

House Bill 2939

Sponsored by Representative MORGAN; Representatives CATE, LEVY B, WRIGHT, Senators HANSELL, WEBER
(Pre-session 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**.

Reduces notice period before removal of homeless individuals from established camping site to 24 hours. Eliminates certain requirements related to storage of personal property removed from camping site. Eliminates preemption of section by local law.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to homeless camping sites; amending ORS 195.505; and declaring an emergency.

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

4 **SECTION 1.** ORS 195.505 is amended to read:

5 195.505. (1) A policy developed pursuant to ORS 195.500 shall [*conform*] **include**, but is not
6 limited[,] to, the following provisions.

7 (2) As used in this section, "personal property" means any item that can reasonably be identified
8 as belonging to an individual and that has apparent value or utility.

9 (3)(a) Except as provided in subsection [(9)] **(6)** of this section, [*at least 72 hours before*] **24 hours**
10 **prior to** removing homeless individuals from an established camping site, law enforcement officials
11 shall post a written notice **of removal**, in English and Spanish, at [*all entrances to*] the camping site
12 [*to the extent that the entrances can reasonably be identified*].

13 [(4)(a)] **(b)** When a [*72-hour*] **24-hour** notice is posted, law enforcement officials shall inform the
14 local agency that delivers social services to homeless individuals as to where the notice has been
15 posted.

16 [(b)] **(c)** The local agency may arrange for outreach workers to visit the camping site that is
17 subject to the notice to assess the need for social service assistance in arranging shelter and other
18 assistance.

19 [(5)(a)] **(4)(a)** All personal property at the camping site that remains unclaimed after removal
20 shall be given to [*a*] law enforcement [*official, a local agency that delivers social services to homeless*
21 *individuals, an outreach worker, a local agency official or a person authorized to issue a citation de-*
22 *scribed in subsection (10) of this section, whether*] **officials, whether 24-hour** notice is required
23 [*under subsection (3) of this section*] or not.

24 [(b) *The unclaimed personal property must be stored:*]

25 [(A) *For property removed from camping sites in counties other than Multnomah County, in a fa-*
26 *ility located in the same community as the camping site from which it was removed.*]

27 [(B) *For property removed from camping sites in Multnomah County, in a facility located within*
28 *six blocks of a public transit station.*]

29 [(c)] **(b)** Items that have no apparent value or utility or are in an insanitary condition may be
30 immediately discarded upon removal of the homeless individuals from the camping site.

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 [(d)] (c) Weapons, controlled substances other than prescription medication, **drug parapher-**
 2 **nalia** and items that appear to be either stolen or evidence of a crime shall be given to or retained
 3 by law enforcement officials.

4 [(6) *The written notice required under subsection (3) of this section must state, at a minimum:*]

5 [(a) *Where unclaimed personal property will be stored;*]

6 [(b) *A phone number that individuals may call to find out where the property will be stored; or*]

7 [(c) *If a permanent storage location has not yet been determined, the address and phone number*
 8 *of an agency that will have the information when available.*]

9 [(7)(a) *The unclaimed personal property shall be stored in an orderly fashion, keeping items that*
 10 *belong to an individual together to the extent that ownership can reasonably be determined.*]

11 [(b)] (d) The property shall be stored for a minimum of 30 days during which it shall be rea-
 12 sonably available to any individual claiming ownership. Any personal property that remains un-
 13 claimed after 30 days may be disposed of [*or donated to a corporation described in section 501(c)(3)*
 14 *of the Internal Revenue Code as amended and in effect on December 31, 2020.*].

15 [(8)] (5) Following the removal of homeless individuals from a camping site on public property,
 16 the law enforcement officials, local agency officials and outreach workers may meet to assess the
 17 notice and removal policy, to discuss whether the removals are occurring in a humane and just
 18 manner and to determine if any changes are needed in the policy.

19 [(9)(a)] (6) The [72-hour] **24-hour** notice requirement under subsection (3) of this section does
 20 not apply:

21 [(A)] (a) When there are grounds for law enforcement officials to believe that illegal activities
 22 other than camping are occurring [*at an established camping site*].

23 [(B)] (b) In the event of an exceptional emergency [*at an established camping site*], including, but
 24 not limited to, possible site contamination by hazardous materials, a public health emergency or
 25 other immediate danger to human life or safety.

26 [(b) *If a funeral service is scheduled with less than 72 hours' notice at a cemetery at which there*
 27 *is a camping site, or a camping site is established at the cemetery less than 72 hours before the*
 28 *scheduled service, the written notice required under subsection (3) of this section may be posted at least*
 29 *24 hours before removing homeless individuals from the camping site.*]

30 [(10)] (7) A person authorized to issue a citation for unlawful camping under state law, admin-
 31 istrative rule or city or county ordinance may not issue the citation if the citation would be issued
 32 within 200 feet of a notice required under subsection (3) of this section and within two hours before
 33 or after the notice was posted.

34 [(11) *Any law or policy of a city or county that is more specific or offers greater protections to*
 35 *homeless individuals subject to removal from an established camping site preempts contrary provisions*
 36 *of this section.*]

37 **SECTION 2. This 2023 Act being necessary for the immediate preservation of the public**
 38 **peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect**
 39 **on its passage.**

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