



# HOUSING ALLIANCE

May 4, 2021

Senate Committee on Judiciary and Ballot Measure 110 Implementation  
Oregon State Legislature  
900 Court Street NE  
Salem, OR 97301

Dear Chair Prozanski, Vice-Chair Thatcher, Members of the Committee:

I am writing to you today on behalf of the Oregon Housing Alliance to share our support for HB 3115.

The Oregon Housing Alliance is a coalition of more than ninety organizations from all parts of the state. Our members have come together with the knowledge that housing opportunity is the foundation on which all of our success is built – individual success as students, parents, workers, and community members as well as the success of our communities.

We represent a diverse set of voices including affordable housing developers, residents of affordable housing, local jurisdictions, and organizations working to meet basic needs in every corner of our state.

A safe and stable place to call home is a basic human need.

We know that prior to the pandemic, many seniors, families, and people who experience disabilities are paying too much of their income towards rent, and may be experiencing housing instability. In Oregon, three out of four households with extremely low incomes pay over half of their income towards rent. When people pay a significant portion of their income towards rent, they have too little money left over for food, medicine, utilities, and an emergency may mean they end up experiencing homelessness.

Oregon also has one of the highest rates of people experiencing unsheltered homelessness, meaning they are sleeping outside, in a tent, or a car. In 2019, Oregon Housing and Community Services commissioned a study of shelter<sup>1</sup> in our state, and found that Oregon is one of four states where more than half of people experiencing homelessness don't have access to shelter. In Oregon, 61% of people experiencing homelessness are unsheltered. This high rate is directly due to the lack of availability of shelter in our community. In addition, some people seeking shelter are unable to access it due to barriers in shelter – they cannot stay with their partner or their pet because of shelter capacity or policy.

It is important to note that people of color disproportionately experience homelessness and housing instability due to historic and systemic discrimination in housing and employment, and

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<sup>1</sup> <https://www.oregon.gov/ohcs/ISD/RA/Oregon-Statewide-Shelter-Study.pdf>

many other factors. People experiencing unsheltered homelessness are disproportionately people of color, compared to their percentage of the general population. In Oregon, the 2019 Point in Time count<sup>2</sup> showed that while Black Oregonians make up 1.9% of the general population, they make up 6% of people experiencing homelessness who were counted in 2019.

Multnomah County's 2019 Point in Time Count report<sup>3</sup> notes:

*“Institutional, systemic and interpersonal racism are among the structural causes of homelessness. The main consequence is an overrepresentation of communities of color in the homeless population. This means that there are disproportionately high rates of people identifying with various racial and ethnic groups in the homeless population as compared to their share of the general population.”*

The national Supporting Partnerships for Anti-Racist Communities (SPARC) report on homelessness and disparities notes<sup>4</sup>: *“Although Black people comprise 13% of the general population in the United States and 26% of those living in poverty, they account for more than 40% of the homeless population suggesting that poverty rates alone do not explain the over-representation.”*

Systemic racism and the racism found in housing and employment (and other systems) is one of the structural causes of homelessness. BIPOC communities who disproportionately experience homelessness, and unsheltered homelessness, are more likely to experience the many negative consequences of unsheltered homelessness. A recent study by Portland State University's Homeless Research Action Collaborative found:

*“The results of the survey reveal profound racial disparities even in basic answers about who accesses shelter or who pitches tents. More than 1 in 4 people of color slept on the streets without a tent compared to only 1 in 10 people who are white.”<sup>5</sup>*

Recent research by the Connecticut Coalition to End Homelessness<sup>6</sup> indicates strong linkages between incarceration, homelessness, and criminalization of homelessness, and significant racial disparities.

People experiencing homelessness are our neighbors and members of our community.

People experiencing homelessness often are penalized for doing things many of us take for granted - sitting, sleeping and keeping warm and dry. This type of law enforcement does not help us keep people experiencing unsheltered homelessness safe, and the enforcement of “quality of life” laws against people who have no alternative but to try to survive outside does nothing to help end their homelessness. In fact we know that arrests, fines, and citations can only add barriers to people ending their homelessness and getting back into housing by adding criminal history or fines that are difficult obstacles to overcome.

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<sup>2</sup> <https://public.tableau.com/profile/oregon.housing.and.community.services#!/vizhome/2019Point-in-TimeDashboard/Story1>

<sup>3</sup> <https://multco.us/file/82568/download>, p.5

<sup>4</sup> <https://c4innovates.com/wp-content/uploads/2019/03/SPARC-Phase-1-Findings-March-2018.pdf>

<sup>5</sup> <https://www.streetroots.org/news/2020/12/02/opinion-what-do-people-experiencing-homelessness-need>

<sup>6</sup> <https://www.prisonpolicy.org/blog/2021/02/10/homelessness/>

Two recent federal court decisions have provided protection for people experiencing homelessness from arrest or citation for sleeping and related activities in instances in which there is not enough shelter available in communities, or the laws prohibiting these activities are unreasonable.

