

Oregon advocates see overreach in local camping restrictions for homeless after court ruling

BY BEN BOTKIN - DECEMBER 18, 2024 - 6:00 AM



People camp on the sidewalk near Old Town in Portland. (Lynne Terry/Oregon Capital Chronicle)

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Chain link fences ring the perimeters of the two designated homeless camping areas in Grants Pass.

The two sites are the only spots where city officials allow homeless camping after they successfully defended their local camping ordinance before the U.S. Supreme Court.

In June, the nation's highest court ruled in favor of Grants Pass, deciding that cities could impose criminal penalties without running afoul of constitutional provisions against cruel and unusual punishment. Since then, city officials have limited where about 600 homeless people can pitch a tent or sleep to just two locations in the city of 39,000.

The new limitations have alarmed disability rights advocates and volunteer medical outreach workers who treat the people staying there.

"We have to stop blaming the people who've been forced to live outside because of this massive housing shortage, not just blaming them, but vilifying them and arresting them and jailing them," said Edward Johnson with the Oregon Law Center who represented the plaintiffs before the Supreme Court.

Mayor Sara Bristol said having two sites is intended to keep smaller ones from popping up throughout Grants Pass and provide a temporary location while working toward long-term goals like shelter beds.

Broadly, Grants Pass shows how cities across the U.S. are challenged with crafting local camping ordinances that balance the rights of unhoused people with competing interests, from business owners to those with disabilities trying to access a sidewalk without obstacles blocking their way.

What's more, a lack of adequate shelter beds falls far short of the nation's growing homeless population, which was 653,104 people in a [point-in-time count](#) in January 2023. The system has about 218,000 fewer shelter beds than necessary, that report found.

As homelessness becomes more political, rhetoric during elections conflate homelessness with crime, leading candidates to promise to get tough on the issue, Johnson said. Once considered allies, Democratic leaders find themselves under pressure to respond in their communities, with some weighing President-elect Donald Trump's stance of clearing camps and relocating people to land with some social services.

But that's not a solution.

"It may be a short-term solution to getting reelected, but it is not going to end homelessness," he said.

Concerns for people with disabilities

After the U.S. Supreme Court ruling, Grants Pass city officials enacted a new policy designating homeless camping to the two lots nearly a mile apart, instead of any city park. What's more, people can only stay in each spot for seven days. This means they must move between the two locations every week.

Violations carry the risk of \$50 citations.

Disability Rights Oregon, a nonprofit advocacy group granted federal watchdog authority, says the setting runs afoul of federal laws that require access and accommodations for people with disabilities.

For example, two volunteers carried a homeless woman in a wheelchair across the entrance and into a camp. Large rocks at its entrance prevented her from navigating the terrain in her wheelchair.

"It is pretty much a barren, totally exposed gravel and dirt lot that still has no running water, still has no shade," said Dr. Bruce Murray, a volunteer physician with Mobile Integrative Navigation Team, or MINT, which provides on-the-ground health services to people camping there.

In October, Disability Rights Oregon raised concerns about the homeless camping policy in a letter to city officials.

"It's been pouring rain down there," said Tom Stenson, deputy legal director of Disability Rights Oregon. "They're just puddles where people are unable to move. People with disabilities are just stuck. They have no ability to get around."



After the U.S. Supreme Court ruling, Grants Pass city officials restricted homeless camping to two lots nearly a mile apart. The city has provided portable toilets and handwashing stations, though not drinking water. (Courtesy of Mobile Integrative Navigation Team)

Patty is no longer homeless and now lives in an apartment in Grants Pass. A MINT supporter purchased a house to offer rentals at discounted prices for homeless people with disabilities. Patty pays \$600 a month.

City officials, Patty said, need to show more compassion.

"It's so irresponsible, neglectful and inhumane that there's just no way to put how I feel about it properly, except that they are cruel and heartless," he said.

Grants Pass officials have been publicly chastised. At an August council meeting, City Manager Aaron Cubic met withering criticism after he said the city was not legally obligated to provide water at city-designated spots.

"There is no legal requirement the city do anything more than designate a place to rest or a place to camp," he said at the meeting, adding that other services and amenities could include water and shade.

Murray, a 75-year-old retired physician who has worked in public health across the globe, said he was "offended" to hear water called an amenity.

"Amenities are chocolate mints left on your pillow at a Hyatt hotel," he said at the meeting. "Amenities are extra towels for the pool."

MINT has provided hundreds of water bottles at the sites. The city has provided portable toilets and handwashing stations, though not water. Bristol said that balance is necessary to avoid the perception the city is encouraging people to come there.

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Bristol, whose four-year term ends this year, said the public concerns are understandable, given the requirements to move every seven days.

"A lot of them have a lot of stuff that even an able-bodied person would have trouble moving around and from a practical standpoint I don't blame them because this is their entire life," Bristol said.

Cubic did not respond to requests from the Capital Chronicle for comment. Stenson said his organization has not heard from city leaders in the two months since the letter went out.

Elsewhere in Oregon

Oregon Gov. Tina Kotek's budget proposal for the next two years seeks more than \$700 million to shelter homeless residents, transition them into stable housing and prevent them from living on the streets.

