

# Clarifying Time, Place & Manner for Public Camping

## Defining Objectively Reasonable

Passed in 2021, HB 3115 codified a U.S. Ninth Circuit Court decision requiring cities to implement “objectively reasonable” time, place, and manner restrictions on camping on public property. Since implementation of this policy, cities have faced a number of challenges in regulating camping on public property, and there have been multiple legal challenges, leaving cities unable to enforce their ordinances. The LOC’s work to amend the policy is not to re-criminalize homelessness, but rather clarity on what restrictions can and can’t be places on camping on public property. Possible changes to address these challenges include:

- Safe harbors (i.e. no camping on sidewalks, near schools, in parks, or near established encampments);
- Defining “objectively reasonable” for further clarification; and
- Requiring plaintiffs to name what does not meet the definition of “objectively reasonable.”

We must balance the need of cities to have greater clarity in statute with a common understanding of the needs and humanity of unhoused Oregonians. The LOC is open to negotiation that will restore local control while also protecting our unhoused population. LOC has in past Legislative Sessions and will continue in the 2025 Session to focus on working with partners others to create a better response to the homeless crisis and support was to identify more funding for shelters, wrap-around services, and housing development.

## Differing Treatment Under the Law

Of the 241 cities in Oregon, 49 have specific city ordinances that regulate the time, place or manner in which people may sit, sleep, or lie on public property. All of these ordinances have different interpretations of “objectively reasonable”, leading to different protections and legal standings for unhoused Oregonians across the state. With no standards in place, cities have created a patchwork of restrictions and leave the interpretation up to the discretion of circuit court judges, whose opinions vary from judge to judge, often creating additional conflicts over interpretation. All of this leads to unhoused Oregonians being treated differently in different cities.

## Addressing Cities’ and Oregonians’ Needs

The LOC will advocate for public policy positions which allow cities to respond to the unique needs of community members, both housed and unhoused. This advocacy will include adjustments to ORS 195.530 to provide cities with the necessary tools to: address unsafe camping conditions; safeguard public spaces; and protect the health, safety, and wellness of all community members.

**Public Safety Contact:** Scott Winkels, Lobbyist, [swinkels@orcities.org](mailto:swinkels@orcities.org) or 971-428-7275

**Housing Contact:** Alexandra Ring, Lobbyist, [aring@orcities.org](mailto:aring@orcities.org) or 541-646-4180