



# **Decriminalizing Poverty: Reform of Ashland's Camping Ordinance**

*A Report of the Southern Oregon Chapter  
of the American Civil Liberties Union of Oregon*

By Paul Moss, David Berger and Ralph Temple  
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## TABLE OF CONTENTS

Introduction .....	1
I. A Brief History of the Use of the Law to Persecute the Poor .....	2
II. Homelessness in America .....	3
III. Punishing Homelessness is Cruel, Uncivilized, and Violates the U.S. Constitution and International Law .....	6
A. Principles of Constitutional, International and State Law	
B. Defects in Ashland's 'Prohibited Camping' Ordinance	
IV. Recommendations .....	11
V. Appendices .....	13
A. Full Text of Ashland's 'Prohibited Camping' Ordinance	
B. Text of <i>Jones v. City of Los Angeles</i> Settlement Agreement	
C. Text of Oregon's Statewide Camping Law	

**DECRIMINALIZING POVERTY:  
REFORM OF ASHLAND'S CAMPING ORDINANCE**

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By Paul Moss<sup>1</sup>, David Berger<sup>2</sup> and Ralph Temple<sup>3</sup>

"The law, in its majestic equality, forbids the rich as well as the poor to sleep under bridges [and] to beg in the streets ...."

– Anatole France, *Le Lys rouge* ch. vii (1894) (S.H. transl.)

"Think it over, one side of the city of Dallas people pay \$69 for a margarita and on the other side of town the homeless scrounge for scraps in garbage cans. What would be the civilized response to such a disparity?"

– Bill Moyers' commencement speech, SMU 2007

Fact: Homeless adults have an age-adjusted mortality rate nearly four times that of the general population (See studies at <http://www.medscape.com/viewarticle/411781>).

**I. INTRODUCTION**

Poverty has been a chronic problem in the United States, as in most nations, from its birth. With today's burgeoning current economic crisis, it is likely that the ranks of the poor will grow rapidly, and, with them, the number of homeless persons on the streets of America's cities and towns.

The Southern Oregon Chapter of the American Civil Liberties Union of Oregon calls upon the City of Ashland to convert its Prohibited Camping

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ordinance<sup>4</sup> from a law which punishes poverty and homelessness into one which prods the City to provide housing for the homeless. We submit this report to place the problem of homelessness in its historical and sociological context; to identify ways in which this anti-camping law is inconsistent with the values of the Ashland community, inhumane and unlawful; and to recommend changes in that law.

I. **A BRIEF HISTORY OF THE USE OF THE LAW TO PERSECUTE THE POOR**

In Western societies, homeless people historically have been punished for their economic disadvantage, and have consistently been subjected to unfavorable treatment, such as restrictions on physical mobility or liberties, particularly with the advent of “workhouses,” and brutal punishments have been meted out to people not tied to a particular place. Laws were passed during the 14th century to keep laborers tied to their masters during times of labor shortage. By the 16th century, however, they had been applied more generally against the homeless. An English variant, for example, required that any arrested “idle person” found guilty of vagrancy should be whipped in the marketplace until he was bloody.<sup>5</sup>

This law marked a changed attitude towards people who were unattached to a particular place or position. Beggars and vagrants who were once respected

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<sup>4</sup> See Appendix A.

<sup>5</sup> Submission to the Standing Committee on Justice and Social Policy (Province of Ontario) with Respect to Bill 8 [Safe Streets Act(November 29. 1999), at [www.equalityrights.org/cera/docs/Bill8Submission.html](http://www.equalityrights.org/cera/docs/Bill8Submission.html)]

as the children of God in more religious times, quickly came to be seen as a threat to a society becoming increasingly loyal to the secular values of productivity and material wealth. Examples of the criminalization of homelessness also start to appear by the 18th century in North America, one of the forerunners being New York's anti-transient poor law.<sup>6</sup>

## II. HOMELESSNESS IN AMERICA

The National Law Center on Homelessness and Poverty, in a recent study, estimated that there are approximately 3.5 million people in the United States, 1.35 million of them children, who are likely to experience homelessness in the course of any given year.<sup>7</sup> But conflicts over how to define "homelessness" complicate the estimates. Federal law has for many years regarded people as homeless only if they are living on the streets or in shelters.