Kotek also wants about \$1.4 billion in bonds and infrastructure funding to bolster the state's housing supply and chip away at the housing shortage.

Around the state, advocates are concerned that unhoused people will face increasingly harsher environments.

Democratic officials in cities are being pushed to act on homeless encampments, said Jimmy Jones, executive director of the Mid-Willamette Valley Community Action Agency in Salem, which provides regional services to combat homelessness and poverty in and around the state capital.

At the same time, Jones said it's crucial for local leaders to avoid the approach of President-elect Donald Trump's agenda, which calls for cleaning out suburban encampments and putting designated homeless camps on vacant land with social workers and mental health workers. Some Democratic leaders could find the approach attractive amid the pressure they face to address homelessness, he said.

Jones said any city's approach needs to be focused on responding to public safety or health concerns and complaints, not randomly forcing a camp to relocate elsewhere.

"It needs to be a complaint-based system generating the action instead of just chasing one group of people from one part of town or the other, ad nauseam, without any real random reason for doing so," he said. "That doesn't help the people you're chasing. It doesn't help the people you're trying to serve. It doesn't help the other constituencies in the community."

While disagreements about approaches continue, MINT and Grants Pass officials also collaborate. On Dec. 4, the City Council approved a 10-year agreement to provide up to \$660,000 for property that the nonprofit will use for a low-barrier shelter that eventually will serve up to 100 people.

Cassy Leach, executive director of MINT, said she and her organization want to be part of the solution.

In Portland, unhoused people can camp in public right-of-way areas, provided they have no other options like shelters. The city passed the ordinance in May, after homeless people sued the city in 2023 because of restrictions preventing them from camping between 8 a.m. and 8 p.m., and forcing them to take down their tents and stay on the move throughout the day.

With the new ordinance, there also are restrictions for those who pitch tents. They cannot block building entrances or walkways, light fires or pile garbage around their tent.

Violators face fines of up to \$100, up to seven days in jail or both. But the goal is to get people into shelter and programs that help them, not jail.

The Portland Police Bureau works with the city's Street Services Coordination Center, which does outreach to people who are violating the ordinance.

"It's really a powerful thing when outreach is there with police and there's that moment of: 'This is your moment to choose,'" said Hank Smith, deputy director of Portland Solutions.

The city also has a way for the public to report campsites that may be in violation, such as those camped on private property, blocking walkways or with debris piled up.

Under state law, notices to move campsites provide at least 72 hours.

In Bend, camping is also allowed in right-of-way areas with the goal of avoiding large camps. The city sets a 150-foot distance from one group of up to three homeless campsites – vehicles or tents – and the next homeless site. The ordinance also allows someone to camp for up to 24 hours in right-of-way areas that have vacant lots on both sides of the street, said David Abbas, Bend's transportation and mobility director.

First, people get an opportunity to voluntarily move. Afterwards, a 72-hour notice is posted on or near their tent and they have three days to leave. If they don't, the city removes their things and they have 30 days to collect them at a city storage facility.

Abbas stressed the goal is voluntary compliance and the city provides information about local shelters.

Solutions beyond camping bans

For cities to successfully combat homelessness, they need more permanent, affordable housing, Johnson of the Oregon Law Center said. Nationwide, there is a housing shortage that feeds the problem, he said.

The other two needs: more protections for people to avoid unnecessary evictions and more temporary shelter space while people are waiting for permanent housing, he said.

As for city ordinances that restrict or ban camping, they do not solve the homelessness problem, Johnson said. For one, the restrictions can make it harder for people to stay in touch with providers who can help them find housing, he said. If someone is arrested, jailed and convicted, the criminal record creates another obstacle when they look for employment or housing.

"They're aimed at hiding homelessness, and they're not very effective at hiding homelessness for a very long period of time, because they actually increase the number of people who are forced to live outside," he said.

Despite the loss at the Supreme Court, Johnson said he has reason for optimism as cities look for solutions. In California, Los Angeles city and county officials [criticized the ruling](#), saying the solution is affordable housing and support services, not criminalization.

Los Angeles Mayor Karen Bass has focused heavily on expanding affordable housing, with a 2022 executive order that reduced the red tape and waits developers face to get city permits. But newer restrictions that limit where fast-tracked affordable housing development can go in the city, such as historic districts, also raise concerns about how to balance affordable housing growth with neighborhood preservation, according to [media reports](#).

Johnson also praised the work of cities that pursue a [Housing First](#) model that places people into supportive housing and off the streets as quickly as possible. Major cities are involved: Houston and Austin in Texas; Nashville, Tennessee; and Madison, Wisconsin.

"You can't police your way out of this, but we also are not going to be able to litigate our way out of it," he said.

Stenson, with Disability Rights Oregon, said he still holds out hope that Grants Pass officials will look beyond their camping ordinance for long-term housing solutions.

"Maybe the futility of what they're doing will get them to move around to doing something actually useful, which is to try and find people housing," he said. "We have to learn for the 1,000th time that you can't make it illegal to be a person with a problem. You have to actually address the problem."