

FOR COMMISSION MEETING OF: December 8, 2021
AGENDA ITEM NO.: 4.a.

TO: HUMAN RIGHTS COMMISSION

FROM: EQUITY LENS CHAPTER 97 WORKGROUP

SUBJECT: CHAPTER 97 AMENDMENTS

ISSUE:

Shall the Human Rights Commission recommend to City Council that Chapter 97 be reviewed for amendment?

RECOMMENDATION:

Yes, recommend to City Council that Chapter 97 be reviewed for amendment.

SUMMARY:

Explore adoption of housing status as a protected identity within the Human Rights Chapter of the Salem Revised Code. Explore removal of reference to gender identity and sexual orientation within SRC 97.085.

FACTS AND FINDINGS:

Housing Status:

A recent survey reported incidents of incidents and crimes experienced by persons who are unsheltered in Salem. People describe problems including being excluded from places of public accommodation without a behavioral reason, to enduring physical violence, critical remarks and loud noises, to being woken to being urinated upon.

The Commission recommends the City of Salem explore the idea to list housing status as an identity within Chapter 97 of the Salem Revised Code. Such a change would not cause all incidents to be prevented nor provide an enforcement remedy for all situations; persons who are unhoused would remain accountable to the law just as housed persons. The change would provide for a reporting mechanism for micro aggressions and bias incidents affecting the unsheltered. the Commission asks that the Intimidation code language be considered as a tool as applicable.

The Commission requests the opportunity to review the definition of housing status, and for that definition review to also include persons with lived experience and advocates.

Gender Identity and Sexual Orientation:

Task Force member review of Chapter 97 notes gender identity and sexual orientation are uniquely mentioned in SRC 97.085. The task force is concerned about the practical reality of a person possibly facing an eviction due to their identity. The task force recommends a review of this section to determine whether these references can be removed to prevent possible discrimination.

The Commission requests removal of all gendered language. Language could be replaced with they/them pronouns, or removed altogether, depending upon the context.

The Commission requests a revision of the term “sexual orientation” to be more inclusive. An example definition from the Human Rights Campaign is: “An inherent or immutable enduring emotional, romantic or sexual attraction to other people.”

BACKGROUND:

The recommendation related to housing status emerges from ongoing reports received by community members through public comment at meetings as well as through the annual student survey. Other cities known to the Commission who have also amended City code in such fashion include Madison, Wisconsin and Louisville, Kentucky who currently provide for the protection of persons based upon housing status in their municipal human rights code.

Attachments:

1. Public Comment received (attached)
2. [2021 Discrimination Survey](#), (provided here as link)
3. 2021 Discrimination Survey Student Reflections (attached)
4. [“Vulnerable to Hate: A Survey of Bias-Motivated Violence”, National Coalition for the Homeless](#) (provided here as link)

Attachment 1: Public Comment Received

Public Comment Received November 29, 2021:

This recent article brought the topic of violence against people who are homeless back to my mind: <https://www.salemreporter.com/posts/5409/reported-attack-on-sleeping-homeless-man-in-salem-under-police-investigation?fbclid=IwAR34V1gMnNITLaW4EzyCqdc2N8uplbJtalP27KRMkJcCyyjGLhQKEX4JI1k>

I've been sad and appalled since reading the article. Thinking several young adults and TEENS supposedly committed this level of cruelty on a fellow human being who is already down and out. Besides the literal and figurative unfairness of kicking someone when they are down, it boggles my mind and kills a piece of my soul that multiple young people chose to do purposeful harm together, *because* the victim is homeless.

I cannot comprehend what prompts people to behave so cruelly, and I'm at a loss that no one in the group stopped the others. Yet it seems to be a reality that mob mentality can enable horrific cruelty. To me, that reality adds to the reasons that targeted cruelty against people who are homeless warrants hate crime status, just as much as our already established hate crime categories. People who are homeless are marginalized, minimized, and targeted for discrimination and cruelty, just like victims of other hate crimes, where person-hood is dismissed to a level that people justify targeted cruelty.

When we did the discrimination survey, we heard from homeless individuals that besides generally being treated as if they are vermin or invisible, they also shared that they are verbally insulted, yelled at, spit on, beat up. As we surveyed homeless individuals, we witnessed some of those things - we heard the extreme noise of people revving their engines, screeching their tires, yelling insults as they drove by. We also heard that people sometimes throw firecrackers at them, shoot a gun. Some homeless women report being raped by men who do not appear to be homeless; some men shared that they have been beaten up, and a few even shared through their shame and tears that they have woken up because they were being peed on as they slept on a sidewalk.

