



*Tozer, et al. v. City  
of Portland  
Proposed  
Settlement*

NAOMI SHEFFIELD, SENIOR DEPUTY CITY ATTORNEY

# *Tozer, et al. v. City of Portland* – Lawsuit Summary

- ▶ Nine individuals with disabilities related to mobility or vision, and one caretaker of an individual with a mobility disability filed suit in September 2022.
- ▶ They alleged the City violated the Americans with Disabilities Act and Section 504 of the Rehabilitation Act.
- ▶ Specifically, they alleged: “City has failed to and continues to fail to maintain its sidewalks clear of debris and tent encampments, which is necessary to make its sidewalks readily accessible to people with mobility disabilities.”



# Proposed Settlement Terms

- ▶ Five-year term (obligations until June 30, 2028).
- ▶ Federal court retains jurisdiction to enforce the settlement.
- ▶ The City will pay plaintiffs damages of \$5,000 per Plaintiff.
- ▶ The City will agree that plaintiffs are the prevailing party, entitled to reasonable attorneys' fees and costs, which will be decided by the court.
- ▶ The City agrees to certain funding and operational requirements (discussed on next slides).
- ▶ The City agrees to report progress quarterly.

# Campsite Reporting System

- ▶ The City will maintain an integrated campsite reporting system with the ability to report both online and through 311.
  - ▶ Individuals reporting campsites will be able to note that the campsite is obstructing a sidewalk.
  - ▶ A person with a disability may separately request an accommodation related to an obstruction on a sidewalk.



# Reprioritizing Campsite Removals

- ▶ The City will conduct assessments of reported sidewalk obstructions within 5 business days of a report.
- ▶ The City will prioritize sidewalk obstructions – 40% of the City's removals annually will address sidewalk obstructions (no less than 35% each quarter).
- ▶ The City will prioritize accommodations for persons with disabilities – within the 40% of removals that address sidewalk obstructions, requests for accommodations will be prioritized.
- ▶ The City will remove no fewer than 500 campsites obstructing sidewalks each fiscal year.

# Signage and Tents

- ▶ The City will post signs indicating that obstructing pedestrian traffic is prohibited at locations where there have been repeated instances of sidewalk obstructions.
- ▶ The City will generally not distribute tents, except:
  - ▶ When City contractors may need to provide a tent to assist with a removal.
  - ▶ At severe winter weather shelters.
  - ▶ When it is necessary to replace property damaged or destroyed during a removal.



# Impact Reduction Program Minimum Funding

- ▶ The City will commit to funding the services provided by the Impact Reduction Program (existing services and other similar services that it may undertake) at no less than the following amounts:
  - ▶ \$8,000,000 for FY 2023-2024.
  - ▶ \$3,000,000 for FYs 2024-25, 2025-26, 2026-27, 2027-28.