

# Right to Rest Act HB 2367



February 25, 2021

## The #Right2Rest Act Talking Points

1. On the tail end of the Great Recession, communities up and down the West Coast face skyrocketing rents, mass evictions and low vacancy rates. Homelessness is being further compounded by decades of massive disinvestment in affordable housing stock by our Federal Government. Mayors up and down the West Coast have called for additional support from the state and the federal government to invest in more affordable housing.
2. The solution to homelessness is permanent housing. We must work together to ensure that truly affordable, accessible and adequate housing is available to all who need it. Such a solution to homelessness is not being implemented today. Instead, people who lack housing and must conduct survival activities in public spaces are being criminalized. Criminalization is violent, unjust, counterproductive, and creates barriers that prevent people from getting off the streets. By criminalizing homelessness instead of dealing with its root causes, local governments are forcing homeless people into hidden, and therefore less secure, areas--where the risk of being attacked is increased. Criminalizing homelessness instead of providing appropriate solutions sends the message that “homeless lives don’t matter.”
3. Data shows that homelessness is caused by the lack of affordable housing. Since 1996, there has been no federal government funding for new public housing, and homelessness has tripled or quadrupled in every major U.S. city and risen steadily since. Ironically, the criminalization of homelessness actually perpetuates homelessness by creating legal barriers to accessing housing and employment. If we want homeless people off of the streets, we must stop criminalizing them.
4. The way to reduce the number of people who are sleeping and living outside is not to criminalize their efforts to exist in public spaces, but rather to make appropriate day centers, healthcare services, meaningful employment, and especially housing available to those who need and want it. Efforts from homeless people to build self-determined housing and communities must also be respected and honored. Part of the reason we do not have adequate housing and services to meet the needs of homeless Oregonians is because municipalities have chosen to allocate these resources to law enforcement. If money spent on enforcement of anti-homeless laws (including policing, court processing costs, and incarceration), was instead spent on permanent affordable housing, we could end homelessness.
5. In 2019, the U.S. Ninth Circuit Court of Appeals determined that people experiencing homelessness cannot be criminally punished for sleeping outside if there is no shelter available. Advocates have hailed the Court’s decision, which has led many cities across the United States to propose and implement constructive alternatives—instead of continuing to criminalize homelessness.
6. This bill does NOT give people the right to leave trash about, urinate in public, aggressively panhandle, block a doorway or passageway, or engage in destructive activities. This bill simply

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makes it legal for people to move freely, rest, sleep, protect themselves from the elements, eat and share food, and other basic acts necessary for human survival.

7. Homeless people have nowhere to go but public spaces, such as libraries, downtown areas, and parks. They have a right to use these spaces. The idea that homeless people should be barred entry to some public spaces is racist, classist and violent.
8. Citing homeless people for sleeping does not mean they will stop looking for a place to live, but criminal records create barriers to housing and employment. Criminalization of homelessness deepens poverty by creating legal barriers to exiting homelessness.
9. There are laws across the country criminalizing the act of simply sharing food in public. This bill will prevent laws like that from being passed in Oregon. In many cases, food-sharing programs may be the only occasion when homeless individuals have access to healthy, safe food. The need for food assistance is growing in our communities. We must ensure that those who wish to share food with those in need can do so in public spaces.
10. The Right to Rest Act protects the simple acts of resting or sharing food in public--acts of SURVIVAL. It does not mean people can sleep in doorways. This bill states clearly that people can “rest in public spaces and protect oneself from the elements, in a non-obstructive manner.” Current laws prohibiting obstruction of a passageway would still be in effect. It doesn’t mean people can be drunk in public, harass others, trespass or block passageways.
11. Homelessness exists in most geographic regions in the state. Though homelessness is more difficult to measure in rural communities, it does exist, and the barriers to escaping homelessness can be even more pronounced for rural residents. According to the U.S. Department of Housing and Urban Development, 10 percent of homeless services clients live in rural areas, and 20 percent are in suburban areas. Homeless shelters are virtually nonexistent in rural communities and most health and social services accessible to homeless people are located in areas with larger and denser populations.
12. A national trend is developing, condemning discriminatory practices which criminalize homeless people for existing in public. These include the DOJ’s statement describing criminalization as “cruel and unusual punishment,” HUDs encouragement to local Continuums of Care to demonstrate their commitment to ending homelessness, and the UN Human Rights Committee’s opinion that criminalization violates international human rights treaty obligations.