

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, [14A.50.180](#) 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 On June 7, 2023, the City Council passed Ordinance 191311 [in which it repealed and replaced the Portland City Code's camping restrictions in an attempt](#) to comply with HB 3115, ~~by adopting reasonable time, place, and manner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 t~~The City has not been afforded guidance from the courts, ~~the City remains required by~~ [as how to comply with](#) 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 upholds~~ the *status quo* ~~in place~~, the City Council believes [that](#) the *status*

~~quo is not working~~ undermines public safety and urgently requires change.

7. Accordingly, the City Council finds it necessary to repeal the previous ordinance and replace those provisions with new regulations governing that prohibit camping on public property while complying with evolving state and federal law.

~~8. The new regulations do the following:~~

~~1. Clarify the definition of camping;~~

~~2. Clarify the prohibition on camping for individuals who have reasonable shelter or who decline an offer of reasonable shelter;~~

~~3. Focus on regulating the manner by which camping may not be done on public property; and~~

~~4. Reduce the criminal sanctions, and replace the warnings with a provision encouraging diversion.~~

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~~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.~~

8. With a fluid legal environment and evolving resources available to those experience homelessness, the City Council intends to preserve flexibility in regulating public camping.

9. For example, the United States Supreme Court is considering whether the Ninth Circuit's holdings as announced in *Martin v. Boise* and *Johnson v. Grants Pass* are supported by and consistent with the Constitution of the United States of America.

10. Further, while the Oregon legislature passed HB 3115 in 2021, the Oregon Legislative Assembly has the authority to repeal that statute at a future meeting of the legislature.

11. Furthermore, the City Council finds that transparency is imperative to unsanctioned camping enforcement and that appropriate data collection and reporting is vital to ensuring enforcement is not applied disproportionately.

12. In addition, the City Council believes it is necessary for the City to pursue changes in the law to allow local governments more ability to regulate and

prohibit public camping. The City has filed an *amicus curie* brief with the United States Supreme Court seeking to overturn the Ninth Circuit's decisions in *Martin v. Boise* and *Johnson v. Grants Pass*.

13. The City Council likewise believes it is important for the City's camping rules to be no more permissive than adjoining cities.

14. Since the legal landscape may change, the City Council believes the City Code should be amended to give the City flexibility to impose camping regulations consistent with the evolving legal landscape and allow for a complete prohibition on public camping in the event the United States Supreme Court overturns *Martin v. Boise* and *Johnson v. Grants Pass* and the Oregon legislature repeals HB 3115 (2021).

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, and 14A.50.180 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 City Administrator (or such alternative city employees designated by the Mayor) to create a Public Environment Executive Team, composed of executive branch employees who have responsibility for programs, services, and compliance related to homelessness and unsanctioned public camping. The Public Environment Executive Team shall review policy proposals related to homelessness and unsanctioned public camping and evaluate changes in the state and federal legal landscape. The Public Environment Executive Team will regularly report to the Mayor on legal and policy developments regarding homelessness and unsanctioned camping and shall propose to the Mayor amendments to City Code and state law based on any such developments, which the Mayor at their discretion may choose to introduce for consideration by City Council.
- E. 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. The aggregated data should be in a form easily accessible to the public.