Communities across Oregon have created laws that penalize people experiencing homelessness for activities of daily living. A 2017 report by the ACLU of Oregon<sup>7</sup> found two hundred and twenty-four laws within local jurisdictions in Oregon that would criminalize homelessness in some way – from camping bans to anti-loitering laws to obstructing streets, and more.

HB 3115 provides both local jurisdictions and their law enforcement officers with guidance and clarity as to the changes contemplated by two landmark cases – *Boise v. Martin*, and *Blake v. City of Grants Pass*. Both decisions mean that for people experiencing homelessness, punishing them for experiencing homelessness while not providing alternatives such as shelter or housing, is not allowed.

Years after the *Boise v. Martin* opinion was issued, however, jurisdictions across Oregon still have local ordinances banning camping on public property at all times in all places in the jurisdiction. Some cities say that they are in compliance with the case law because their selective enforcement of the ordinance is in line with the *Boise* decision holding. This does not solve the problem, though, for either people experiencing homelessness or law enforcement. It does not provide people experiencing homelessness clear guidance about where they can or cannot sit or sleep, and people experiencing homelessness are unlikely to be able to assert any rights in that situation. HB 3115 is a step forward towards providing clarity for people experiencing homelessness, and help cities to understand that local ordinances simply banning camping are not allowed.

Rather than continue to criminalize the very basics that people need to do to survive while experiencing homelessness, collectively, we should prioritize working to build enough safe, stable, and affordable homes for people experiencing homelessness, to remove barriers to getting into housing, and to prevent the further criminalization of people experiencing homelessness.

The Legislature should provide basic protections to people experiencing homelessness so they do not face fines, fees, or arrests for activities of daily living. We urge your support of HB 3115.

Sincerely,



Alison McIntosh  
On Behalf of the Oregon Housing Alliance

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<sup>7</sup> <https://www.aclu-or.org/en/publications/decriminalizing-homelessness-oregon>

## Housing Alliance Members

1000 Friends of Oregon  
211info  
Aging in the Gorge  
Benton Habitat for Humanity  
Bienestar  
Bradley Angle  
BRIDGE Housing  
Business for a Better Portland  
CASA of Oregon  
Central City Concern  
Chrisman Development  
Church Women United of Lane County  
City of Beaverton  
City of Eugene  
City of Forest Grove  
City of Hillsboro  
City of Hood River  
City of Portland  
City of Tigard  
Clackamas County  
Coalition of Community Health Clinics  
Coalition of Housing Advocates  
College Housing Northwest  
Community Action Partnership of Oregon  
Community Action Team  
Community Alliance of Tenants  
Community Development Partners  
Community Housing Fund  
Community Partners for Affordable Housing  
Community Vision  
Cornerstone Community Housing  
DevNW  
Ecumenical Ministries of Oregon  
Enterprise Community Partners  
Fair Housing Council of Oregon  
Farmworker Housing Development Corp.  
FOOD for Lane County  
Habitat for Humanity of Oregon  
Habitat for Humanity Portland/Metro East  
Hacienda CDC  
Home Forward  
Homes for Good  
Housing Authorities of Oregon  
Housing Authority of Clackamas County  
Housing Development Center  
Housing Oregon  
Human Solutions  
Immigrant & Refugee Community Organization

Impact Northwest  
Innovative Housing, Inc.  
Interfaith Alliance on Poverty  
JOIN  
Lane County Health and Human Services  
League of Oregon Cities  
League of Women Voters of Oregon  
Lincoln County  
Looking Glass Community Services  
Mainstream Housing Inc.  
Metro  
Mid-Columbia Housing Authority  
NAYA Family Center  
Neighborhood Partnerships  
NeighborImpact  
NeighborWorks Umpqua  
Network for Oregon Affordable Housing  
Northwest Housing Alternatives  
Northwest Pilot Project  
Oregon AFSCME Council 75  
Oregon Coalition of Christian Voices  
Oregon Center for Public Policy  
Oregon Coalition on Housing & Homelessness  
Oregon Council on Developmental Disabilities  
Oregon Food Bank  
Our Children Oregon  
Partners for a Hunger-Free Oregon  
Portland Community Reinvestment Initiatives  
Portland Homeless Family Solutions  
Portland: Neighbors Welcome  
Proud Ground  
Raphael House  
REACH CDC  
Residents Organizing for Change (ROC) Oregon  
Rogue Action Center  
Rose CDC  
St. Francis Shelter  
St. Vincent de Paul of Lane County, Inc.  
ShelterCare  
Sisters Habitat for Humanity  
Sponsors, Inc.  
SquareOne Villages  
Street Roots  
Think Real Estate  
Transition Projects  
Washington County  
Welcome Home Coalition