Congress is now considering legislation to broaden the definition to include those doubled up with friends and relatives or living short time in motels. With insufficient funds to house those living on the streets, advocates of the homeless are divided over whether to broaden the definition to include those who at least have a roof over their heads.<sup>8</sup> According to federal housing officials,

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<sup>6</sup> *Id.*

<sup>7</sup> National Coalition for the Homeless, How Many People Experience Homelessness, NCH Fact Sheet #2 (June 2008), citing National Law Center on Homelessness and Poverty (2007), at [www.nationalhomeless.org/publications/facts/How-Many.pdf](http://www.nationalhomeless.org/publications/facts/How-Many.pdf).

<sup>8</sup> Rachel L. Swarns, The New York Times, September 16, 2008, p. A-15.

about 700,000 live on the streets or in shelters, but federal dollars pay for only 170,000 beds.<sup>9</sup>

The numbers of the homeless increased in the late 1970s, due to de-institutionalization of the mentally ill, and broken promises to provide outpatient psychiatric and social services. Another dramatic increase occurred during the Reagan Administration when the federal government cut back on building and subsidizing housing for low-income people, and reduced social assistance programs. Further, urban renewal and gentrification forced many people out of low rent housing onto the streets.<sup>10</sup>

Consistent with the arc of Western history, cities across the United States have for generations subjected the poor to the criminal law, thus leaving them to the mercies of the police. This includes targeting homeless persons by making it illegal to perform life-sustaining activities in public, such as sleeping or camping, eating, sitting, and begging. The police in many communities oppress the homeless with constant harassment, enforcement of anti-panhandling laws, and occasional sweeps of areas where homeless persons are living, often resulting in the destruction of personal property, including important documents and medications. One journalist recently described the impact as follows:

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<sup>9</sup> *Id.*

<sup>10</sup> Martin Donohoe, MD, Homelessness in the United States: History, Epidemiology, Health Issues, Women, and Public Policy, from *Medscape Ob/Gyn & Women's Health* (July 2004), at [www.medscape.com/viewarticle/481800](http://www.medscape.com/viewarticle/481800).

“Some of Sacramento’s homeless spend entire nights walking in order to avoid illegal camping citations that turn into warrants, then arrests. But most risk curling up in front of the mission, in the shadowy doorways of downtown shops or along tree-lined banks of the American River. .... The chronic homeless tend to be people with addictions, mental illnesses or physical disabilities. Their social support systems are fragile or broken, their finances long since shot. They have lived on the streets a year or more, or cycled in and out of homelessness for years.”<sup>11</sup>

Fortunately, although such inhumane practices are too common in the United States, they still appear to be the approach of only a minority of communities. In a survey of 224 cities, the National Conference of Mayors found:

- Only 21% prohibit begging citywide, and 43% in particular public places;
- 16% prohibit “loitering” citywide, 39% prohibit loitering in particular public areas, and 27% prohibit sitting/lying in certain public places;
- Only 16% had citywide prohibitions on camping, and 28% on camping in particular public places.<sup>12</sup>

The criminalization of poverty in general and homelessness in particular is cruel and counterproductive. It intensifies the problem by moving people away from social services, and by imposing criminal records on the poor thus making it even more difficult for them to obtain employment or housing. To use Bill

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<sup>11</sup> Jocelyn Wiener, “Ticket to Nowhere,” The Sacramento Bee, June 24, 2005, at <http://parkwayblog.blogspot.com/2005/09/parkway-camping-citations.html>.

