



March 17, 2023

Senate Committee on Housing and Development
Oregon State Legislature
900 Court St. NE
Salem, OR 97301

RE: Testimony Against -5 Amendment of SB 847

Dear Chair Jama, Vice-Chair Anderson, and members of the Senate Committee on Housing and Development:

Thank you for the opportunity to provide testimony 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 supporters statewide.

The ACLU of Oregon opposes the -5 amendment to SB 847, which would create a separate legal regime for houseless individuals in rural communities.

The ACLU of Oregon is deeply troubled by the -5 amendment's proposed creation of a system that would deprive Oregonians of essential rights and protections based on their housing status and geography.

Civil liability is essential to protecting Oregonian's civil rights, liberties, and safety. Civil liability is also one of the only safeguards for houseless individuals, who comprise one of our state's most vulnerable communities.

Yet the -5 amendment would create a double standard: houseless individuals (and the volunteers who help them) in one locale would not be entitled to the same protections of those even 20 miles away. The limited protections in Sections 1 and 2 of the amendment are completely undermined by the expansive immunity provided in Section 3.

Houseless individuals relying on cities, counties, and private parties for shelter place their well-being and safety in these entities' hands. This reliance—and the very lack of resources and support which cause houselessness—creates an enormous power differential between those who rely upon those services and those who provide them. By stripping houseless individuals living in certain communities of civil liability, the -5 amendment would deprive these vulnerable groups of a legal avenue for seeking safe living conditions and leave potential whistle-blowers with few avenues for recourse.

Providing immunity from civil liability—and extending that civil immunity to private third party entities—creates alarming incentives for contractors and standards of care. In providing a shield to bad or negligent actors, this amendment creates a worrying incentive for these actors to exploit.

The risks of malicious, negligent, and harmful operations by shelter providers are not hypothetical. In 2020, the ACLU of Southern California filed a lawsuit against several emergency shelters on behalf of houseless women who endured “relentless sexual harassment, including highly invasive body searches and voyeurism from staff members, as well as unchecked groping and lewd propositions.”¹

Camp residents in facilities run by Urban Alchemy, a California nonprofit organization that is currently expanding its operations into Oregon, reported facility staff sexually exploited houseless women and distributed methamphetamine while on duty.²

The -5 amendment would create a disturbing status quo in Oregon, where vulnerable Oregonians in some locations would find they lack the rights and protections of their counterparts mere miles away.

Houseless people do not lose their rights at the shelter door. We urge you to vote against this -5 amendment that would foreclose an injured person’s right to remedy based on their housing status and location.

Respectfully,

Emily Hawley
Senior Policy Associate, ACLU of Oregon

¹ ACLU of Southern California, Lawsuit: Sexual Harassment, Inhumane Conditions in O.C. Homeless Shelters, December 10, 2020, <https://www.aclu.org/press-releases/lawsuit-sexual-harassment-inhumane-conditions-oc-homeless-shelters>.

² Nikki Silverstein, Sausalito Homeless Residents Make Serious Allegations Against Urban Alchemy, Pacific Sun, June 1, 2022, <https://pacificsun.com/workplace-violations/>.