Some homeless campers also reported that some people bring cars to screech and do wheelies to scare and intimidate people who live at some homeless camps. Some drivers brought a megaphone and loudly narrated what some homeless individuals were doing, as they watched campers and followed them.

I am lucky that I can only imagine how scary it would feel to be on the receiving end of any of those targeted cruelties. Imagination would fall far short of actually living through those cruelties. As long as I have a home or apartment to live in, I won't be at risk of being targeted or harmed in those ways. Yet no fellow human being deserves those targeted cruelties.

Homeless individuals rarely report these incidents, because they are often not believed, because there is rarely anything that can be done once the offenders have fled the scene, and because homeless individuals fear retaliation that may be worse than what is already being done to them.

Since the Statesman Journal article was printed, more people have come forward with reports of violence:

- A woman named Jean Schmidt reported on the Marion Polk Crime Traffic and Severe Weather Alerts Facebook page: "My brother who is homeless was on the corner of Hood and Cottage streets. Three or Four 14 to 15 year old kids on bikes beat him up. He has a broken ankle and facial injuries. He's at the emergency ward at Salem Hospital. If anyone has cameras in that area that could capture what happened it would be appreciated. It happened between 5 and 7 pm. Police case # 21024640. Apparently they just like to beat up unharmed homeless people."
- From a fellow homeless advocate: I wonder if it is the same teens that are harassing homeless guys on Union?
- A friend was walking to his bus stop after work. He saw males harassing an older homeless man who was pushing a cart by the Marion Street Parkade. He intervened, yet if he had not done so, we don't know what the men may have done to the homeless man.
- We also have multiple advocates who serve homeless individuals and hear reports of people harassing them and slashing their tents - ruining campers' only protection from the elements.

Targeted cruelty against individuals who are discriminated against and marginalized has led to some classifications of hate crimes. Targeted cruelty against people who are marginalized, other'd, and treated as less-than-human simply because they are homeless seems to also warrant hate crime status. Not just for the similarity to other hate crimes, but also for the fact that these targeted crimes are becoming more common. Categorizing those cruelties as hate crimes helps to make a huge statement that those targeted cruelties are absolutely unacceptable.

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Sadly, targeted cruelty against people who are homeless seems to be a growing problem even at the national level: [https://nationalhomeless.org/wp-content/uploads/2019/01/hate-crimes-2016-17-final\\_for-web2.pdf](https://nationalhomeless.org/wp-content/uploads/2019/01/hate-crimes-2016-17-final_for-web2.pdf)

This report is incredibly hard for me to read. Yet it seems important as validation of the reality that people who are homeless are often the victims of cruelty based solely on their (lack of) housing status. The report also reflects that some states include homeless status in their hate crime laws.

"In recent years, a debate has intensified about whether the criminal law should include targeted violence against the homeless in state and federal hate crime statutes and data collection efforts. Currently, almost half a dozen states include homeless status in their hate crime laws, although attempts at the federal level and in other states have stalled (Stoops, 2014). Hate crimes are discriminatory criminal acts committed because of an individual's actual or perceived membership in a particular socially identifiable status group. Status characteristics are those material attributes, like race or sexual orientation, common to a socially identifiable class of people. While hate crime laws and other modern legal protections on the basis of status are relatively recent enactments, their roots extend to the post-civil war era constitutional amendments."

When we aim to be a country, state, and city where every human being, sheltered or not, has a basic human right to be treated with fairness and inclusion, these targeted cruelties reflect otherwise. We cannot completely eliminate violence against marginalized individuals of any nature, yet we can call out hate when we see it, and we can name hate as what it is when it happens. Beyond the accuracy of that, doing so reflects standing up for categories of individuals who are targeted for hate, and doing so may help to deter those cruelties as people see that those cruelties will be seen for what they are, and dealt with accordingly.

Thank you for your work in standing up for basic human rights of fairness, inclusion, and basic safety from targeted cruelties.

Thank you for your work in considering this hard and heart-breaking topic.

lynelle

Public Comment Received

Verbal testimony received related to the conditions and treatment of people who are unsheltered, 1/7/20 and 3/5/20 Human Rights Commission meetings.

