

Portland Daytime



Camping Ban

July 2023

IF EVERYONE CAN'T AFFORD THE RENT



THEY SHOULDN'T F*CKING TAKE OUR TENT

Posiificate



Stop the Sweeps PDX

What's this about?

Ordinance 191311 (**Daytime Camping Ban**) is the latest set of amendments to Portland City Code (**Chapter 14A.50 Conduct Prohibited on Public Property**) that bans camping on public property. **Effective July 7 2023.**

These amendments allow enforcement of the camping ban which was put on pause due to a Ninth Circuit decision on **Martin v. Boise** (2018), which determined ticketing and arresting people for camping is a violation of the eight amendment and unconstitutional unless **shelter is available.**

The updated City Code is to bring the camping ban into "compliance" with a new state law, **HB 3115** (effective July 1st 2023), forcing Portland to define **'time, place and manner'** restrictions that are **'objectively reasonable'**. The bill was co-created by the Oregon Law Center and League of Oregon Cities and Tina Kotek.

DISCLAIMER

The information in this zine is a **synthesis** of the updated City Code and existing case law while providing additional context as needed.

We cannot say for certain this is how the amended ban will **actually be enforced by police**, but we hope this zine can serve as a guide to better understand the new restrictions which will certainly impact the ability for thousands of Portlanders to simply **exist in public space.**

This zine will be updated as new information is available. The zine you are holding was last updated on **July 9th, 2023.**

Definitions

"Involuntarily Homeless": "If a person does not have alternative access to shelter or housing because it is not available, then the person may camp if they follow the time, place, manner regulations implemented by the City." - **Office of the Mayor**

Car/RV Camping: "During the day from the hours of 8am-8pm, the **car or RV must be lawfully parked in an allowed space** like any other vehicle in the City during the day and otherwise comply with the place and manner restrictions for campsites, which include the prohibition on the accumulation or leaving behind of garbage, debris, unsanitary hazardous materials, sewage, or drug paraphernalia, restrictions on the proximity to certain locations like schools and high crash corridors, and prohibitions on the use of gas heaters in or around a campsite, obstructing access to a private property or business adjacent to the public right-of-way, and alterations to the ground or infrastructure, or environmental damage." - **Office of the Mayor**

"Campsite" means any place where any tent, lean-to, shack, or other structure, any vehicle or part thereof, or any bedding, sleeping bag, or other sleeping matter, or any stove or fire is placed, established, or maintained for the purpose of establishing or maintaining a temporary place to live" (**14A.50.020**)



Citations

Lavan v. City of Los Angeles, 693 F.3d 1022 (9th Cir. 2012)

Martin v. City of Boise, 920 F.3d 584 (9th Cir. 2019)

Settlement Agreement in Anderson et. al. v. City of Portland, August 2012

ORS 195.500, Policy for Removal of Homeless Individuals Camping on Public Property

Portland City Code, 14A.50.020, Camping Prohibited on Public Property and Public Rights of Way

Portland City Code, 14A.50.050, Erecting Permanent or Temporary Structures on Public Property or Public Rights of Way

Police Directive 0835.20 Managing Public Spaces

Enforcement / Litigation

The Mayor's Office has stated there will be a phased-in enforcement of the camping ban, with the summer acting as a period of "education".

It's likely the enforcement of the daytime camping ban will largely be determined by **Portland Police Directive 0835.20 Managing Public Spaces**.

This directive is historically what Portland Police Bureau has used to guide officers on how to enforce various **public space laws**, including the camping ban.

Additionally the **Oregon Law Center** has filed a Tort Claim on July 1st on behalf of 24 unhoused folks, suggesting a **lawsuit** against the city as soon as **September 29th** (A 90 day notice is required)

How will this Impact Sweeps?

You should still receive a 72 hour notice before a sweep.

Although you may receive warnings, fines, and potential jail time for not packing up by 8am; the City of Portland ***legally* cannot forcibly remove your encampment without notice.**

City policy is currently 72 hour notice, as per **required by Oregon State Law (ORS 195.500)**.

Notice: Police, Rapid Response, and private security are known to violate the law, illegally enacting sweeps.

Daytime Camping Ban

Only an 'involuntarily homeless person' may camp between 8 pm and 8 am in specific locations but must dismantle their camp and remove all personal property by 8am every morning.

Everyone else who doesn't meet the definition of 'involuntarily homeless' are restricted from camping at **ALL** times.

The City of Portland's definition of 'involuntarily homeless' is "having no means to acquire one's own shelter and not otherwise having access to shelter or other alternative options for housing."

If you do not move all of your belongings by 8am you will receive at least two warnings from Portland Police before it escalates to a **\$100 fine and/or up to 30 days in jail.**

The warnings and subsequent fine/arrest must be given at **least 24 hours** in between one another.



These restrictions also apply to anyone who is RV or car camping.

Where you're not allowed to camp

Camping will be restricted at all hours in several locations (place restrictions).

This means you can never camp in these locations even between the hours of 8pm and 8am.



- Pedestrian Plazas
- Public Docks
- Pedestrian Use Zones
- Public Parks
- Within 250 feet from a preschool, kindergarten, elementary or secondary school, or a childcare center
- Within 250 feet from a safe parking site, safe rest village, or sanctioned camping location designated by the Mayor
- Within 250 feet of lot or parcel containing a construction site
- Within 250 feet of an Environmental overlay zone, River Natural overlay zone, River Environmental overlay zone, Pleasant Valley Natural Resource overlay zone, or a special flood hazard area
- Areas posted no-trespassing by City bureaus
- In the public right-of-way along "High Crash Network Streets and Intersections" identified by the Portland Bureau of Transportation

We recognize that this is most of the city and it is fucked up. The City has yet to communicate where people CAN camp. We will try to provide an accurate map in the future.

Prohibited Activities

In addition to regulations on when and where you can camp, there are also certain activities that are prohibited

- No obstructing access to private property or businesses adjacent to the public right-of-way
- No fires
- No gas heaters
- No erecting, installing, placing, leaving, or setting up any type of permanent or temporary fixture or structure of any material(s) in or upon public property or public right-of-way. Items such as tents and similar items used for shelter that are readily portable are not structures for purposes of this section.
- No digging, excavating, terracing soil, altering the ground or infrastructure, causing environmental damage, or damaging vegetations or trees in or around a campsite.
- No placing or storing personal belongings, or other objects, in a total area encompassing more than ten square feet outside the tent or readily portable shelter
- No leaving behind garbage, debris, unsanitary or hazardous materials, sewage, drug paraphernalia, improperly disposed of syringes, or other evidence of conspicuous drug use in the public rights-of way, on City property, or on any adjacent public or private property.
- No assembling, disassembling, selling, offering to sell, distributing, offering to distribute, or storing three or more bicycles or two or more automobiles, a bicycle frame with the gear cables or brake cables cut or an automobile with the battery or one or more tires removed, two or more bicycles or automobiles with missing parts, or five or more bicycle or automobile parts.

It appears it may be possible to violate the camping ban by violating any of these activities according to a lawyer. This is currently unconfirmed.