

Ellen Porter (Roseburg City Council) testimony to Senate Committee On Housing and Development regarding SB 847-5; 3/29/2023:

I've provided brief testimony previously on the SB847-5 amendment, but have traveled to Salem to speak with you in person due to the importance of this amendment.

Although this amendment has garnered support from just about every interest group (including cities, counties, health and welfare advocates, homeless advocates, environmental advocates and tribal members), the -5 amendment is currently in jeopardy due to the opposition of plaintiff attorney organizations. I have sat in on two calls with the opponents in hopes of finding some compromise that would be acceptable to them. I have literally pleaded with them to outline their concerns and suggest alternative language. Both calls ended with assurances that they would compile and provide a summary. We have yet to see a response. We would love to work with them to try to find language more suitable to them.

Similar language to the -5 amendment was also introduced in the House as a stand-alone bill. I understand Representative Dexter chose not to move the HB, based on her conversation with members of this committee that the bill was expected to move through the Senate committee and would be redundant. As a result, the -5 amendment is the only form of this language currently left in play.

Passage of this amendment is necessary for rural Oregon as we do not receive the funding, do not have the tax base, the supporting institutions or professional human resources that metropolitan areas have. However, we have relatively large homeless populations who live in squalid conditions that have the unintended consequences of negatively impacting communities, neighborhoods, businesses in our urban cores and causing serious environmental damage and harm to wildlife.

The -5 amendment seeks to aid in the effort by limiting liability for rural communities if they choose to designate an urban safe resting place or campground that meets certain space, safety and sanitary service criteria. Most rural Oregon governments are not self-insured, do not have legal counsel on staff and cannot afford the cost of legal challenges. One option rural areas try to utilize involves working with local non-profits to establish and run urban campgrounds. Unfortunately, there are not nearly enough non-profits to meet this need.

To exacerbate matters, liability insurance for homeless camps is becoming very difficult for non-profits to obtain. We have asked CIS to investigate this issue – they reached out to their 3 “go-to” insurance companies for this type of insurance. All 3 companies informed CIS that they have recently stopped offering liability insurance for homeless camps due to the associated cost and risk. The lack of liability insurance for non-profits will further impede rural areas' attempts to address the homeless crisis.

Homeless people in most rural areas currently set up camps under bridges, in parks, in the woods, doorways, etc. because they have no designated area in which to go. The opposition to -5 would have you believe that limiting liability for rural safe resting places or campgrounds will strip rural homeless people of protections that are afforded to their counterparts in urban areas. I couldn't disagree more with this argument. In fact, homeless individuals would have no fewer protections than what they have currently camping in undesignated areas. BUT the homeless are currently subject to far more hazards than they would be if they had a designated campground.

State, County and City designated parks and recreational campgrounds are not typically subject to liability lawsuits if the homeless (or anyone else for that matter) experiences a damaging event while at the property. These areas fall under recreational immunity provisions. Why then, would we be opposed to clarifying that designated safe resting places or campgrounds for the homeless do not impose greater liability risk than do our other publicly owned places where they are setting up camp? Not being willing to do so will only impede getting assistance to rural homeless populations that they so desperately need.

A recent article in the Oregonian discussed a survey conducted among Portland's homeless. That survey found that 7 out of 10 homeless people refuse to go to a congregate shelter. Of those, 8 out of 10 stated that they would go to an outdoor encampment that provided safety and stability as well as hygiene and social services. Based on my experiences this would seem true.

I have talked with homeless people, their advocates, and all the other interest groups mentioned earlier, and they all advocate for some form of campground or safe space where rural communities can offer the most basic services to help the homeless population.

The reality is that if the -5 amendment does not pass, it will not mean that the rural homeless will enjoy those liability protections the opposition seeks, rather it will likely result in few, if any designated rural campgrounds and the homeless will continue to set up camp anywhere they can find a spot and they won't have services.

Due to the financial, human and institutional resources constraints and now the difficulty for non-profits to obtain liability insurance, refusing to pass the -5 amendment (or something similar) will continue to subject rural homeless populations to the inhumane, squalid and dangerous living situations in which many find themselves. Please don't kill this amendment. Thank you.