## Attachment Three: Discrimination Survey Student Reflections

### **Shared with students' permission**

### **Gathering Survey Responses in Salem**

By Justin Crosswhite

Posted to Class Forum 5/9/2021<sup>[L][T][L][T]</sup><sub>[SEP][SEP]</sub>

"WOW!" I left Saturday afternoon's time gathering survey responses defining it as one of the most thought-provoking experiences I have ever had, and I am very thankful to have had that opportunity. <sup>[L][T][L][T]</sup><sub>[SEP][SEP]</sub> I found myself pacing in my living room before I left, a pit in my stomach thinking about what the next few hours would bring. I truly had no idea what to expect.

I knew I was about to be way outside my comfort zone, but I also knew I wasn't alone. Upon meeting with Lynelle, Jen, Cody, Marianne & Josh (Marianne's son) we set a game plan. Marianne brought many wonderful snacks to hand out, while Lynelle provided homemade bars, trash bags, & sanitary wipes. I can't fail to mention how calming Lynelle's presence and knowledge of the situation in Salem truly is. She really does care about understanding and being a resource for people in Salem, it's remarkable. <sup>[L][T][L][T]</sup><sub>[SEP][SEP]</sub>

We started at the arches parking lot, but there were only a handful of people nearby to complete the survey. We approached the first group as a team & Lynelle led the charge. That first woman was very open with us, and the first thing that struck me was she just wanted to be heard. My perception of who the homeless people really are was already changing just with this first interaction. <sup>[L][T][L][T]</sup><sub>[SEP][SEP]</sub>

Given not many other people were in the arches parking lot, we packed

up and moved to the I-5 underpass on Market Street. This is home to one of the larger tent camps I've seen throughout the city. We divided and conquered and moved throughout the area, staying within the eyesight of one another.

The first gentleman Cody & I ran into turned to be my highlighted interaction from the day. He was younger, probably somewhere in his early 20's, who has lived on the street his entire life. He dived into the negative perception the public has of homeless people. He said, "many people drive by screaming get a job!!" He also dove into a tragedy that occurred last week when one of the women in their community passed in the underpass. He described how they covered her up to keep her warm as she slept, just to find her later, basically translucent and rotting away. It hurt to hear someone describe one of their neighbors passing away right inside their community, as we could tell many within this community are close with one another. We even witnessed a small memorial closer to one of the cross-walks in memory of this woman. [L T L]  
[SEP SEP]

Nearly every single person we saw was approachable, thankful for the goodies we brought, and very happy to complete our survey. My perceptions of these people have changed dramatically. They are simply people, too, simply trying to survive and get by. They simply just want to be heard and treated as human. The final two women at the underpass who completed our surveys are the epitome of this. One woman said, "We aren't bad people."

The other woman had a conversation with Cody about the homemade bars Lynelle had made. After Cody had mentioned they remind him of home, she offered one of the two bars we had just given her to Cody. Really, really awesome gesture! [L T L]  
[SEP SEP]

The discrimination of the homeless people in Salem is unfair as it seems



they simply don't have a voice to be understood or heard. Residents of Salem can drive by all day, but until they take the time to dive into what is truly going on, they will never fully understand. I never thought this population of people would be so approachable and ready to openly share their lives with us. I am excited to dive into the results of these hard copy surveys and read some of the things they took the time to write for us!

## **Saturday Afternoon in Salem**

By Jen Pardy

Posted to Class Forum 5/10/2021<sup>[1]</sup><sub>SEP</sub>

In the few days between our Thursday class, leading up to the Saturday afternoon outing, I carried this unsettling feeling around in the back of my mind that would occasionally make its way to the forefront of my thoughts: Fear? Dread? Worry? all due to the unknown. Beyond knowing it would be incredibly uncomfortable, I also worried if I would be safe. I was very unsure how to approach or speak to someone...the casual “Hi, how are you” approach seemed inappropriate—they are living in the streets for heaven’s sake!! Seemed like a terrible question

to lead with!

I also wondered if somehow those we encountered would further be made to feel “less than” by a group of people coming to survey them as if they were a science project? I am still ruminating, trying to sum up into a tidy explanation my overall observations and experience of collecting responses from homeless individuals in our state Capitol. It is equal parts upsetting, overwhelming, enlightening, and sobering; below are a few thoughts around these:

Upsetting—Sometimes these individuals experience the worst treatment from the very people who are sworn to protect and serve the city. One story told by a woman we met was of a couple of specific local law enforcement officers who go out of their way to harass and upset people living in a certain section of downtown. Individuals who are held to a higher standard abuse their power to the detriment of others. Hard to imagine how such “trusted agents” can look at themselves in the mirror every day.

