

Settlement gives homeless campers time to move property

BY JOANNE ZUHL
STAFF WRITER

Homeless campers came out the winners in a settlement with the Oregon Department of Transportation that buys them time before their property is swept from camps.

The settlement, signed in August, puts into effect this month new guidelines that now require ODOT to post a pending camp sweep no less than 10 days and no more than 19 days prior to confiscating property. The guidelines apply statewide, and are the result of a lawsuit filed by the Oregon Law Center on behalf of six homeless campers who lost property in sweeps in Southeast Portland.

"Before, people were literally leaving their camp for a day to find everything they owned was gone with absolutely no notice," says Oregon Law Center's Monica Goracke who negotiated the settlement. "And they could have moved it if they had been given a little bit of notice. Now they should have at least 10 days, which should give even

someone who doesn't have a vehicle enough time to relocate their belongings," Goracke said.

The lawsuit claimed that the sweeps not only violated the plaintiffs' right to due process, in being denied notice, but that they also consisted of an unlawful search and seizure in the loss of their property.

The new guidelines, agreed to by ODOT and Multnomah County, went into effect at the start of September, and apply to all land under ODOT authority. This includes under all freeway overpasses, and essential encampments "a bubble" around all the freeways, Goracke said.

Marc Jolin, the executive director of JOIN, which transitions people who are homeless into housing, said the new policy should have a significant positive effect for people forced to sleep on public property managed by ODOT.

"Too often in the past we've heard stories

of people returning to their camp after a day spent looking for services or work only to find all their possessions gone," Jolin says. "Now they'll know in advance a clean-up is planned and will be able to move their stuff and themselves out of the way."

The temporary notices stating "Notice Personal Property Must Be Removed" must be posted regardless of whether or not a permanent sign such as "No Camping" is already in place at the site. The guidelines also require that property be moved at least 1,500 feet from the notice to be in compliance. It is also clearly required that the personal property that is confiscated be held for 30 days from the date of cleanup, after which it can be discarded or recycled.

There are caveats for areas posted as "no trespassing" when the area is not open to the general public, as well as special sections of highway right-of-way deemed exclusion zones. In those cases, property can be removed immediately as part of a trespass citation or exclusion notice. Goracke said that doesn't mean ODOT has the clearance to simply post all of its right of way for "no trespassing."

"If they're doing that, people should contact us, because it definitely wouldn't be honoring the spirit of the agreement," Goracke says.

Don Hamilton, spokesman for ODT for the Portland metro area, said that it will probably take a month or two before the guidelines are fully implemented. Hamilton said it will take time to train the Multnomah County Sheriff's deputies and the inmate crews, who do the property sweeps, on the new guidelines.

Regardless, ODOT still retains the right to remove personal property from state right-of-ways.

"There are safety issues. The right-of-ways are not designed to be campsites. That requires a whole different type of safety standards and regulations, and these are potentially putting people in danger if you're staying on the right-of-ways."

Goracke said the willingness of ODOT to allow for reasonable notices for homeless camps should send a message that there is room for changes elsewhere. Portland currently has a 24-hour camping notice.

"I think this shows that if ODOT can be reasonable and implicitly recognize that

people have no where to go and give them a reasonable and humane amount of time to move themselves and their belongings, there's no reason other government bodies couldn't do the same thing."

Jolin said that the policies adopted in these guidelines are similar to those that

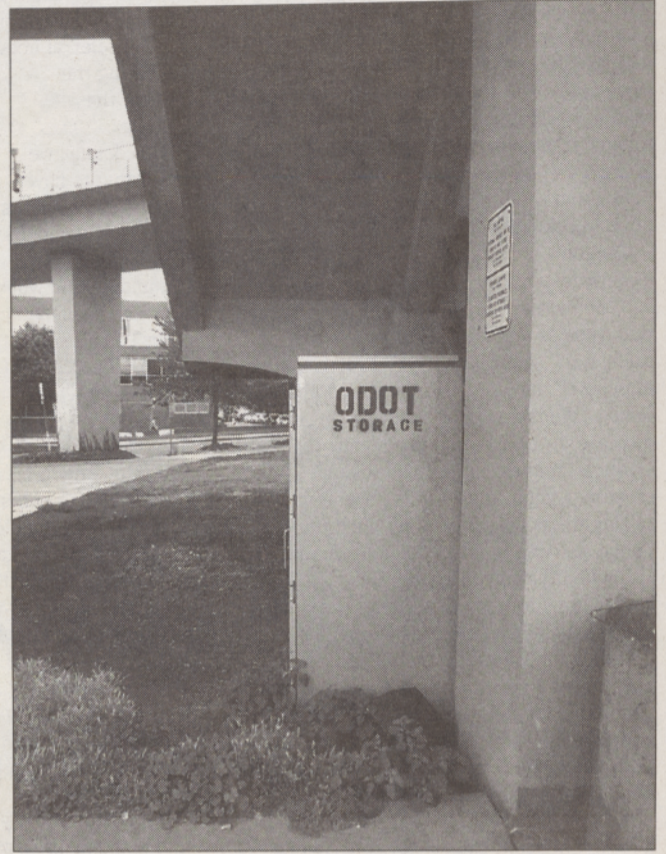


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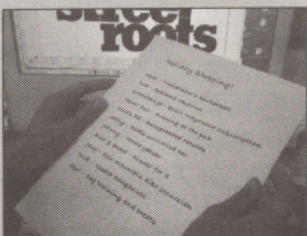
the City of Portland applies to camps on non-right of way property that the City owns and are in keeping with the spirit of the state statute that requires posting and property storage as part of the enforcement of any camping ban by a city or county.

"It is critical to people that they get notice and some protection for their property regardless who manages the public property they are left to sleep on. These guidelines achieve that for the large amounts of property managed by ODOT around the state."

With the rainy season ahead, bridge overpasses, like this ODOT right-of-way under the Steel Bridge are prime areas for people on the streets to seek shelter for the night.

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