

RUBIO AMENDMENT 1 – adds a new finding related to the criminal penalties in the ordinance, adds a new council directive related to transparency and data

ORDINANCE No.

Amend City Code to update existing public camping restriction policies (repeal Code Sections 14A.50.020, 14A.50.025, add Code Sections 14A.50.140, 14A.50.150, 14A.50.160, 14A.50.170, and amend Sections 14A.50.050, 14A.55.010, 29.50.050)

The City of Portland ordains:

Section 1. The Council finds:

1. During the 2021 Regular Session of the Oregon Legislative Assembly, the legislature adopted House Bill 3115 (HB 3115).
2. HB 3115 requires that any city law that regulates the acts of sitting, lying, sleeping, or keeping warm and dry outdoors on public property that is open to the public must be objectively reasonable as to time, place, and manner.
3. On June 7, 2023, the City Council passed Ordinance 191311 to comply with HB 3115, by adopting reasonable time, place, and manner regulations with respect to persons experiencing homelessness.
4. On September 29, 2023, plaintiffs filed suit challenging the City's regulations, and on November 9, 2023, the Multnomah County Circuit Court issued an injunction barring the City from enforcing the ordinance. The City sought review of the injunction from the Oregon Supreme Court through a writ of mandamus with the goal of obtaining a judicial opinion providing guidance to the City and the public regarding the permissible scope of the City's regulations. On March 7, 2024, the Oregon Supreme Court denied the City's request.
5. While the City has not been afforded guidance from the courts, the City remains required by HB 3115 to ensure the City's regulations concerning camping on public property are objectively reasonable.
6. While the current injunction by the Multnomah County Circuit Court would keep the status quo in place, the City Council believes the status quo is not working.
7. Accordingly, the City Council finds it necessary to repeal the previous ordinance and replace those provisions with new regulations governing camping on public property.
8. The new regulations do the following:
  - a. Clarify the definition of camping;
  - b. Clarify the prohibition on camping for individuals who have reasonable shelter or who decline an offer of reasonable shelter;
  - c. Focus on regulating the manner by which camping may not be done on public property; and
  - d. Reduce the criminal sanctions, and replace the warnings with a provision encouraging diversion.

9. The City Council believes the new regulations are necessary as they are likely to survive a legal challenge while also providing objectively reasonable regulations that can be enforced to help change the status quo in Portland.

10. The City Council also finds that transparency is an imperative aspect to the enforcement of this ordinance, and seeks to ensure it is not being disproportionately enforced through appropriate data collection and reporting.

NOW, THEREFORE, the Council directs:

A. Portland City Code Sections 14A.50.020 and 14A.50.025 are repealed.

B. Portland City Code Sections 14A.50.140, 14A.50.150, 14A.50.160 and 14A.50.170 are added as set forth in Exhibit A.

C. Portland City Code Sections 14A.50.050, 14A.55.010, and 29.50.050 are amended as set forth in Exhibit B

D. The Portland Police Bureau to provide quarterly aggregated data updates to Council related to the number of arrests, demographics of arrested individuals, and frequency of arrests pursuant to the City Code provisions set forth in Exhibit A. These updates should be made in a form easily accessible to the public.