

City of Eugene Human Rights Commission



The mission of the Human Rights Commission is to promote implementation of universal human rights values and principles in all City of Eugene programs and throughout the wider community.

To carry out this mission the commission shall affirm, encourage and initiate programs and services within the City of Eugene and in the wider community designed to place priority upon protecting, respecting, and fulfilling the full range of universal human rights as enumerated in the Universal Declaration of Human Rights. To support and promote human rights, the commission will: provide human rights education, be proactive in human rights efforts, address human rights violations, ensure active public participation, be transparent and open, and be publicly accountable for human rights progress.

Human Rights Commissioners: Jennifer Frenzer (Chair), Andrew Thomson, Ken Neubeck, Edward McGlone, Bonnie Souza, Aria Seligmann, Julia Johnson, Aimee Walsh, Councilor Chris Pryor

Staff: Jennifer Lleras Van Der Haeghen and Lorna Flormoe

The Human Rights Commission typically meets on the third Tuesday of each month.

Tuesday, November 15th, 2016

5:30 – 7:45 PM Meeting

Atrium Building, Sloat Room, 99 W. 10th Avenue, Eugene

Contact: Lorna Flormoe 541-682-5670, lorna.r.flormoe@ci.eugene.or.us

ITEM	ACTION	TIME
1. Public Comment		5:30 -5:35 (5 min)
2. Agenda/Minutes Review and Approval (Chair)	Discuss/Vote	5:35 - 5:40 (5 min)
3. Support Request (Chair)	Discuss/Vote	5:40 – 5:45 (5 min)
Brownfields Grant/Program letter of support (Amanda)		
4. Portland Youth for Human Rights Club		5:45-6:05 (20 min)
5. MLK Award Selection Committee (3pp)	Discuss/Vote	6:05-6:10 (5 min)
6. Endorsement to support National Housing Not Handcuffs campaign (Ken)	Discuss/Vote	6:10 – 6:20 (10 min)
7. Right to Rest endorsement (Jen & Ken)	Discuss/Vote	6:20 – 6:30 (10 min)
8. Clear Lake Overlay Zone (Joel & Zac)	Discuss/Vote	6:30-6:50 (20 min)
9. Oil Trains in Eugene – HRC support for banning (Joel)	Discuss/Vote	6:50 – 6:55 (5 min)

10. EPD Liaison Update	6:55 – 7:05 (10 min)
11. Work Group Lead Updates	7:05 – 7:15 (10 min)
12. Council Update	7:15 – 7:25 (10 min)
13. Commission Liaison Updates	7:25 – 7:30 (5 min)
14. Staff Update	7:30 – 7:35 (5 min)
15. Announcements	7:35 – 7:40 (5 min)

Upcoming events, activities or meetings the HRC needs to be aware of:

November 16th, 12noon. City Council work session on OVE and Rest Stops. Harris Hall.

November 16th, 7pm. Film Screening: ‘Paying the Price for Peace’. CALC Office at 458 Blair Blvd. Eugene.

November 16th, 3-5pm. 30th Anniversary Celebration of Women in Transitions. LCC, Main Campus, Center Building Room 202.

November 17th, 6-8:15pm. Indigenous Social/Environmental Justice Activist Guest Speakers’ Update. Location TBA – contact CALC at 485-1755.

November 19th, 7pm. Winona LaDuke on “Rights of Nature”. EMU Ballroom, UO. \$10 suggested donation, first come, first serve.

The Eugene Human Rights Commission welcomes your interest in these agenda items. This meeting location is wheelchair accessible. For the hearing impaired, FM-assistive listening devices are available or an interpreter can be provided with 48 hours’ notice prior to the meeting. Spanish-language interpretation will also be provided with 48 hours’ notice. To arrange for these services, contact staff at (541) 682-5177.

La Comisión de Derechos Humanos agradece su interés por participar en los asuntos de esta agenda. El local de la reunión tiene acceso para personas en silla de ruedas. Para las personas con dificultades auditivas ofrecemos sistemas FM para ayudarlo a escuchar, o intérpretes de lenguaje de señas. También ofrecemos intérpretes de español. Si necesita cualquiera de estos servicios por favor solicítelos con 48 horas de anticipación, llamando al (541) 682-5177.