<sup>12</sup> National Coalition for the Homeless, A Dream Denied: The Criminalization of Homelessness in U.S. Cities (June 2008), at [www.nationalhomeless.org/publications/facts/criminalization.pdf](http://www.nationalhomeless.org/publications/facts/criminalization.pdf).



Moyers' standard, quoted at the beginning of this report, this is an uncivil and uncivilized response to an economic and social issue.

### **III. PUNISHING HOMELESSNESS IS CRUEL, UNCIVILIZED, AND VIOLATES THE U.S. CONSTITUTION AND THE SPIRIT OF INTERNATIONAL LAW**

#### **A. Principles of Constitutional, International, and State Law.**

The U.S. Supreme Court has repeatedly declared unconstitutional those laws that punish poverty. As stated in the dissent of Justice Douglas in *Hicks v. District of Columbia*, 383 U.S. 252, 255 (1966), "I do not see how economic or social status can be made a crime any more than being a drug addict can be." "[T]he freedom to loiter for innocent purposes is part of the 'liberty' protected by the Due Process Clause of the Fourteenth Amendment," *Chicago v. Morales*, 527 U.S. 41, 53 (1999), and includes the "'right to remove from one place to another according to inclination' as an 'attribute of personal liberty' protected by the Constitution." *Id.* (quoting *Williams v. Fears*, 179 U.S. 270, 274 (1900)). Moreover, "an individual's decision to remain in a public place of his choice is . . . a part of his liberty". *Id.* at 54

Most recently, the U.S. Court of Appeals for the 9th Circuit, whose jurisdiction includes Oregon, declared that a city that does not provide adequate shelters for the destitute cannot constitutionally enforce against them a law prohibiting sitting, lying or sleeping in public places. *Jones v. City of Los Angeles*, 444 F.3d 1118 (9<sup>th</sup> Cir. 2006), *vacated as moot*, 505 F.3d 106 (9<sup>th</sup> Cir.

2007).<sup>13</sup> The lawsuit challenging the Los Angeles ordinance was filed in 2003 on behalf of six homeless persons by volunteer lawyers of the National Lawyers Guild and the American Civil Liberties Union of Southern California. The U.S. District Court dismissed the suit, but the 9th Circuit Court of Appeals reversed and remanded the case to the District Court. In 2007, all of the parties agreed to a settlement of the case, which included amending the ordinance and vacating the 9th Circuit opinion as “moot.” The 9th Circuit approved the agreement and, pursuant to the agreement, vacated its opinion.

The *Jones* opinion concluded that the anti-sleeping ordinance, as applied to homeless persons, violated the 8th Amendment of the U.S. Constitution, which prohibits “cruel and unusual punishments.” Over time, constitutional law has evolved to distinguish between voluntary conduct, which may be deemed criminal, and involuntary conduct, which, like status, cannot be deemed criminal. As the 9th Circuit stated in *Jones*, “the conduct at issue here is involuntary and inseparable from status – they are one and the same, given that human beings are biologically compelled to rest, whether by sitting, lying or sleeping.” 444 F.3d at 1136. And again, “Nor may the state criminalize conduct that is an unavoidable consequence of being homeless -- namely sitting, lying, or sleeping on the streets . . .” *Id.* at 1137.

The court was careful to point out that it was not confronted with a facial challenge to the ordinance, nor with an ordinance that prohibited “sitting, lying, or

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<sup>13</sup> See Appendix B.

sleeping only at certain times or in certain places within the city,” nor “the constitutionality of punishment when there are beds available for the homeless in shelters.” As summarized by the court:

“All we hold is that, so long as there is a greater number of homeless individuals in Los Angeles than the number of available beds, the City may not enforce section 41.18(d) at all times and places throughout the City against homeless individuals for involuntarily sitting, lying, and sleeping in public. Appellants are entitled at a minimum to a narrowly tailored injunction against the City's enforcement of section 42.18(d) at certain times and/or places.” *Id.* at 1138.

