

House Bill 2445

Sponsored by Representatives YUNKER, MANNIX, DIEHL; Representatives BOICE, LEVY B, LEWIS, RESCHKE, WRIGHT, Senators NASH, SMITH DB, WEBER (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act would restore the prior version of the law for the removal of homeless camps that was on the books before recent changes. (Flesch Readability Score: 62.6).

Repeals the changes made by House Bill 3124 (2021) to the statutes governing local removal of homeless individuals from established camping sites.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to homelessness; amending ORS 195.505 and 195.515; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 195.505 is amended to read:

5 195.505. *[(1) A policy developed pursuant to ORS 195.500 shall conform, but is not limited, to the*
6 *following provisions.]*

7 *[(2) As used in this section, "personal property" means any item that can reasonably be identified*
8 *as belonging to an individual and that has apparent value or utility.]*

9 *[(3) Except as provided in subsection (9) of this section, at least 72 hours before removing homeless*
10 *individuals from an established camping site, law enforcement officials shall post a written notice, in*
11 *English and Spanish, at all entrances to the camping site to the extent that the entrances can reason-*
12 *ably be identified.]*

13 *[(4)(a) When a 72-hour notice is posted, law enforcement officials shall inform the local agency that*
14 *delivers social services to homeless individuals as to where the notice has been posted.]*

15 *[(b) The local agency may arrange for outreach workers to visit the camping site that is subject to*
16 *the notice to assess the need for social service assistance in arranging shelter and other assistance.]*

17 *[(5)(a) All personal property at the camping site that remains unclaimed after removal shall be*
18 *given to a law enforcement official, a local agency that delivers social services to homeless individuals,*
19 *an outreach worker, a local agency official or a person authorized to issue a citation described in*
20 *subsection (10) of this section, whether notice is required under subsection (3) of this section or not.]*

21 *[(b) The unclaimed personal property must be stored:]*

22 *[(A) For property removed from camping sites in counties other than Multnomah County, in a fa-*
23 *ility located in the same community as the camping site from which it was removed.]*

24 *[(B) For property removed from camping sites in Multnomah County, in a facility located within*
25 *six blocks of a public transit station.]*

26 *[(c) Items that have no apparent value or utility or are in an insanitary condition may be imme-*
27 *diately discarded upon removal of the homeless individuals from the camping site.]*

28 *[(d) Weapons, controlled substances other than prescription medication and items that appear to*

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 *be either stolen or evidence of a crime shall be given to or retained by law enforcement officials.]*

2 *[(6) The written notice required under subsection (3) of this section must state, at a minimum:]*

3 *[(a) Where unclaimed personal property will be stored;]*

4 *[(b) A phone number that individuals may call to find out where the property will be stored; or]*

5 *[(c) If a permanent storage location has not yet been determined, the address and phone number*
6 *of an agency that will have the information when available.]*

7 *[(7)(a) The unclaimed personal property shall be stored in an orderly fashion, keeping items that*
8 *belong to an individual together to the extent that ownership can reasonably be determined.]*

9 *[(b) The property shall be stored for a minimum of 30 days during which it shall be reasonably*
10 *available to any individual claiming ownership. Any personal property that remains unclaimed after*
11 *30 days may be disposed of or donated to a corporation described in section 501(c)(3) of the Internal*
12 *Revenue Code as amended and in effect on December 31, 2020.]*

13 *[(8) Following the removal of homeless individuals from a camping site on public property, the law*
14 *enforcement officials, local agency officials and outreach workers may meet to assess the notice and*
15 *removal policy, to discuss whether the removals are occurring in a humane and just manner and to*
16 *determine if any changes are needed in the policy.]*

17 *[(9)(a) The 72-hour notice requirement under subsection (3) of this section does not apply:]*

18 *[(A) When there are grounds for law enforcement officials to believe that illegal activities other*
19 *than camping are occurring at an established camping site.]*

20 *[(B) In the event of an exceptional emergency at an established camping site, including, but not*
21 *limited to, possible site contamination by hazardous materials, a public health emergency or other im-*
22 *mediate danger to human life or safety.]*

23 *[(b) If a funeral service is scheduled with less than 72 hours' notice at a cemetery at which there*
24 *is a camping site, or a camping site is established at the cemetery less than 72 hours before the*
25 *scheduled service, the written notice required under subsection (3) of this section may be posted at least*
26 *24 hours before removing homeless individuals from the camping site.]*

