

Submitter: Susan Tilley

On Behalf Of:

Committee: House Committee On Housing and Homelessness

Measure: HB3501

This proposed legislation seems to give the homeless more rights than the housed in public spaces. Can they not be required to abide by the rules everyone else has to abide by? For instance, if the city park closes at sunset, do the homeless have to leave the same as people who have housing do? If the state parks do not allow camping outside of designated camping areas, can the homeless camp anywhere? If camping is not allowed on sidewalks, vacant lots, or parks in cities, is there an exception for the homeless? If parking and living in mobile home on city streets is against the rules, do the homeless have a right to park and live on the street?

This bill seems to set up a special protected class similar to other protected classes but instead of guaranteeing the same protections, it seems to set up the homeless as a class that has more rights than everyone else, to disobey policies and statutes that everyone else has to abide by which is clearly unconstitutional. If setting up the homeless as a special protected class is not the intent of this bill, then it is not necessary. The homeless already enjoy the same rights and privileges as the everyone else under existing law.

Enforcement of these rules also would be a nightmare for law enforcement. One set of rules for homeless; another set for everyone else? Do they have to determine the housing status of individuals before enforcing the laws? It also places the burden to "designate and provide an appropriate alternative place for persons experiencing homelessness". This is beyond the scope of their duty to enforce the law and turns law enforcement into social work.

The provisions in this bill is also a nightmare for the courts. If someone is cited, say by living in camper on private property without obtaining the necessary permits, can they use the provisions of this bill to claim an exception?

Altogether, this bill as written is a bad idea.