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To: Senate Committee on Housing and Development
From: Sybil Hebb, Oregon Law Center
Date: May 6th, 2021
Re: HB 3124A

Chair Jama, Vice-Chair Linthicum, and members of the committee:

On behalf of the Oregon Law Center, I submit this testimony in support of HB 3124A, which would increase procedural protections for our neighbors who are houseless, when local governments conduct removals from established campsites. Thank you to Representative Lively for bringing this forward.

As you know, the Oregon Law Center (OLC) is a statewide non-profit law firm whose mission is to achieve justice for low-income communities of Oregon by providing a full range of the highest quality civil legal services. One of the most important issues in the lives of our clients across the state is the challenge to find and maintain safe, stable, affordable housing. Housing is about much more than a roof over one's head; it is about opportunity, stability, and health. Without stable housing, it is difficult or impossible for families to hold down a job, keep children in school, access neighborhood amenities, and stay healthy.

Housing instability can take many forms. The majority of our client community is rent burdened – one emergency away from homelessness – or are houseless themselves, living either doubled-up or in shelter, or living outside without adequate shelter.

HB 3124A is small step that will help to mitigate the struggles for the many of our clients who have no other option but to sleep and try to survive living outside.

Fundamentally, I should state for the record that we do not believe that camp sweeps are ever a good solution. Especially during a pandemic, and at a time when our state has among the highest rates of individuals experiencing homelessness in the nation. Rates of homelessness pose great challenges for Oregon. Statewide, Oregon's population is growing¹ and yet housing production lags behind.² The cost of housing is high while incomes and vacancy rates remain low. Decades of federal divestment in affordable housing infrastructure and resources have directly led to a sharp increase³ in the number of Oregonians experiencing homelessness, including an increase in the number of school children without the stability of home.⁴

¹ Certified Population Estimates (July 1, 2019), Portland State University Population Research Center.
https://www.pdx.edu/prc/sites/www.pdx.edu.prc/files/Certified%20Population%20Estimates_%2012_15_2019.pdf

² Oregon Statewide Housing Plan 2018

³ Oregon Homelessness Point in Time Count 2019

⁴ Oregon Department of Education Homeless Student Data. https://www.oregon.gov/ode/schools-anddistricts/esea/mckinney-vento/pages/default.aspx?utm_medium=email&utm_source=govdelivery

Oregon is one of four states nationally in which more than half of people experiencing homelessness are living unsheltered. Individuals living outside face many challenges, not the least of which is trying to stay safe, dry, and secure. Camps are one way for individuals to establish community, to pool resources, and to help one another.

Disruption of camps ought to be as a very, very last resort, only after mitigation, harm reduction, and other interventions have been put into place. Disruption of camps can be harmful, destructive, and even deadly. Not only do people get separated from community in the chaos, they often lose their bedding, tents, and other belongings.

The provisions proposed by HB 3124A are small steps designed to reduce harm. We are particularly supportive of the changes in (3) of the bill, increasing the notice prior to removal from 24-72 hours.

Providing 72 hours' notice prior to removal will significantly increase the likelihood that campers will understand the impending need to move, have the chance to gather their belongings, and safely make a plan to move. Additional notice will thus likely reduce costs to local governments, who may avoid the need to physically remove individuals or personal property.

We understand that there may be pending amendments to carve out exceptions to the notice periods in certain circumstances. We have significant concerns about that approach. It is very difficult for people who are living outside to have access to information about which areas are subject to which notice periods, and creating exceptions runs the risk of creating a complex system that does not work to accomplish the goals of the bill. The law already has notice exceptions for situations in which there is an environmental risk, or health and safety risk. This is a sufficient exception to accomplish legitimate public safety purposes. If there are further exceptions proposed, we would respectfully request that they be very few, easily communicated to and understood by the general public, and very narrowly tailored to exigent circumstances. We further request that any exceptions to the 72 hour notice provisions provide at least 24 hours' notice, so that there is some possibility for people to gather their belongings and make a safety plan.

In closing, we are grateful for the legislature's investment in and policy work towards ensuring housing stability for all Oregonians. We appreciate the work that many local government partners have put into developing compassionate solutions to the crisis of homelessness. Our communities need more resources, and fundamentally, more affordable housing. We are committed to advancing those larger solutions.

Thank you for your work and for the opportunity to testify.