City of Eugene Human Rights Commission



Minutes

Tuesday, October 18th, 2016

5:00 – 7:30 PM Meeting

Atrium Building, Sloat Room, 99 W. 10th Avenue, Eugene

Human Rights Commissioners: Ken Neubeck, Jennifer Frenzer, Andrew Thomson, Edward McGlone, Bonnie Souza, Aria Seligmann, Julia Johnson, Aimee Walsh, Councilor Chris Pryor

Staff: Jennifer Lleras Van Der Haeghen and Lorna Flormoe

Liaisons: Lt. Jen Bills, EPD; Heather American, CRB Liaison

Guest: Kimberly McCullough, ACLU

Others present and introduced: Paula Stout, project for public spaces in Eugene; Beatriz Hernandez, Police Auditor's Office

ACLU Presentation

The presentation was done by Kimberly McCullough. The ACLU has launched a National campaign on police surveillance technologies and community involvement in that. The focus of the campaign is privacy and surveillance and why it is essential to rights and different types of technology and framework developed with National organizations to create guidelines for local communities. They are a non-profit and take no positions on political candidates and deal with a broad range of issues. Freedom of speech is core and privacy. The ACLU focuses on litigation, education and lobbying.

Why care about privacy and surveillance? Privacy matters to some folks and we should all care about that. We all have things about ourselves that we don't want others to look at. We have a right to privacy and it is intertwined with other rights – free speech, with no fear of being watched or monitored, the right of association – relationships and activities are not being monitored – if surveillance is happening folks might avoid some associations if they are unpopular or un-liked associations. Profiling can happen when surveillance happens. Racial justice aspect – historically in the US surveillance has been used to marginalize communities of color. The information that is being collected can be abused in wrong hands – stalking, targeting, etc.

Surveillance technology: communities often find out about technologies being used by law enforcement after-the-fact. Here are some of the technologies that are being used across the nation:

- Cell site simulator or “sting ray”- fake cell phone towers that can intercept from your personal cell. Location, emails and texts can be intercepted. Companies who make these often make law enforcement sign a non-disclosure agreement when they purchase. How do we regulate these things if we don't know they are being used?
- APL – license plate reader put on police cars. These have some really good uses – missing kids etc., but without proper restrictions could draw a map of everywhere someone has been – church, doctors, friends, partners.
- Cell Bright or X-ray – portable forensic devices that plug into lap top or cell phone and can download information in a matter of seconds (newer iPhones etc. are more difficult). Older phones or phones without passwords are easy targets making all the things you have looked at on your phone available.

- Portable biometric reader- lifts finger prints from things you have touched, scan iris from a photo. NGI- Next Generation Identification system – uses fingerprints and could be used to collect civilian finger prints. The FBI wants to use this technology to “predict dangerousness”. This is problematic.
- Facial Recognition Technology –many false positives. People are being arrested when they are not the person being looked for.
- CCTV Cameras – a technology used by law enforcement that can cross reference with biometrics. More heavily used in “high crime neighborhoods”, many times low income or ethnic neighborhoods.
- X-ray or Scatter Van- can see in cars, underneath clothing. Increases rates of cancer. Very invasive if used without a warrant. There is very little information on how and where this is being used.
- LED lightbulbs – lightbulbs that have microphones in them.
- Hacking software and hardware- leaves people vulnerable to being hacked by hackers other than government.
- Social Media Monitoring software- #BLM is one example of how this is being used. There is an argument that people are putting these words out there publicly on social media, but the software is way more advance than looking at peoples FB pages or putting in a keyword. It uses complex systems to understand networks, leaders, location, can look at what is not visible on computer on social networks. Companies say they can use it to predict violence which creates all sorts of biases that affect outcomes because it is subjective to what you put in. For example, #BLM – put someone on alert in a system as dangerous.

