



Northwest District Association

March 22, 2021

House Committee on Judiciary

900 Court Street NE

Salem, OR 97301

Rep. Janelle Bynum, Rep. Karin Power, Rep. Sherrie Sprenger, Rep. Jeff Barker, Rep. Akasha Lawrence Spence, Rep. Rick Lewis, Rep. Raquel Moore-Green, Rep. Ron Noble, Rep. Carla Piluso, Rep. Tawna Sanchez, Rep. Marty Wilde

RE: Testimony on HB 3115

The Northwest District Association, which represents a dense urban neighborhood adjacent to Portland's Central City, has seen a dramatic increase over the past few years in homeless encampments on sidewalks and adjacent to highways and parks. We support efforts by the City of Portland and Metro to provide alternatives to *ad hoc* camping for people experiencing homelessness.

NWDA requests that HB 3115 be revised in two respects:

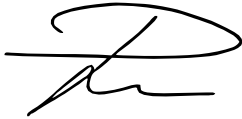
- First, "public property" should be more precisely defined to include **only public property where access by the public is allowed**, which would exclude the sides (verges) of highways and other unfenced public property where all pedestrian entry/presence is prohibited. Allowing any habitation in such areas is a public safety hazard, which has resulted in injuries and deaths.
- Second, beyond delineating the legal prerogatives of homeless plaintiffs to challenge local regulations, the bill should clearly acknowledge that **local jurisdictions can identify where and when camping is and is not allowed on public property**. The 9th Circuit Court of Appeals ruling (*Martin v. City of Boise*) allowed to stand by the US Supreme Court only prohibits ordinances that criminalize sleeping, sitting, or lying in all public spaces, when no alternative sleeping space is available.

These clarifications are consistent with the testimony submitted by Portland City Commissioner Dan Ryan, which we strongly support:

We would like to see a narrower definition for "public property" to ensure that local jurisdictions can place reasonable restrictions of the use of public space, specifically as it relates to environmentally sensitive land and structures like tents on sidewalks... Additionally, it is important that this legislation not be a conduit for endless litigation against local jurisdictions. Cities and counties need to be able to retain the ability to conscientiously manage public property while balancing the interests of the entire community, both housed and unhoused.

Please consider making the two suggested changes above to HB 3115, so that a reasonable transition can be made from the emergency suspension of enforcing local ordinances to revised ordinances that reflect the new availability of sanctioned alternatives to unregulated camping on public property for those experiencing homelessness.

Best Regards,
Northwest District Association

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Parker McNulty
President

A handwritten signature in black ink, appearing to be 'Greg Theisen', written over a light blue horizontal line.

Greg Theisen
Chair, NWDA Planning Committee