27 *[(10) A person authorized to issue a citation for unlawful camping under state law, administrative*
28 *rule or city or county ordinance may not issue the citation if the citation would be issued within 200*
29 *feet of a notice required under subsection (3) of this section and within two hours before or after the*
30 *notice was posted.]*

31 *[(11) Any law or policy of a city or county that is more specific or offers greater protections to*
32 *homeless individuals subject to removal from an established camping site preempts contrary provisions*
33 *of this section.]*

34 **(1) A policy developed pursuant to ORS 195.500 shall include, but is not limited to, the**
35 **following:**

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

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

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

44 **(d)(A) All unclaimed personal property shall be given to law enforcement officials**
45 **whether 24-hour notice is required or not.**

1 **(B) The property shall be stored for a minimum of 30 days during which it will be rea-**
 2 **sonably available to any individual claiming ownership. Any personal property that remains**
 3 **unclaimed for 30 days may be disposed of.**

4 **(C) For purposes of this paragraph, “personal property” means any item that is reason-**
 5 **ably recognizable as belonging to a person and that has apparent utility. Items that have no**
 6 **apparent utility or are in an insanitary condition may be immediately discarded upon removal**
 7 **of the homeless individuals from the camping site.**

8 **(D) Weapons, drug paraphernalia and items that appear to be either stolen or evidence**
 9 **of a crime shall be given to law enforcement officials.**

10 **(e) Following the removal of homeless individuals from a camping site on public property,**
 11 **the law enforcement officials, local agency officials and outreach workers may meet to as-**
 12 **sess the notice and removal policy, to discuss whether the removals are occurring in a hu-**
 13 **mane and just manner and to determine if any changes are needed in the policy.**

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

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

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

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

23 **SECTION 2.** ORS 195.515 is amended to read:

24 195.515. (1) The Department of Transportation may enter into an intergovernmental agreement
 25 with a city that has a population of 500,000 or more for the removal, storage and disposition of
 26 personal property deposited, left or displayed on property that is owned by the department. The city
 27 shall prioritize removal of personal property that is within the right of way of a highway under the
 28 jurisdiction of the department as a road authority pursuant to ORS 810.010.

29 (2) Notwithstanding ORS 377.650, 377.653 and 377.655, an intergovernmental agreement entered
 30 into under this section may provide alternative provisions related to the removal, storage and dis-
 31 position of personal property if the alternative provisions conform with the requirements for local
 32 government policy for removal of homeless individuals and personal property under ORS 195.505.

33 (3) In addition to the requirements described in subsection (2) of this section, an intergovern-
 34 mental agreement entered into under this section must include the following:

35 (a) Requirements for posting notice before the removal of personal property, including but not
 36 limited to the following:

37 (A) That the notice is created using durable materials and securely posted within 30 feet of the
 38 personal property to be removed;

39 (B) That the notice must provide the date the notice begins and the date upon which the city
 40 or department may begin removing personal property; and

41 (C) That the notice must provide a description of:

42 (i) How an individual may access personal property that is removed and stored; and

43 (ii) The length of time the city or department will store personal property before the city or
 44 department disposes of it.

45 (b) A requirement that the notice expires 10 days after the city or department posts the notice.

1 (c) A severe weather protocol regarding the weather conditions under which the city or de-
2 partment will not remove personal property.

3 (d) Provisions related to inventorying and storing the personal property to be removed.

4 (e) Provisions related to the city or department relinquishing unclaimed personal property after
5 the storage period to the city's or department's designated agent.

6 (f) Provisions related to when the city will provide impact reduction services, including but not
7 limited to trash collection.

8 (g) A provision providing that if the department requests city services under the intergovern-
9 mental agreement, but the city is unable or unwilling to provide services as requested, the depart-
10 ment or the department's contractor may perform the requested services consistent with the terms
11 of the agreement, including but not limited to posting notice.

12 (4) The [72-hour] **24-hour** notice under ORS 195.505 required under subsection (2) of this section
13 does not apply:

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

16 (b) Where there is an exceptional emergency, such as possible site contamination by hazardous
17 materials; or

18 (c) When there is immediate danger to human life or safety.

19 (5) Before the city adopts an intergovernmental agreement under this section or changes to the
20 agreement, the city shall invite public comment on the proposed agreement or the proposed changes
21 to the agreement.

22 **SECTION 3. This 2025 Act being necessary for the immediate preservation of the public**
23 **peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect**
24 **on its passage.**

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