



Oregon Legislative Assembly

10 July 2024

President of the Oregon Senate, The Honorable Rob Wagner
Speaker of the Oregon House of Representatives, The Honorable Julie Fahey
Members of the 82nd Oregon Legislative Assembly
Oregon State Capitol
900 Court Street NE
Salem, Oregon 97301

Ref: US Supreme Court decision on *The City of Grants Pass v. Johnson* (June 28, 2024)

Dear Colleagues:

We the undersigned believe the recent decision made by the US Supreme Court warrants a thoughtful review of legislation passed in 2021 (HB 3115). Much has changed since we took that action, and we believe the changes have been significant enough for a reevaluation of the law we put into effect. This letter is a formal request for legislative leadership to form a workgroup to assess the legal ramifications of the decision made by the court, facilitate a comprehensive dialogue with cities and counties about the efficacy of the existing law, a transparent review of the changes in services delivery between 2021 and the present, and a recommendation for action to be provided to the next regular Legislative Assembly in 2025.

The court decision, though anticipated by many, has reenergized a debate about what we are doing to reduce homelessness, and how we are doing it. In formal and informal deliberations throughout the State of Oregon, people are expressing concerns. Accordingly, it is reasonable to take this moment to consider the actions we have taken in the past, the actions ongoing in the present, so that we calibrate future actions in an appropriately aligned manner. However, none of this can be – or should be – done in a vacuum. Since 2021 we have made forward progress on housing stability and mental and behavioral health services. A workgroup such as the one we request is a rational, reasonable, and responsible step demonstrating a thoughtful and timely response to the decision.

Background

HB 3115 was passed at a particular time in history. It was a negotiated compromise written to respond to a circuit court opinion (*Martin V. Boise*) and to provide clarity at a time when many different cities and counties had widely different policies. It was written while we were still under the cloud of a global contagion and an uncertain rollercoaster economy. It was written with good intent, but given the recent reversal, it may be time to adjust our course. We believe the law now exceeds the legitimate authority of local government to determine appropriate policies balancing the needs of the homeless and the general public safety. Many of us were concerned about the ambiguity of “objectively reasonable” at the time of passage, and we are even more so now. There is no dishonor or defeat in reviewing past actions when the situation changes.

A Timely Response

We the undersigned believe a response to the decision is necessary for at least three reasons. First, the situation has changed because of the legal impacts of the court's decision. We need Legislative Counsel (and perhaps outside counsel as well) to help us learn the mechanics of this court-made law. It is essential for us to know the direct and indirect impacts of this decision upon the execution of the law we passed in 2021. A workgroup will provide us with a comprehensive understanding of the precise changes now in effect. It is prudent to do this sooner rather than later.

Secondly, we all know that the cloud of the contagion put that decision into a specific context. At the time we were worried about the spread of disease, and many people had no access to the vaccines that have effectively ended the pandemic. Some people supported the legislation because of the exigent circumstances of keeping people separated to degrade the spread. At that time, we believed communities had the capacity to provide dedicated spaces for people to camp, but we have learned this can be more difficult, and far more expensive, than we envisioned.

Finally, whether we want this public debate or not, there is a public debate because of this decision. As the elected representatives of the people, it is our duty to recognize the situation for what it is (a moment of reflection) and to take thoughtful, timely actions – or accept potential actions advanced by interests with ideological or partisan agendas. We have learned that it is always better to listen to the frustrations of the public and to implement actions on our terms, than to become captives to actions that too often end up making our challenges even more difficult.

Conclusion

Thank you for considering this request. We believe the issues surrounding *The Grants Pass v. Johnson* opinion (and the public outcry for review of past actions) is not a partisan request. Truth be told, there is not an inherently Democratic or Republican way to resolve homelessness. Progress, real progress, depends upon all of us working in common cause. Only through a robust, thoughtful, and timely evaluation of this decision in context, can point us toward the best way – the Oregon Way – forward. Please let us know what more information may be helpful in your deliberation about our request.

Respectfully,



Representative Paul L. Evans
House District 20



Senator Mark Meek
Senate District 20



Representative David Gomberg
House District 10



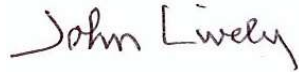
Senator Janeen Sollman
Senate District 15



Representative Emerson Levy
House District 53



Senator James Manning
Senate District 7



Representative John Lively
House District 7