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There is “an entire legal infrastructure in Oregon that makes meeting basic survival needs illegal in public spaces,” the report found. “Oregon law has made almost all aspects of basic survival and daily living a crime for unhoused people.”

In March, the Eugene City Council passed an ordinance banning dogs from a 12-block radius in downtown Eugene for six months (the ordinance expired in November). Supporters of the ordinance cited safety concerns, especially after a high-profile incident in which the dog of an employee of the Eugene Public Library was killed by a larger dog. And downtown business owners complained that the presence of dogs, often owned by homeless people, in the downtown core negatively affected business.

Three weeks passed between the ordinance’s passage and its effective date in April. By the time the ordinance went into effect, hardly any homeless people or dogs could be seen within the ban zone, which included places such as the public library and the main bus terminal.

Over the six months the ordinance was in effect, Eugene police officers made 69 “stops,” meaning the officers stopped someone with a dog and talked to that person about the ban without giving a citation.

A total of 15 people were given citations for violating the ban. All but one of them were homeless.

In Ashland, enforcement of the city’s camping ordinance, which makes camping or sleeping in a car parked in public spaces illegal anywhere in the city and can come with a fine up to \$500, has dramatically increased. More than 300 citations have been filed in the Ashland Municipal Court this year, compared to 145 citations in 2016 and 129 in 2015. There are 679 homeless people living in all of Jackson County, according to state data.

The increase of laws directly affecting homeless people in Oregon reflects a

OREGON BY THE NUMBERS

According to the ACLU of Oregon’s “Decriminalizing Homelessness: Why Right to Rest Legislation is the High Road for Oregon,” 69 Oregon cities have 224 laws that directly affect homeless people.

Number of laws related to camping: **125**

Number of cities with laws related to sitting and loitering: **48**

Number of cities with panhandling laws: **20**

Number of cities that restrict car camping: **31**

national trend. Last year, the National Law Center on Homelessness and Poverty released a report, “Housing Not Handcuffs,” that surveyed laws that 187 U.S. cities have adopted and put into practice since 2006.

The report found that laws prohibiting “loitering, loafing, or vagrancy” increased by 88 percent. Adoption of laws that ban homeless people from living in their cars, which can lead to vehicle impoundment and a person losing possessions, saw the most marked increase in the last decade: 143 percent.

Violating these laws and interacting with the police can create a growing amount of citations, arrests, court fees and criminal records, which can create barriers to getting a job, accessing social services and getting housing.

“You don’t see these laws solving any problems,” McCullough said.

If laws such as Eugene’s dog ban simply move homeless people from one part of the city to another, “the truth of the matter is that you’ve *moved* the problem, instead of actually *solving* the problem, which is that folks can’t access housing,” she said.

Legal challenges to bans on camping, loitering and panhandling have been

successful.

The Ninth Circuit Court of Appeals is considering a case challenging Boise, Idaho’s camping ordinance. The case, filed in 2009 by the National Law Center on Homelessness and Poverty and Idaho Legal Aid Services, challenges the legality of the city’s camping ordinance, which makes it illegal to camp in public spaces at any time of the day and makes doing so disorderly conduct.

In 2015, the U.S. Department of Justice filed a “statement of interest” in the case, noting that camping bans are bad policy and are often found unconstitutional on the grounds they violate the Eighth Amendment, which prohibits excessive fines and cruel and unusual punishment.

It was the first time that the Department of Justice issued an opinion on camping bans, which “is really influential,” Bauman said. “It inspired a lot of people who were interested in bringing challenges under the Eighth Amendment.”

In August, a U.S. District Court judge issued a temporary restraining order to prohibit the city of Houston from enforcing its anti-camping ordinance, the result of a lawsuit filed by the ACLU of Texas and the National Law Center on Homelessness and Poverty.

When granting the restraining order, U.S. District Judge Kenneth M. Hoyt said the homeless plaintiffs “are involuntarily in public, harmlessly attempting to shelter themselves – an act they cannot realistically forgo, and that is integral to their status as unsheltered homeless individuals. Enforcement of the City’s ban against the plaintiffs may, therefore, cause them irreparable harm by violating their Eighth Amendment right to be free from cruel and unusual punishment due to their status of ‘homelessness.’”

