

**City Council**  
**Report Date: March 19, 2021**

**City of Salem**

Bill Number	Position	Priority
<a href="#">HB 2086</a> <a href="#">INTRO</a>	Support	2

Relating to individuals with behavioral health disorders; declaring an emergency.

Appropriates moneys to Oregon Health Authority to undertake specified steps to address needs of individuals with behavioral health disorders for services, treatment and housing.

2/2/2021 - In addition to the notations that were made in the prior review, this bill calls out specific funding pools for community based housing serving those with behavioral health needs.

1/28/2021 - HB 2086 puts Oregon Health Authority (OHA) in lead to design a statewide crisis system to include no-barrier, emotional support, regardless of language or insurance status. The bill includes an unspecified appropriation beginning July 1, 2021 for programs responsive to BIPOC community and youth, peer-run respite centers, a sustainable payment model for existing certified behavioral health clinics and coordinated care organizations, and funding for re-integration for criminal defendants. For Salem, HB 2086 would provide more resources and supports for those who are chronically homeless and dealing with untreated mental illness, possibly resulting in providing shelter for someone who is experiencing chronic homelessness with intensive case management and a network of community-based services.

<a href="#">HB 2367</a> <a href="#">INTRO</a>	Watch	2
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Relating to rights of persons experiencing homelessness.

Establishes Oregon Right to Rest Act.

1/19/2021 - The City of Salem is experiencing a sheltering crisis. Working in collaboration with local nonprofits and social service partners, the City is providing sheltering options and other support services to our unsheltered residents. The City has several initiatives underway that, over time, will reduce the need for sheltering in unsuitable locations. We continue to find there are few good workable solutions.

Here are the technical reasons why this proposed bill is challenging. It gives a statutory privacy interest and reasonable expectation of privacy in property belonging to persons experiencing homelessness even when the property is located in a public space. Normally protected privacy interests is analyzed under constitutional protections. Would give separate statutory protections only to persons experiencing homelessness. Bill may restrict the City's ability to place time regulations on public spaces. Limits City's ability to regulate resting in public, including construction of structures for weather protection, beyond preventing obstruction of pedestrian and vehicular traffic. Bill restricts City's ability to regulate the distribution and consumption of food in public. Bill restricts City's ability to regulate occupying a vehicle on public or private property. Bill requires the City provide nearby alternative places for unsheltered persons rest, eat, pray, or occupy a vehicle, if the City closes or requires a fee to access a public space – this would apply to the closure of City parks, and City properties such the City Hall campus. Violations may be actionable as a complaint to the Bureau of Labor and Industries as an unlawful practice and may result in civil penalties, compensatory damage awards, and other relief.

<a href="#">HB 3115</a> <a href="#">INTRO</a>	Support with amendments	2
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Relating to the regulation of public property with respect to persons experiencing homelessness; declaring an emergency.

Provides that local law regulating sitting, lying, sleeping or keeping warm and dry outdoors on public property that is open to public must be objectively reasonable as to time, place and manner with regards to persons experiencing homelessness.

3/1/2021 - HB 3115 provides that local law regulating sitting, lying, sleeping or keeping warm and dry outdoors on public property that is open to public must be objectively reasonable, under a totality of the circumstances analysis, as to time, place and manner with regards to persons experiencing homelessness. The totality of the circumstances analyses must include the impact the law has on persons experiencing homelessness. Creates affirmative defense to charge of violating such local law that the law is not objectively reasonable. Creates cause of action for person experiencing homelessness to challenge objective reasonableness of such local law. Authorizes court to award attorney fees to prevailing plaintiff in such suit in certain circumstances. The bill represents a working compromise for OLC, AOC and LOC. The details around liability are still being worked out. This bill will statutory extend the "reasonable time, place, and manner" analysis of ordinances which regulate "sit / lie" conduct to include non-criminal ordinances which only impose a civil penalty. Additionally, persons will be able to challenge the validity of a "sit/lie" type ordinances even if they have not been cited with violating the law.

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The City of Salem supports the intent of House Bill 3115 and is actively working with many in our community to reduce hardships that lead to homelessness of our residents and families with children and to increase access to affordable housing for those at-risk of becoming homeless. To support these efforts and in recognition of the sheltering crisis in our community, our legislative agenda includes additional affordable housing, a navigation center, a sobering center, and a mobile crisis response unit.

To avoid costly litigation which may restrict services to those most in need, amendments to HB 3115 would help to clarify the scope of the bill relating to the definition of public property, the type of laws the bill would affect, clarification of the reasonableness standard, and who has standing to bring a lawsuit against a local government under the law.

<a href="#">HB 3124</a>	Watch	2
<a href="#">INTRO</a>		

Relating to homelessness; declaring an emergency.

Increases time that written notice must be posted before removal of homeless individuals from established camping site.

3/16/2021 - HB 3124 would cause a delay in response to unworkable sheltering; there are times when shelter is selected that conflicts with the rights and access of others, such as sheltering across a sidewalk (when people need to be able to access the space).

