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Public Hearing before the Senate Committee on Housing and Development

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Senate Bill 847

Opposition to the Dash 5 Amendment

Chair Jama, Vice-Chair Anderson, and members of the Committee:

On behalf of the Oregon Law Center, please accept this testimony in opposition to the Dash Five amendment to Senate Bill 847. This amendment would remove basic protections for vulnerable communities by providing immunity from responsibility for harm “including, but not limited to, property damage, personal injury or death” arising in connection with a government-provided sleeping area.

The Oregon Law Center (OLC) is a state-wide 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. 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.

We recognize the challenges faced by local jurisdictions in responding to the needs of their communities, and we want to be partners in supporting safety, security, and community for our vulnerable friends and neighbors who have no choice but to sleep outside. As we work to prioritize the creation of more permanently affordable housing infrastructure, and to prevent homelessness, we must also prioritize protections and support for our clients who are experiencing homelessness.

We appreciate the solutions-oriented nature of the package proposed by SB 847 in the underlying bill, but have significant concern regarding the Dash-5 amendment proposal of removing basic protections from a particular class of people, who are vulnerable residents with no other choice but to sleep outside.

Our state’s high levels of homelessness are a direct result of myriad historic and systemic societal failures. The language in the Dash 5 amendment would impose further harm on a community’s most vulnerable residents by designating them as undeserving of the basic legal protections that housed-people enjoy in their community.

An immunity standard such as that proposed by the Dash 5 amendment would permit a local government in some areas of the state to operate a sleeping site with negligence, or even reckless or intentional harm to the residents, without accountability. The proposed immunity would apply to any individual, employee, volunteer, camp resident or other person who experienced harm, from negligent, reckless, or even intentional acts causing property damage, personal injury, or death.

While some minimum standards are contemplated in the amendment, these are not sufficient. For example, there are no minimum on-site staffing levels contemplated, and no minimum training or certification required for staff or volunteers. In addition, there are no standards regarding creation, implementation, or enforcement of camp conduct, entry, or expulsion rules. The proposal would allow private, for-profit third-party operators free reign in a community, leaving very vulnerable residents at risk.

Perhaps most concerning, if a resident has no other place to sleep without threat of citation or enforcement of a camping ordinance, a sanctioned campsite could not truly be voluntary. Without additional provisions in the law, adoption of this amendment would result in people feeling they have no choice but to sleep in a location where they could be subject to significant harm without recourse.

For the above reasons, we respectfully urge opposition to the Dash 5 amendment to SB 847. Thank you for the opportunity to testify.