Overwhelming—the emotionality triggered by the lack of humanity these individuals experience and the depths of pain you can see in their eyes is what resonates the most with me. Maybe this is the cross I bear as a total empath, although it is hard to imagine anyone with a pulse not being impacted. We heard a number of times from a variety of the individuals we met that they aren’t bad people looking to hurt others, who choose not to work, and would rather steal from others just to survive. But that is how they are labeled and, thus, treated. Not only by strangers, but also by former employers who treated them so poorly based on their housing status (which we know is a form of discrimination) the treatment eventually drove them away from a paying job.

Enlightening—I am no different than the thousands of other

“passersby’s” who glance at homeless encampments and piles of trash while driving by or parked at the traffic light adjacent to them and wonder “why...? how...? maybe if they/or someone just did ‘X’ they wouldn’t be on the streets, why can’t we find a place for them to call home besides the side of the road, etc, etc.” All of those questions are very easy to ask from the comfort of your car. It is an understatement to say the problem is complex and it was found to be even more complex when you are immersed in their world. It is easier to blame them, the system, the government, the landlords, the pandemic....the list is endless.

The fact of the matter is, what places a person in this situation does not get resolved with a one-size-fits-all solution; but we owe it to their humanity our efforts to try and find options for safe spaces and better choices than those between abuse and squalor, because when it’s nobody’s problem it’s everybody’s problem. I can say with a newfound perspective and a high degree of confidence that if you don’t meet people where they are you will never understand the complexities and true needs of each person—another human being. Each able-bodied person can do one small part which could lead to enormous improvement overall.

Sobering—members of our very own human race are being marginalized in broad daylight, in plain eyesight, and somehow that it is everyone else’s fault and nobody’s responsibility. A newsflash for those who believe one’s housing status is license to disregard, disrespect and denigrate another human: they still have rights and feelings. We have probably all heard the statement that “many of these people choose to live on the streets” as if this somehow justifies the mistreatment. Yes, some do choose to live on the street because they chose that over something horrific such as living in an abusive situation.

It turns out that just saying hello, having a conversation, listening to

their concerns and thoughts, and treating them with dignity and respect like you would every other stranger is all that was required! They were grateful for our time and concern, the treats and supplies, and the civil conversation. I will certainly carry this experience with me as I look for ways to be part of a solution to the humanitarian crisis in my own city and community.

## **Understanding the Unheard Lives**

By Cody Warner

Posted to Class Forum 5/11/2021

This experience was jaw dropping for me. The first thing that happened as Lynelle was speaking with 3 people about the survey, the sound of the road noise made it to where I could not hear what they were saying well, so I decided to pay attention to all the by standers and how they acted. It was pretty gross to put it lightly.

Nearly every car driving by a person pointing, laughing, staring, giving bad looks, mouthing curse words, just to name a few. All we were doing was standing around not even on the sidewalk. As the experience went on this just continuedly got worse as we moved to under the I5 bridge on market street, as the cars would rev their engines, honk, and just be generally obnoxious while we would try to speak with people about their experiences and the survey.

The first person I interviewed to do the survey was autistic, and he said he chose to stay with his wife and child rather than staying with his parents due to the ultimatum they gave him. He had the opportunity to leave them in order to have a better life for himself. He chose to be

homeless, but take care of them. As we continued the survey (I was asking him the questions), Justin and I helped him build his tent and got more insight about his life, and the experiences he has had. He talked about a person in the community who had recently passed away. He said they just covered her up and forgot about her because they thought she was sleeping. Moving over to by where she lived, there was a memorial to her and I later learned they held a vigil for her.

I learned through this, that these tents on the side of the road aren't just random homeless people living next to each other, they are communities, almost like a small neighborhood. They all care for and help each other out.

Another experience with a person that stuck out to me, was after we finished a survey with a lady who was very outgoing and eccentric. We gave her some supplies that we had been handing out, one of which was homemade chocolate chip cookie bars. She had 2 or 3 of them, and when I made the comment they look just like the ones my mom used to make, without missing a beat she immediately handing me one, trying to share with me. I declined because we had many more in the bag still, however the gesture was very powerful to me. It made me feel happy to be there and experience this side of a group of people that I would have never expected.

I could go on all day about the experience I had during this outing, but these were a couple that really stuck out to me and had an impact. Through all this I learned that within Salem, the homeless community are treated very poorly. Many of them are never even given a chance and shoved aside by society. They are treated worse than dogs many times even though they are the same as each of us. Many of them were just happy to have a normal conversation with a person without them talking to them condescendingly. I know one comment on a survey I got

was "Thanks for keeping it real." The things that matter to many of them the most are the things we take for granted everyday.