Costs identified to implement include: storage location, cleaning of storage location, and accessible staffing to manage the location and respond to complaints or concerns. None of these costs have an associated revenue stream; given the current financial picture of the city, it is unclear how the city could absorb these costs.

Sections 5(b) and 5 (c) are important and should be retained, if the bill progresses.

2/15/2021 - Some of the requirements for this bill are already utilized by our department (we generally give longer than 24 hrs notice prior to removing camps). I do not know the impact involving storage of belongings by other city entities if those belongings have to be stored for longer periods and how that storage, returning of property or disposal would be handled by other city agencies. I do know that the storage and returning of property by the police department can be time intensive and take up considerable space in our evidence room, in addition to the time requirements to remove food and other materials that are hazardous or could invite mold/rodents from that property prior to storage.

The City of Salem is experiencing a sheltering crisis. Working in collaboration with local nonprofits and social service partners, the City is providing sheltering options and other support services to our unsheltered residents. The City has several initiatives underway that, over time, will reduce the need for sheltering in unsuitable locations. We continue to find there are few good workable solutions.

Here are the technical reasons why this proposed bill is challenging. Bill changes the requirement for storage of unclaimed personal property removed from a campsite on public property such that the property must be kept within the city no further than five miles of the campsite and six blocks of the public transit station. As campsite occur throughout City, bill places a large burden on the City to have multiple storage locations. Also leads to the decentralization of the process for locating the property and returning it to a claimant.

<a href="#">SB 67 INTRO</a>	Support	2
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Relating to treatment for co-occurring disorders; declaring an emergency.

Requires Oregon Health Authority, in collaboration with specified stakeholder groups, to identify, assess and prepare report on regulatory and policy barriers to effective and timely behavioral health treatment for individuals with co-occurring disorders.

1/28/2021 - SB 67 directs Oregon Health Authority to identify regulatory or policy barriers to effective and timely behavioral health treatment for individuals with co-occurring disorders, like a mental health disorder along with a substance abuse disorder, problem gambling or an intellectual or developmental disability. The group is to report and make recommendations for legislation by September 15, 2021. A key priority for the City of Salem this session is to secure funding for local government to reduce hardships that lead to homelessness and chronic homelessness such as support for behavioral health impacts in our community. Chronically homeless individuals often deal with untreated mental illness, addiction, and chronic health conditions worsened by long periods of homelessness. Any improvement to coordination, access, or capacity of behavioral health treatment is welcome.

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<a href="#">SB 69 INTRO</a>	Support	2
<p>Relating to services for individuals with substance use disorders.</p> <p>Expands range of housing for individuals with substance use disorders that is authorized to receive development funding from Oregon Health Authority.</p> <p>1/18/2021 - The City of Salem is experiencing an affordable housing and sheltering crisis. This bill seeks to acquire specific development funding for Drug and Alcohol free housing. The bill speaks to both developments of more/less than 8 units. It calls out private and public partnerships with Public Housing Authorities and local Non-Profits. It identifies the requirement of services on site and active monitoring for substance abuse. There is no specific identification of funding for services which would be essential to operate a building with that level of service need. The City of Salem lacks drug free housing with supportive services on site. If funding for services were accompanied with this development capital, this could be a positive step in the long term goals to house our unsheltered neighbors in Salem. Especially, those that struggle with substance abuse.</p>		
<a href="#">SB 395 INTRO</a>	Support with amendments	2
<p>Relating to transportation.</p> <p>Increases required expenditure on footpaths and bicycle trails from one percent to five percent of amounts received from State Highway Fund.</p> <p>3/7/2021 - SB 395 increases the required expenditures of State Highway Funds for footpaths and bike trails from 1% to 5%. This proposed increase will divert funding (projected at \$2.7M over 5-years) from preservation, maintenance, and other needed safety improvement projects. Additionally, SB 395 requires all resurfacing projects to include expenditures for footpaths and bicycle trails (currently only when road is constructed, reconstructed, or relocated). Adding resurfacing to required projects greatly expands the scope and intent of the original law to require bike/ped improvements to almost every State Highway Fund funded project regardless of context and project need. This expansion will increase costs to basic road preservation and maintenance projects across the city.</p>		
<a href="#">SB 680 INTRO</a>	Support	2
<p>Relating to residential peer support for individuals with mental illness who are in crisis; declaring an emergency.</p> <p>Provides funding to peer-run organizations in Portland metropolitan area, southern Oregon region and eastern and central Oregon region to operate peer respite centers to provide peer respite services to individuals with mental illness who experience acute distress, anxiety or emotional pain.</p> <p>1/28/2021 - SB 680 provides funding to organizations operating peer respite centers to individuals with mental illness who experience acute distress, anxiety, or emotional pain. The bill also gives Oregon Health Authority responsibility for adopting criteria for those who receive funding and to monitor compliance. A key priority for the City of Salem this session is to secure funding for local government to reduce hardships that lead to homelessness and chronic homelessness such as support for impacts in our community. Chronically homeless individuals often deal with untreated mental illness, addiction, and chronic health conditions worsened by long periods of homelessness. Any improvement to coordination, access, or capacity of services for mental health is welcome.</p>		