Being roused and ousted throughout the night, moving from place to place, the stress of not being free to rest, stand, or eat in public spaces — these continuing hardships can cause severe fatigue. At the same time, the challenges of severe poverty, economic insecurity, exposure to the elements, physical disabilities, abuse from housed people and law enforcement, and mental health issues also greatly impact health and wellness.¹⁰

- **The criminalization of houselessness is a violation of Oregonians’ fundamental constitutional rights, and it simply perpetuates the systemic problems and failures that lead to continuing houselessness.**

The criminalization of houselessness violates the civil liberties and civil rights of individuals. For example, anti-camping ordinances have been deemed unconstitutional under the Eighth Amendment when people have no alternatives; this ban was therefore considered cruel and unusual. Many laws across Oregon that are used to discriminate against and harass individuals experiencing houselessness also raise similar civil liberties and civil rights concerns that need to be addressed.¹¹

The criminalization of houselessness also perpetuates the poverty and criminal records that result in many Oregonians experiencing continued housing insecurity because a myriad of laws make almost all aspects of basic survival and daily living a crime. This means that for many, citations, arrests, court fees, police encounters, and criminal records all go hand in hand with living unhoused, especially for those who are unsheltered. Criminal justice involvement has severe implications for life success.¹²

Criminal justice backgrounds significantly reduce access to jobs, the ability to rent a home, and the ability to receive social services and other related services. Court fees can create debt and result in additional fines, incarceration, and other punitive sanctions. Compounding debt for individuals experiencing housing insecurity can make saving what is needed to move into stable housing insurmountable. As well, criminalization often leads to

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

the confiscation and destruction of important personal property, including medication, identifications, family memorabilia, and shelters.¹³

Also, criminalizing houselessness is expensive to enforce because it requires cities and other municipalities to spend limited public resources on police, court, and jails. Utilizing punitive measures that rely on criminal justice system resources is far more costly than investments in support and prevention services, and it continues to send many of the same people back into the criminal justice system for offenses they cannot help doing. Enforcing laws that continue to tap public dollars without stopping cycles of criminal justice involvement are not as cost effective as addressing root causes of houselessness head on.

The myriad of laws and practices across Oregon that criminalize houselessness also foster and perpetuate negative public perceptions of people experiencing houselessness. This exacerbates the divide between unhoused and housed communities, and this divide results in harsh and counterproductive cycles of further efforts to criminalize houselessness as opposed to efforts to achieve real solutions for the housing insecurity crises occurring across Oregon.

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It is wrong, cruel, and indefensible to criminalize the basic human needs and human rights of Oregonians experiencing houselessness.

Therefore, the ACLU of Oregon urges your support of HB 2367.

Thank you,



Sandy Chung
Executive Director
ACLU of Oregon

¹³ *Id.*