Although the *Jones* opinion is no longer binding, and is not a legal precedent, it does lay out in clear language the reason why municipal prohibitions on sleeping on the streets or camping on public property are cruel and perhaps unconstitutional. The opinion contains a thorough discussion of this issue in judicial decisions across the country as well as by the United States Supreme Court. Thus, the *Jones* opinion, though vacated as moot, warns against the justice, soundness, and legal vulnerability of such laws.

The *Jones* Settlement Agreement implements these principles with three key features:

- *First*, it provides that the Los Angeles ordinance shall not be enforced between 9 p.m. and 6 a.m. until a substantial number of additional permanent supportive housing units are constructed within the city.
- *Second*, it provides that the ordinance may be enforced at any and all times at certain locations, e.g. within 10 feet of a driveway or loading dock.
- *Third*, it provides that no person shall be arrested for a violation of the ordinance unless the person has first received a warning from a Los Angeles peace officer and has been given a reasonable time to move.

Any ordinance restricting camping and sleeping in public places should be guided by the principles of the *Jones* opinion, and by the implementation of those principles in the “Jones v. City of Los Angeles Settlement Agreement.”

International law also argues against punishing the poor. The Universal Declaration of Human Rights, of which the United States is a signatory, provides:

“Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.”<sup>14</sup>

Finally, the law of Oregon<sup>15</sup> also sets limits on how far counties and cities can go in regulating camping by the homeless. ORS 203.077 requires all municipalities and counties to: (1) “Develop a policy that recognizes the social nature of the problem of homeless individuals camping on public property;” and (2) “Implement the policy as developed, to ensure the most humane treatment for removal of homeless individuals from camping sites on public property.” ORS 203.079 provides specific requirements that must be included in the policies. As noted below, Ashland’s current ordinances are not in compliance with all of those requirements.

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<sup>14</sup> United Nations General Assembly Resolution 217A, Article 25 (December 1948), at [www.un.org/Overview/rights.html](http://www.un.org/Overview/rights.html).

<sup>15</sup> See Appendix C.

## B. Defects in Ashland's "Prohibited Camping" Ordinance

Ashland's Prohibited Camping ordinance, Municipal Code Section 10.46, violates United Nations Resolution 217A by punishing homeless persons for sleeping or camping in public places, rather than providing shelter for them. It violates Oregon's state law, ORS 203.077 and 203.079, by not "recogniz[ing] the social nature of the problem," by not requiring camp closing notices to be posted in Spanish as well as English, by requiring confiscated property to be stored for only 14 days instead of the State law required 30 days, and by not restricting the issuance of citations within 200 feet of the required notice and within 2 hours before or after the posting of a camp closing notice.

Most importantly, the Ashland ordinance fails to comply with the principles taught by the 9<sup>th</sup> Circuit's *Jones* opinion and implemented by the *Jones* case settlement. The key principle in the *Jones* opinion and in the settlement is that anti-camping and sleeping laws not be enforced against homeless persons unless the city provides adequate housing for such persons. According to the Ashland Police Department, at least 100 citations have been issued since 2003 for violation of the Ashland Prohibited Camping ordinance. Yet currently, there is no operating housing or shelter for the homeless in Ashland.

It has been suggested that declaring a violation of Ashland's Prohibited Camping ordinance simply an "infraction" or a "violation" and not a misdemeanor or a crime would relieve the ordinance from any requirement of compliance with the 8th Amendment to the U.S. Constitution. This analysis is invalid.

The 8th Amendment reads, in its entirety, “Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.” Even if the offense is characterized as only a “violation” or “infraction” the offender would be subject to a fine of up to \$500 for “each and every day during any portion of which” a violation occurs. The proposed amended ordinance goes on to provide that “such person shall be *punished* accordingly.” The imposition of such a fine on persons who had no means to afford shelter would constitute both an “excessive fine” as well as “cruel and unusual punishment”, either of which would violate the 8th Amendment.

