

House Bill 3774

Sponsored by Representative DRAZAN; Representatives BOICE, HELFRICH, JAVADI

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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act would restore the prior version of the law for the removal of homeless camps that was on the books before recent changes. (Flesch Readability Score: 62.6).

Repeals the changes made by House Bill 3124 (2021) to the statutes governing local removal of homeless individuals from established camping sites.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

1 Relating to homelessness; amending ORS 195.505 and 195.515; and declaring an emergency.

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

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

4 195.505. (1) A policy developed pursuant to ORS 195.500 shall *[conform]* **include**, but is not
5 limited[,] to, the following provisions.

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

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

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

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

18 *[(5)(a)]* **(4)(a)** All personal property at the camping site that remains unclaimed after removal
19 shall be given to *[a law enforcement official, a local agency that delivers social services to homeless*
20 *individuals, an outreach worker, a local agency official or a person authorized to issue a citation de-*
21 *scribed in subsection (10) of this section, whether]* **law enforcement officials, whether 24-hour** no-
22 tice is required *[under subsection (3) of this section]* or not.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 [(b) *If a funeral service is scheduled with less than 72 hours' notice at a cemetery at which there*
28 *is a camping site, or a camping site is established at the cemetery less than 72 hours before the*
29 *scheduled service, the written notice required under subsection (3) of this section may be posted at least*
30 *24 hours before removing homeless individuals from the camping site.*]

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

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

38 **SECTION 2.** ORS 195.515 is amended to read:

39 195.515. (1) The Department of Transportation may enter into an intergovernmental agreement
40 with a city that has a population of 500,000 or more for the removal, storage and disposition of
41 personal property deposited, left or displayed on property that is owned by the department. The city
42 shall prioritize removal of personal property that is within the right of way of a highway under the
43 jurisdiction of the department as a road authority pursuant to ORS 810.010.

44 (2) Notwithstanding ORS 377.650, 377.653 and 377.655, an intergovernmental agreement entered
45 into under this section may provide alternative provisions related to the removal, storage and dis-

1 position of personal property if the alternative provisions conform with the requirements for local
2 government policy for removal of homeless individuals and personal property under ORS 195.505.

3 (3) In addition to the requirements described in subsection (2) of this section, an intergovern-
4 mental agreement entered into under this section must include the following:

5 (a) Requirements for posting notice before the removal of personal property, including but not
6 limited to the following:

7 (A) That the notice is created using durable materials and securely posted within 30 feet of the
8 personal property to be removed;

9 (B) That the notice must provide the date the notice begins and the date upon which the city
10 or department may begin removing personal property; and

11 (C) That the notice must provide a description of:

12 (i) How an individual may access personal property that is removed and stored; and

13 (ii) The length of time the city or department will store personal property before the city or
14 department disposes of it.

15 (b) A requirement that the notice expires 10 days after the city or department posts the notice.

16 (c) A severe weather protocol regarding the weather conditions under which the city or de-
17 partment will not remove personal property.

18 (d) Provisions related to inventorying and storing the personal property to be removed.

19 (e) Provisions related to the city or department relinquishing unclaimed personal property after
20 the storage period to the city's or department's designated agent.

21 (f) Provisions related to when the city will provide impact reduction services, including but not
22 limited to trash collection.

23 (g) A provision providing that if the department requests city services under the intergovern-
24 mental agreement, but the city is unable or unwilling to provide services as requested, the depart-
25 ment or the department's contractor may perform the requested services consistent with the terms
26 of the agreement, including but not limited to posting notice.

27 (4) The [72-hour] **24-hour** notice under ORS 195.505 required under subsection (2) of this section
28 does not apply:

29 (a) When there are grounds for law enforcement officials to believe that illegal activities other
30 than camping are occurring;

31 (b) Where there is an exceptional emergency, such as possible site contamination by hazardous
32 materials; or

33 (c) When there is immediate danger to human life or safety.

34 (5) Before the city adopts an intergovernmental agreement under this section or changes to the
35 agreement, the city shall invite public comment on the proposed agreement or the proposed changes
36 to the agreement.

37 **SECTION 3. This 2025 Act being necessary for the immediate preservation of the public**
38 **peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect**
39 **on its passage.**

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