In Portland, enforcement of the city’s camping ban became less strictly enforced after the city settled a case brought by the Oregon Law Center, a nonprofit law office that represents lower-income people, which sued the city in 2008 over its camping

ordinance, arguing that the camping ordinance violated the Constitution’s Eighth Amendment.

The Oregon Law Center would not comment for this article.

In 2012, the lawsuit was settled after the city agreed to hold confiscated property of homeless campers for at least 30 days and notify homeless people of how their possessions could be recovered.

For years, Portland had a “sit-lie” ordinance, which prohibited people from sitting or lying on a sidewalk between 7 a.m. and 9 p.m., and from putting their possessions on a sidewalk unless the person was less than two feet away.

In 2009, a U.S. District Court judge ruled the ordinance to be unconstitutional, finding that enforcement of the ordinance was arbitrary and discriminatory.

A year later, the Portland City Council created the city’s Sidewalk Management Plan, which includes the “pedestrian use zones,” which are intended to “ensure unimpeded movement for pedestrians” by prohibiting “immobile activities such as sitting or lying.” There are two pedestrian use zones in the city, which encompass all of downtown Portland, most of the Pearl District, and the area around the Rose Quarter and the Lloyd District.

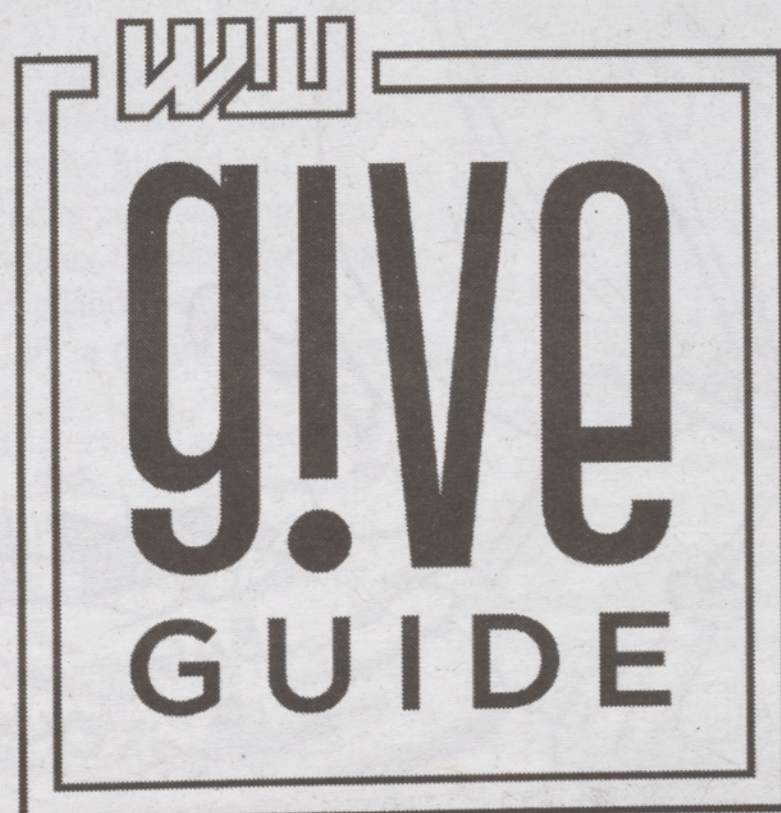
McCullough and dos Santos would not definitively identify particular laws that the ACLU of Oregon is planning to challenge.

“We would be most interested in looking at where there are laws like this being enforced and there aren’t any advocates working on it,” McCullough said.

“There is developing case law around, in particular, targeting folks for sleeping and camping, ... There is also certainly case law against the panhandling laws,” she said.

“I think there’s a whole bunch of different places where the Constitution can step in to protect people from having their existence criminalized, from being treated differently because of their (socio-economic) class.

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