

Right to Rest Act HB 2367



April 5, 2021

House Committee on Judiciary Chair Rep. Janelle Bynum

Vice-Chairs Reps Ron Noble and Karin Power

Committee Members Reps Ken Helm, Jason Kropf, Rick Lewis, Lily Morgan, Kim Wallan, Maxine Dexter and Marty Wilde

CC: Reps Wlnsvy Campos (sponsor), Khanh Pham, Dacia Grayber, Andrea Valderrama and Maxine Dexter (co'sponsors)

Re: Support Right To Rest Act HB 2367

Dear Chair Bynum,

We are submitting this testimony on behalf of undersigned individuals and organizations, all of whom wholeheartedly support the Right to Rest Act, HB 2367. We acknowledge the abject failure of municipal laws that criminalize poverty and homelessness, and we recognize that passage of this legislation will result in more humane and effective responses to homelessness. At a time when Oregon is failing to fulfill our shared value that everyone deserves a safe, decent place to call home, we must stop criminalizing homelessness and redouble our efforts to ensure that we are addressing the root cause of homelessness and not the symptoms. People experiencing homelessness in our community are **literally dying** because they are [prevented from protecting themselves from the elements](#) and are continually pushed into hidden, unsafe areas.

Criminalization is violent, unjust, counterproductive, and creates insurmountable physical and mental barriers that prevent people from getting off the streets. Efforts to address poverty in Oregon using targeted [policing strategies have increased dramatically](#) in recent years, and yet [the number of people living unsheltered continues to increase](#). Criminalization further entrenches people into poverty because, in addition to causing a lack of sleep that exacerbates existing physical and mental health conditions, it directly blocks pathways to stability. As people accrue “quality of life” violations, it becomes virtually impossible for them to access essential resources designated to help them: “Even minor crimes can lead to serious consequences, including the loss of a job or the denial of employment, housing, government benefits, and treatment and services” ([ACLU Oregon, “Why the Right to Rest is the High Road for Oregon,”](#) pg. 19).

Homeless people are overwhelmingly charged with crimes of survival, and the Right to Rest Act ensures that all Oregonians, regardless of housing status, are able to stand, rest and share food in public spaces. 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. It also does not alter local governments' ability to enforce laws prohibiting trash, drug use, or public sex. **The Right to Rest Act does *not* grant homeless people special rights, but rather protects their shared right to exist in public spaces without threat of discrimination or harassment.**

When there is no public space in which homeless people are legally allowed to conduct activities that *everyone* must do, they will *always* be targets for law enforcement or private security forces. This discriminatory pattern – in which laws that will inevitably be broken are created and then brutally enforced – is as American as apple pie: the United States has a long, well-documented history of local governments using their authority to implement local time, place and manner restrictions to target “undesirable” populations and remove them from public spaces, be it Sundown Towns, anti-Okie laws, or Ugly Laws (which criminalized people with disabilities). In extreme cases, the underlying idea that the targets of such laws are disgusting or immoral means that people like [James Plymell](#) are allowed to be killed with little to no consequence. Initiatives that infringe on the most basic human and civil rights are, in fact, a dangerous and destructive attack on the only thing that very poor people have to call their own — their humanity.

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. As long as policing remains the first, and in many cases the only response to homeless people who are experiencing mental health crises, using drugs, or simply existing in public spaces as James Plymell was, we will not be seeing the “end of homelessness” anytime soon.

In solidarity,
National Homeless Law Center (NHLC)
Sisters of the Road
Right to Survive
Portland-Metro People’s Coalition (PMPC)
Rural Organizing Project (ROP)
Rise and Resist Southern Oregon
Siskiyou Street News
Western Regional Advocacy Project
White Bird Clinic / CAHOOTS