



PRESS RELEASE

OREGON HOUSE DEMOCRATS

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Oregon House Democrats Pass Bill Protecting Survival Activities in Public Space

HB 3115 protects Oregonians sleeping outdoors when no reasonable alternative is available

SALEM, OR—Today, House Democrats passed [House Bill 3115](#), which will ensure that individuals experiencing homelessness are protected from fines or arrest for sleeping or camping on public property when there are no other options.

Without adequate alternatives like housing, shelter, and safe camping spaces, some Oregonians are left with no option but to sleep outside in public spaces – in a park, under an overpass, or wherever they can find shelter and safety.

In 2019, the federal court ruling in the case of *Martin v. City of Boise* required local governments to reconsider how they treat people who are experiencing homelessness. The court found that “as long as there is no option of sleeping indoors, the government cannot criminalize indigent, homeless people for sleeping outdoors, on public property, on the false premise they had a choice in the matter.”

Plainly, local governments cannot adopt ordinances that criminalize homelessness when no alternative is made available. HB 3115 operationalizes the principles of that landmark decision.

“Even prior to the challenges brought on by the pandemic, local governments didn’t have enough shelter space for everyone who needed it, let alone enough permanent affordable housing options,” said House Speaker Tina Kotek (D- North Portland). “This bill is one piece of a much bigger effort to address Oregon’s housing crisis by increasing the state’s supply of affordable housing, supporting Oregonians who are experiencing homelessness, preventing evictions and foreclosures, and reducing housing disparities for communities of color.”

House Bill 3115 affirms a key principle of current case law: if a city chooses to regulate “survival activities” like sitting, lying, sleeping or keeping warm and dry, those laws must be reasonable. They must take into account the resources available to houseless individuals and the

impact of the regulations on persons experiencing homelessness. This statutory framework will also protect individuals experiencing homelessness from fines or arrest for sleeping or camping on public property when there are no other options.

HB 3115, which passed 36-22, now moves to the Senate for consideration. The full list of housing policy and budget priorities developed by Speaker Kotek and the chairs of the House and Senate Housing Committees can be found [here](#).

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