#### **IV. RECOMMENDATIONS**

The City Council should adopt revisions to the Prohibited Camping ordinance, Municipal Code Section 10.46, and to the related “Sleeping Prohibited” ordinance, Section 10.68.230, which include the following:

1. Section 10.46.020 (“Camping Prohibited”) should be amended to provide that, except as set forth in Section 10.46.030, the prohibitions in this ordinance shall not apply between the hours of 9:00 p.m. and 8:00 a.m., unless and until at least 50 units of permanent supportive housing are created within the City of Ashland, at least 50 percent of which are centrally located. These units must be created for current or chronically homeless persons.
2. Section 10.46.030 (“Sleeping on Benches or Within Doorways Prohibited”) should be amended to eliminate present Subsections A and B, and to provide that camping and sleeping shall be prohibited within 10 feet of any operational and usable entrance, exit, driveway or loading dock, as measured by the provisions of Section 3 of the *Jones* case Settlement Agreement.
3. Section 10.46.040 (“Removal of Campsite”) should be amended to provide that: (a) it shall not be enforced except under the terms of amended Sections 10.46.020 and 10.46.030, above; (b) the notice to close a camp site must be posted at least 48 hours, instead of only 24 hours in advance, and must

be in Spanish as well as English; (c) arrests may not be made and citations may not be issued within 200 feet of a campsite nor within 2 hours before or after the posting of a closing notice; and (d) confiscated property must be stored for at least 60 days.

4. Section 10.46.050 (“Penalties”) should be amended to lower the offense in Subsection A to a “violation,” to correct the erroneous reference in Subsection B to Section 1.08.010, and to correct the next to last word in Subsection B from “rebuttall” to “rebuttable.”

5. Section 10.68.230 (“Sleeping Prohibited”) should be repealed.

## **APPENDIX A: Full text of Ashland’s “Prohibited Camping” Ordinance**

### **10.46 Prohibited Camping**

#### **10.46.010 Definitions**

Unless the context requires otherwise, the following definitions apply:

A. "To Camp" means to set up or to remain in or at a campsite.

B. "Campsite" means any place where bedding, sleeping bag, or other material used for bedding purposes, or any stove or fire is placed, established, or maintained for the purpose of maintaining a temporary place to live, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure, or any vehicle or part thereof.

#### **10.46.020 Camping Prohibited**

No person shall camp in or upon any sidewalk, street, alley, lane, public right-of-way, park, or any other publicly-owned property or under any bridge or viaduct, unless otherwise specifically authorized by this code or by declaration of the Mayor in emergency circumstances.

#### **10.46.030 Sleeping on Benches or Within Doorways Prohibited**

A. No person shall sleep on public benches between the hours of 9:00 p.m. and 8:00 a.m.

B. No person shall sleep in any pedestrian or vehicular entrance to public or private property abutting a public sidewalk.

#### **10.46.040 Removal of Campsite**

Upon discovery of an unattended campsite, removal of the campsite by the city may occur under the following circumstances:

A. Prior to removing the campsite, the city shall post a notice, 24-hours in advance.

B. At the time that a 24-hour notice is posted, the city shall inform a local agency that delivers social services to homeless individuals where the notice has been posted.

C. The local agency may arrange for outreach workers to visit the campsite where a notice has been posted to assess the need for social service assistance in arranging shelter and other assistance.



D. All personal property shall be given to the police department whether 24-hour notice is required or not. The property shall be stored for a minimum of 14 days during which it will be reasonably available to any individual claiming ownership. Any personal property that remains unclaimed for 14 days may be disposed of. For purposes of this paragraph, "personal property" means any item that is reasonably recognizable as belonging to a person and that has apparent utility. Items that have no apparent utility or are in an insanitary condition may be immediately discarded. Weapons, drug paraphernalia and items that appear to be either stolen or evidence of a crime shall be given to the police department.

