



Complying with new State rules about camping on public property

In 2021, the Oregon State Legislature passed House Bills 3115 and 3124 addressing how local governments can regulate unsheltered individuals' use of public spaces. These two bills were intended to put recent federal court decisions into written law. [Blake v. City of Grants Pass](#) and [Martin v. Boise](#). The bills limit city and county regulations relating to keeping warm and dry on public property, including camping..

What is the City considering?

The City's current regulations may not be consistent with these new laws, which would leave the City open to a legal challenge. To comply with new State of Oregon laws, which take effect on July 1, 2023, the City is in the process of changing its own laws in the Salem Revised Code. The proposed City of Salem regulations give a practical tool and clear guidance to City staff when addressing the impacts of public camping.

What is being proposed?

To be consistent with the new State laws, the City Council is considering changes to Salem Revised Code (SRC) that restrict camping on public property, including a repeal of restrictions on sitting or laying on public property and restrictions leaving personal property unattended on the sidewalk.

Specifically, the ordinance Council is considering would revise SRC 95.720 and repeal 95.730 and Ordinance 6-20, and replace it with:

- Camping restrictions in some areas: parks, near vision clearance areas and building entrances, residential zones, near existing shelters, and areas designated by City Manager as no camping which may allow the City to address major problem areas on a temporary basis.
- A new requirement that camps maintain 36-inch pedestrian path on public sidewalks.

Where can I see what the City is considering?

The Salem City Council is considering [Ordinance Bill 9-23](#) to comply with the new State laws regarding camping on public property.



What does the new Oregon law require?

- No criminal penalties (including fines) be imposed because a person is involuntarily homeless and has no access to shelter (status)
- 72-hour notice before removing an “established” camp (established is undefined under Oregon law, but a camp would be deemed established after it has been in place for 72 hours)
- Jurisdictions must preserve and provide access to personal property collected when a camp is removed.
- Any restriction on unsheltered use of public areas must be “objectively reasonable.”

What does the current Salem Revised Code say?

- Salem Revised Code (SRC) Section 95.720, prohibits camping on all public property. This current camping prohibition likely is not consistent with the new Oregon laws.
- Ordinance 6-20, restricts sitting and laying on sidewalks during daytime hours. This is conditioned on a whether adequate alternate shelter and restrooms have been provided. The City is not currently enforcing this ordinance.
- SRC 95.730 - prohibits leaving personal property unattended on a sidewalk for two hours or more. Hasn't been enforced and may violate ORS 195.500.

What's the legal framework behind the new State laws?

For more on the legal framework behind the new State laws and limitations of current law, [see the report to Salem City Council on camping in public spaces](#).

Why is the City doing this now?

In 2021 the Oregon Legislature passed House Bills 3115 and 3124. The bills were intended to codify (put into written law) recent federal court decisions; Blake v. City of Grants Pass and Martin v. Boise. The bills impose restrictions on cities and counties that have regulations that restrict human habitation on public property.

What are the next steps?

The ordinance is scheduled for second reading on May 22, 2023. If passed, it will become effective 30 days later, or June 22, 2023.