

Submitter: Barbara Bachman

On Behalf Of:

Committee: House Committee On Housing and Homelessness

Measure: HB3501

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Dear House Committee On Housing and Homelessness,

Barbara Bachman

Self and family

House Committee On Housing and Homelessness HB3501

I strongly oppose passage of this bill. This bill subjects people trying to mitigate the problems caused by rampant unsanctioned camping to the risk of substantial civil penalties. For example, subsection (5)(b) gives a "reasonable expectation of privacy" in any property belong to the person, regardless of whether the property is in a public space." Section 6 grants an "aggrieved person", or a person acting lawfully on behalf of the "aggrieved person", to file a complaint with BOLI, with substantial civil penalties - e.g. the greater of "compensatory damages" or "\$1000 per violation."

Consider a volunteer picking up garbage at an encampment (I trust all of you have seen the filth associated with unsanctioned camps, including needles strewn about). Any homeless person at that encampment can file a complaint against the volunteer, asserting a violation of their "reasonable expectation of privacy" with regard to this garbage. The volunteer is now stuck in a legal process, with substantial fines hanging over their head. Also, what is the meaning of "per violation"? What if five different campers all claim that their property was disturbed in this cleanup? Is "per violation" measured per person? How about per item of property taken? Are we going to make some well-meaning parent trying to clean up the local park become the test case to decide these issues? How many test cases will be needed to understand what this bill really means? What will the cost be to the people who have to defend themselves? Filing a complaint will cost a homeless person nothing, as they will have plenty of help from contingency-fee lawyers looking for quick settlements.

It is child's play to come up with any number of scenarios in which citizens trying to clean up and improve the safety of their city/towns could be subject to substantial civil fines and burdensome/stressful legal processes under this bill. This bill will disincentivize people from doing anything to mitigate the horrendous conditions in and around parks and other public spaces around town. As such, this bill is poorly conceived, and should not make it past committee.