



May 1, 2023

Representative Maxine Dexter, Chair  
House Committee on Housing and Homelessness

**Re: City of Medford opposition to HB 3501**

Dear Chair Dexter and the House Committee on Housing and Homelessness,

The City of Medford opposes HB 3501 for two reasons: because it eliminates local governments' ability to effectively regulate public spaces to maintain their intended purposes, and because it is contrary to the legislative compromise embodied in HB 3115 (2021).

The Right to Rest bill would have catastrophic effects on public spaces. It effectively allows permanent structure camping, complete with private property rights such as the right to privacy and an expectation of permanency, throughout parks, plazas, and the public right-of-way so long as a narrow pathway remains for pedestrians to walk through. (Sections 5(1)(b), 5(2)(b)). Under this bill, permanent campsites could be set up on public sports fields, preventing youth from playing baseball and soccer and gaining the benefits of outdoor athletic recreation. Under this bill, permanent campsites could be set up on a playground for children, preventing young children from using the infrastructure that was installed for their use with public dollars. Permanent campsites could be set up in riparian areas, causing substantial environmental degradation, and could never be removed. This bill completely fails to recognize that public spaces have any public purpose worth preserving besides the mere ability to walk from location A to location B.

The bill is also word-for-word identical to HB 2367 (2021), which raises a second concern. During the 2021 legislative session, the Right to Rest bill was ultimately abandoned in large part due to the passage of a compromise bill, HB 3115. HB 3115 was drafted by a workgroup consisting of Oregon Law Center (the public interest law group that brought the *Blake v. Grants Pass* lawsuit) and the League of Oregon Cities. As the City of Medford stated in its written testimony supporting HB 3115, that bill "recognizes the rights of individuals experiencing homelessness while also recognizing the rights of municipalities to reasonably regulate their public property to ensure that the use of public property remains available to all for its intended uses." HB 3115, which addressed the needs of



diverse stakeholders, took the Right to Rest bill off the table in 2021, and rightfully so. It is frustrating and disappointing to see the exact same Right to Rest bill back before the legislature in 2023 despite the successful dialogue and compromise in 2021.

For these reasons, the City of Medford opposes HB 3501.

Sincerely,

*/s/ Eric B. Mitton*

**Eric B. Mitton**

City Attorney