



[Home](#) / [Council Documents](#)

# 191706

Emergency Ordinance

**\*Amend City Code to update existing public camping restriction policies (repeal Code Sections 14A.50.020, 14A.50.025, add Code Sections 14A.50.140, 14A.50.150, 14A.50.160, 14A.50.170, 14A.50.180, and amend Sections 14A.50.050, 14A.55.010, 29.50.050)**

Passed

Amended by Council

The City of Portland ordains:

Section 1. The Council finds:

1. During the 2021 Regular Session of the Oregon Legislative Assembly, the legislature adopted House Bill 3115 (HB 3115).
2. HB 3115 requires that any city law that regulates the acts of sitting, lying, sleeping, or keeping warm and dry outdoors on public property that is open to the public must be objectively reasonable as to time, place, and manner.
3. On June 7, 2023, the City Council passed Ordinance 191311 to comply with HB 3115, by adopting reasonable time, place, and manner regulations with respect to persons experiencing homelessness.
4. On September 29, 2023, plaintiffs filed suit challenging the City's regulations, and on November 9, 2023, the Multnomah County Circuit Court issued an injunction barring the City from enforcing the ordinance. The City sought review of the injunction from the Oregon Supreme Court through a writ of mandamus with the goal of obtaining a judicial opinion providing guidance to the City and the public regarding the permissible scope of the City's regulations. On March 7, 2024, the Oregon Supreme Court denied the City's request.
5. While the City has not been afforded guidance from the courts, the City remains required by HB 3115 to ensure the City's regulations

## Changes

[Ordinance 191706](#)

May 8, 2024

[View all changes](#)

Introduced by

[Mayor Ted Wheeler](#)

## Contact

**Skyler Brocker-Knapp**

Senior Policy Advisor

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## Requested Agenda Type

Regular

## Date and Time Information

**Requested Council Date**

May 8, 2024

Changes City Code

concerning camping on public property are objectively reasonable.








6. While the current injunction by the Multnomah County Circuit Court would keep the *status quo* in place, the City Council believes the *status quo* is not working.
7. Accordingly, the City Council finds it necessary to repeal the previous ordinance and replace those provisions with new regulations governing camping on public property.
8. The new regulations do the following:
  - a. Clarify the definition of camping;
  - b. Clarify the prohibition on camping for individuals who have reasonable shelter or who decline an offer of reasonable shelter;
  - c. Focus on regulating the manner by which camping may not be done on public property; and
  - d. Reduce the criminal sanctions, and replace the warnings with a provision encouraging diversion.
9. The City Council believes the new regulations are necessary as they are likely to survive a legal challenge while also providing objectively reasonable regulations that can be enforced to help change the *status quo* in Portland.
10. The City Council also finds that transparency is an imperative aspect to the enforcement of this ordinance, and seeks to ensure it is not being disproportionately enforced through appropriate data collection and reporting.

NOW, THEREFORE, the Council directs:

- A. Portland City Code Sections 14A.50.020 and 14A.50.025 are repealed.
- B. Portland City Code Sections 14A.50.140, 14A.50.150, 14A.50.160, 14A.50.170 and 14A.50.180 are added as set forth in Exhibit A.
- C. Portland City Code Sections 14A.50.050, 14A.55.010, and 29.50.050 are amended as set forth in Exhibit B.
- D. The Portland Police Bureau to provide quarterly aggregated data updates to Council related to the number of arrests, demographics of arrested individuals, and frequency of arrests pursuant to the City Code provisions set forth in Exhibit A. These updates should be made in a form easily accessible to the public.

Section 2. The Council declares that an emergency exists in order to enforce camping rules and restrictions immediately; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

## Documents and Exhibits

 <a href="https://www.portland.gov/sites/default/files/council-documents/2024/manner-rubio-amendment-1-cao-edits.pdf">Approved Amendment to Ordinance - Commissioner Rubio</a>	230.17 KB
<a href="https://www.portland.gov/sites/default/files/council-documents/2024/manner-rubio-amendment-1-cao-edits.pdf">https://www.portland.gov/sites/default/files/council-documents/2024/manner-rubio-amendment-1-cao-edits.pdf</a>	
 <a href="https://www.portland.gov/sites/default/files/council-documents/2024/item-339-proposed-amendment-commissioner-mapps.pdf">Approved Amendment to Exhibit A - Commissioner Mapps</a>	24.75 KB
<a href="https://www.portland.gov/sites/default/files/council-documents/2024/item-339-proposed-amendment-commissioner-mapps.pdf">https://www.portland.gov/sites/default/files/council-documents/2024/item-339-proposed-amendment-commissioner-mapps.pdf</a>	
 <a href="https://www.portland.gov/sites/default/files/council-documents/2024/proposed-amendment-to-ordinance-commissioner-gonzalez.pdf">Failed Amendment to Ordinance - Commissioner Gonzalez</a>	68.26 KB
<a href="https://www.portland.gov/sites/default/files/council-documents/2024/proposed-amendment-to-ordinance-commissioner-gonzalez.pdf">https://www.portland.gov/sites/default/files/council-documents/2024/proposed-amendment-to-ordinance-commissioner-gonzalez.pdf</a>	
 <a href="https://www.portland.gov/sites/default/files/council-documents/2024/final-tpm-alt-exhibits-gonzalez.pdf">Failed Amendment to Substitute Exhibit A (Version 3) - Commissioner Gonzalez</a>	164.72 KB
<a href="https://www.portland.gov/sites/default/files/council-documents/2024/final-tpm-alt-exhibits-gonzalez.pdf">https://www.portland.gov/sites/default/files/council-documents/2024/final-tpm-alt-exhibits-gonzalez.pdf</a>	
 <a href="https://www.portland.gov/sites/default/files/council-documents/2024/proposed-amended-exhibit-b-commissioner-gonzalez.pdf">Failed Amendment to Substitute Exhibit B - Commissioner Gonzalez</a>	121.64 KB
<a href="https://www.portland.gov/sites/default/files/council-documents/2024/proposed-amended-exhibit-b-commissioner-gonzalez.pdf">https://www.portland.gov/sites/default/files/council-documents/2024/proposed-amended-exhibit-b-commissioner-gonzalez.pdf</a>	
 <a href="https://www.portland.gov/sites/default/files/council-documents/2024/exhibit-a-as-amended.pdf">Exhibit A - As Amended</a>	119.94 KB
<a href="https://www.portland.gov/sites/default/files/council-documents/2024/exhibit-a-as-amended.pdf">https://www.portland.gov/sites/default/files/council-documents/2024/exhibit-a-as-amended.pdf</a>	
 <a href="https://www.portland.gov/sites/default/files/council-documents/2024/tpm-alt-exhibit-b.pdf">Exhibit B</a>	120.99 KB
<a href="https://www.portland.gov/sites/default/files/council-documents/2024/tpm-alt-exhibit-b.pdf">https://www.portland.gov/sites/default/files/council-documents/2024/tpm-alt-exhibit-b.pdf</a>	