E. The 24-hour notice required under subsection D of this section shall not apply:

1. When there are grounds for law enforcement officials to believe that illegal activities other than camping are occurring.
2. In the event of an exceptional emergency such as possible site contamination by hazardous materials or when there is immediate danger to human life or safety.

#### **10.46.050 Penalties**

A. Any person violating section 10.46.020 or 10.46.030 shall be guilty of an infraction as set forth in Section 1.08.010. (ORD 2841, S1 1999)

B. The court shall consider in mitigation of any punishment imposed upon a person convicted of prohibited camping whether or not the person immediately removed the campsite upon being cited. For purpose of this section, removal of the campsite shall include all litter, including but not limited to bottles, cans, garbage, rubbish and items of no apparent utility, deposited by the person in and around the campsite. All litter in and around the campsite shall be presumed to be deposited by the person convicted of prohibited camping. Such presumption shall be rebuttal, however.

#### **10.46.060 Application outside city**

This chapter applies to acts committed on property owned by the city that is located outside the city.

## **APPENDIX B: Text of *Jones v. City of Los Angeles* Settlement Agreement**

### **JONES V. CITY OF LOS ANGELES Settlement Agreement**

It is hereby agreed among Appellants and Appellees (collectively, “the Settling Parties”) in *Jones v. City of Los Angeles*, Case Number 04-55324 in the United States Court of Appeals for the Ninth Circuit:

1. The Los Angeles Police Department will issue a policy directive stating that it will not enforce Los Angeles Municipal Code (“LAMC”) section 41.18(d) between the hours of 9:00 p.m. and 6:00 a.m., except as set forth in Paragraphs 2 and 3 below. The Los Angeles Police Department will keep this policy in effect and operate according to this policy until an additional 1250 units of permanent supportive housing are constructed within the City of Los Angeles, at least 50 per cent of which are located in Skid Row and/or greater downtown Los Angeles. These units shall be constructed as housing for current or formerly chronically homeless persons and shall not include housing units already existing as low income housing units and/or occupied as low income housing within the past 6 months.

2. LAMC section 41.18(d) will be enforceable at all times at locations within ten (10) feet of any operational and utilizable entrance, exit, driveway or loading dock.

#### 3. Measurement of Distance

a) Entrance/Exit to Building: 10 feet measured perpendicularly from the outer edges of the opening, along the exterior wall of the building, and from those points the area encompassed by the measurement shall extend to the curb line.

b) Entrance/Exit to Parking Lot: 10 feet measured perpendicularly from the outer edges of the driveway, and from those points the area encompassed by the measurement shall extend to the curb line.

c) Loading Dock: 10 feet measured perpendicularly from the outer edges of the opening, whether raised or not, and from those points the area encompassed by the measurement shall extend to the curb line.

4. No person shall be cited or arrested for a violation of LAMC section 41.18(d) unless a peace officer for the City of Los Angeles has first given the person a verbal warning regarding such section and reasonable time to move and the person has not complied with that warning.

5. The Settling Parties agree that this Settlement Agreement is limited to LAMC section 41.18(d) as presently codified and will not apply to any ordinance enacted by Appellee City of Los Angeles in the future, nor will this Settlement Agreement serve to limit Appellee City’s right to repeal or amend said section.

6. Upon the Settling Parties' execution of this Settlement Agreement, the Settling Parties shall file a joint motion in the Ninth Circuit pursuant to Federal Rules of Appellate Procedure, Rule 42(b) seeking to: vacate the Ninth Circuit opinion (*Jones v. City of Los Angeles*, 444 F.3d 1118 (9th Cir. 2006)) as moot; and remand to the District Court for further proceedings in accordance Paragraph 7 of this Settlement Agreement. If the Ninth Circuit does not grant the joint motion in its entirety, this Settlement Agreement is rendered void in its entirety.

