

I am writing to show my support for House Bill 3115 (HB 3115), which is sponsored by House Speaker Tina Kotek. The language in HB 3115 as it applies to someone that is unsheltered states, "Provides that local law regulating sitting, lying, sleeping or keeping warm and dry outdoors on public property that is open to public must be objectively reasonable as to time, place and manner with regards to persons experiencing homelessness."

As we have all seen we are experiencing a humanitarian crisis through out the state and our country. Men, women, children and families having nowhere to live with few if no options for shelter. For a moment, let's consider what options our unsheltered neighbors may have. In some municipalities people are allowed to park in their car, truck SUV or camper. Or people may reside in supported or independent apartments. With the least desirable of all living arrangements a tent in wayward, unsafe and unsanitary conditions. Some may have friends or family that allow them to couch surf from time to time. But that is not enough. The shear number of people with nowhere to go in cities is in the hundreds or perhaps thousands. And, even while municipalities race to fund more shelters and build low income residential projects for people and families their numbers have increased. Worse yet, people are dying.

Putting things in to perspective the Ninth Circuit Court's decision in Martin v. City of Boise limits a city's ability to engage in the criminalization of a person simply because they are unhoused. In addition, an opinion by a U.S. District Court in Blake v. City of Grants Pass, Oregon confirmed the decision by the Ninth Circuit Court in limiting the ability of a city to engage in criminalizing the unsheltered for doing nothing more than trying to exist.

HB 3115 will allow the unhoused to challenge the reasonableness of any municipality or county law that regulates the acts of sitting, lying, sleeping or keeping warm and dry outdoors on public property, whether or not they have been cited, with attorney fees awarded to the prevailing plaintiff. However, to prevent unnecessary litigation HB 3115 requires advance notice of any challenges. This gives the government agency time to prepare to defend its position if the local law aligns with the Martin and Blake rulings. Also, the governing entity has an opportunity to amend its stance if their law does not align with the Martin / Blake decisions.

HB3115 is one method for aligning applicable rulings and balance them with real life situations. As I have previously stated, we are all living through the crisis or our lifetime. Thousands in our state for countless reasons from the canyon fires, the corona virus and related job losses are unsheltered, hungry, depressed and suffering from severe untreated physical and mental heath issues. HB3115 sets a level of fairness and humanitarianism for those less fortunate who are maligned and disparaged simply because they don't have a place to call home.

Therefore, I urge you to please join the Oregon Law Center (OLC), the League of Oregon Cities (LOC), and the Association of Oregon Counties (AOC) in supporting HB3115 as a valuable compromise that applies bans in a balanced and reasonable way while also treating our fellow unhoused neighbors with dignity.

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