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor (City Charter Chapter 2 Article 1 Section 2-122)

Passed as amended by Council  
May 8, 2024

Auditor of the City of Portland  
Simone Rede



## Impact Statement

### Purpose of Proposed Legislation and Background Information

In 2021, the Oregon Legislature passed HB 3115, requiring all cities and counties to meet compliance by July 1, 2023 with the law.

- HB 3115 requires all cities and counties to ensure their camping ordinances are “objectively reasonable as to time, place, and manner with regards to persons experiencing homelessness.”
- On June 7, 2023, the City passed Ordinance 191311 to comply with the requirements of HB 3115.
- On September 29, 2023, plaintiffs filed suit challenging the updated City City’s regulations, and on November 9, 2023, the Multnomah County Circuit Court issued an injunction barring the City from enforcing the ordinance. The City sought review of the injunction from the Oregon Supreme Court through a writ of mandamus with the goal of obtaining a judicial opinion providing guidance to the City and the public regarding the permissible scope of the City’s regulations under HB 3115. On March 7, 2024, the Oregon Supreme Court denied the City’s request
- In light of the urgency in addressing issues around public camping, this ordinance simplifies and clarifies the camping restrictions within the City of Portland.

### Financial and Budgetary Impacts

The financial and budgetary impacts of this ordinance include, but are not limited to:

- Continued funding of the Street Services Coordination Center, the Impact Reduction Program, and the Portland Bureau of Transportation’s abandoned auto and derelict RV programs (through the regular budget process).
- This ordinance does not amend the budget.
- This ordinance do not require new funding. The City of Portland will use existing resources to enforce this ordinance city-wide.

### Community Impacts and Community Involvement

The City briefed jurisdictional partners regarding the proposed changes and has also met with service providers who work directly with the homeless population. City staff also briefed internal bureau and program partners as to changes made from the previously passed code changes (from last summer).

## 100% Renewable Goal

This ordinance limits open fires and accumulation of trash and debris, as well as sewage and hazardous substances.

## Budget Office Financial Impact Analysis

This ordinance does not require new funding as the City will use existing resources to enforce the ordinance. Impacted City programs include the Street Services Coordination Center, the Impact Reduction Program, and the Portland Bureau of Transportation's abandoned auto and derelict RV program, the continued funding of which will be determined through the regular budget process.

## Agenda Items

**320 Time Certain in [April 17-18, 2024 Council Agenda](https://www.portland.gov/council/agenda/2024/4/17)**  
(<https://www.portland.gov/council/agenda/2024/4/17>)

Rescheduled

Rescheduled to April 24, 2024 at 4:00 p.m. Time Certain

**339 Time Certain in [April 24-25, 2024 Council Agenda](https://www.portland.gov/council/agenda/2024/4/24)**  
(<https://www.portland.gov/council/agenda/2024/4/24>)

Passed to second reading as amended

Motion to add Finding 10 and Directive D: Moved by Rubio and seconded by Mapps. (Y-5)

Motion to amend Exhibit A and Directive B of the Ordinance to add Section 14A.50.180: Moved by Mapps and seconded by Rubio. (Y-5)

Motion to amend the Ordinance and substitute Exhibits A and B as detailed in the proposed amendments posted online to the Council Agenda: Moved by Gonzalez and seconded by Ryan. (Y-Ryan, Gonzalez; N-Mapps, Rubio, Wheeler). Motion failed to pass.

Passed to second reading as amended May 8, 2024 at 9:30 a.m.

**360 Regular Agenda in [May 8, 2024 Council Agenda](https://www.portland.gov/council/agenda/2024/5/8)**  
(<https://www.portland.gov/council/agenda/2024/5/8>)

Passed As Amended

Vote called. (Y-5)

Motion to reconsider: Moved by Wheeler and seconded by Mapps. (Y-5)

Motion to add an emergency clause to enact an actionable ordinance to enforce camping rules and restrictions: Moved by Gonzalez and seconded by Wheeler. (Y-5)

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Mayor Ted Wheeler Yea