7. Upon remand from the Ninth Circuit pursuant to Paragraph 6 of this Settlement Agreement, Plaintiffs-Appellants will dismiss the action with prejudice against all defendants.

8. The Settling Parties reserve all rights regarding recovery of attorneys' fees.

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Carol A. Sobel, Esq.  
For Plaintiffs-Appellants

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Mark Rosenbaum, Esq.  
For Plaintiffs-Appellants

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For Defendants-Appellees

## **APPENDIX C: Text of Oregon's Statewide Camping Law**

### **ORS 203.077 - Camping by homeless on public property; local governments required to develop policy for removal of camps.**

All municipalities and counties shall:

(1) Develop a policy that recognizes the social nature of the problem of homeless individuals camping on public property.

(2) Implement the policy as developed, to ensure the most humane treatment for removal of homeless individuals from camping sites on public property.

[1995 c.121 §1]

### **ORS 203.079 - Required elements of local government policies on camping by homeless**

(1) A policy developed pursuant to ORS [203.077](#) shall include, but is not limited to, the following:

(a) Prior to removing homeless individuals from an established camping site, law enforcement officials shall post a notice, written in English and Spanish, 24 hours in advance.

(b) At the time that a 24-hour notice is posted, law enforcement officials shall inform the local agency that delivers social services to homeless individuals where the notice has been posted.

(c) The local agency may arrange for outreach workers to visit the camping site where a notice has been posted to assess the need for social service assistance in arranging shelter and other assistance.

(d) All unclaimed personal property shall be given to law enforcement officials whether 24-hour notice is required or not. The property shall be stored for a minimum of 30 days during which it will be reasonably available to any individual claiming ownership. Any personal property that remains unclaimed for 30 days may be disposed of. For purposes of this paragraph, "personal property" means any item that is reasonably recognizable as belonging to a person and that has apparent utility. Items that have no apparent utility or are in an insanitary condition may be immediately discarded upon removal of the homeless individuals from the camping site. Weapons, drug paraphernalia and items that appear to be either stolen or evidence of a crime shall be given to law enforcement officials.

(e) Following the removal of homeless individuals from a camping site on public property, the law enforcement officials, local agency officials and outreach workers may meet to assess the notice and removal policy, to discuss whether the removals are occurring in a humane and just manner and to determine if any

changes are needed in the policy.

(2) The 24-hour notice required under subsection (1) of this section shall not apply:

(a) When there are grounds for law enforcement officials to believe that illegal activities other than camping are occurring.

(b) In the event of an exceptional emergency such as possible site contamination by hazardous materials or when there is immediate danger to human life or safety.

(3) A person authorized to issue a citation for unlawful camping under state law, administrative rule or city or county ordinance may not issue the citation if the citation would be issued within 200 feet of the notice described in this section and within two hours before or after the notice was posted.

[1995 c.121 §2; 1999 c.761 §1]

**ORS 203.081 - Sites not subject to ORS 203.077 to 203.081**

As used in ORS [203.077](#) to [203.081](#), "camping site" does not include:

(1) Public property that is a day use recreational area.

(2) Public property that is a designated campground and occupied by an individual under an agreement with a municipality or county.

[1995 c.121 §3]

**ORS 203.082 - Camping by homeless on property of religious institutions; required elements of policies of local governments and religious institutions**

(1) Any political subdivision in this state may allow churches, synagogues and similar religious institutions to offer overnight camping space on institution property to homeless persons living in vehicles.

(2) In addition to any conditions or limitations imposed by a political subdivision, a religious institution located within the political subdivision and offering camping space described under subsection (1) of this section must:

(a) Limit camping space at the institution site to three or fewer vehicles at the same time; and

(b) Provide campers with access to sanitary facilities, including but not limited to toilet, hand washing and trash disposal facilities.

[1999 c.319 §1]