ACLU thinks we can be a safe and free society. The goal is not to bind law enforcement. We want them to be able to protect us but also use technologies appropriately- try to find the right balance. Balance between rights and the need to be safe. Regulating in the courts doesn’t work, things move slowly, by the time something goes to the Supreme Court technology is outdated. The court system cannot be used to adequately protect our rights. Legislation needs to be passed. At the federal level there difficulty getting laws passed. “Monitoring communications” laws have not been updated since 1986. Conversations around these issues end up not involving local communities and talking about their needs. ACLU needs to take a step back to find a framework to engage communities at the local level. ACLU has partnered with many community organizations on this. #Takecontrol. Local city councils should be engaged and have approval before these technologies are acquired or used. Communities themselves should be engaged in that process and decision making. The process should be well informed. General approval is not good, communities need to know specifics on how things are being used.

There are some community control guiding principles:

- Potential impact on civil rights should be addressed before things are funded.
- Expense – are technologies worth the money? Do they actually keep people more safe? There should be a report back to public on efficacy.
- No grandfathering in – technology already being used should be disclosed and there should be community conversation.

There are 11 Cities in the US that have launched a campaign using this framework. They and the ACLU will be looking at how it will work for them. A model ordinance is being used, which is the first step. This is a preliminary conversation with Eugene. The ACLU wanted to come and talk to HRC. Issue dovetails with the things the HRC does. Not on strict timeline for the campaign, just want to start having conversations.

Agenda/Minutes Review and Approval

No changes were made to the agenda. Minutes were reviewed.

Motion: Approve the agenda and minutes

Made by: Julia

Second: Bonnie

Vote: Unanimous

Public Comment

- Paula Stout spoke on Eugene's project for public spaces which aims to create more welcoming public spaces. She has concerns about how downtown is and is not being used. We have choices about it being inclusive or exclusive. When we have international events like the Olympic Trials, are we pushing people out who are unhoused or lower income. Will Dowdy, Eugene Planner, says lots of good things are being said about downtown. Others are talking about behaviors of the unhoused downtown are negative. This has not been her experience especially with LTD and the Library. She wants to decrease criminalization, people have the right to rest. Planning is working with consultants from New York City and wanted to increase social services in the hub they were working in. She does not want to see benches barricaded off so one can't lay down. Keep Eugene inclusive and caring. Talk to Beth Walker, consultant from NY and Will Dowdy, City of Eugene planner to share your perspective.
- Kayla Godowa-Tufti, a member of the Confederated Tribes of the Warm Springs in Oakridge spoke about the Old Hazeldell Quarry LLC project that King Estates Wines wants to rezone for mining. She stated Lane County has done a bad job inventorying cultural resources and the Quarry site has important resources. She is concerned with lack of oversight. Also, last week at a Lane County Board of Commissioners meeting in Oakridge during the public comment process there was a display of abuse of power towards her by police from Oakridge, lane county officer, undercover officer, she was not quite sure which. It was very intimidating. She talked 3 minutes and signed up her 1-year-old daughter to make public comment on behalf of future generations. The law enforcement officer stood right beside her and tried grabbing her letter. She said please don't touch my belongings. He grabbed her hands and put her hands behind her back. A Lane County Commissioner told him to release her. It was filmed by Metro TV. She was concerned about people of color and how the public hearing process is set up. There are larger systematic issues – abuse of power of police. The way law enforcement is taught is wrong. She feels that Lane County does not respect Tribal needs. She has brought a resolution against the Old Hazeldell Quarry Project. She left a copy with the HRC. Public comment is also still open with the Lane County Board of Commissioners.

Support Requests

Seda Collier brought a request for \$650 to support the Transgender Day of Remembrance to reserve Studio One and the cover the catering. A question was asked about the high cost of renting Studio One? This is the City discounted price. This event has been in Atrium in the past and is overflowing. Past years there was no venue cost and Studio one requires staffing – in the past the event has been staffed by volunteers. The commission has funded this event at \$200 in past. Is there a HR commissioner involved – required at that level of funding. Yes, this is welcome. Edward McGlone will volunteer to serve in that capacity. Motion to approve by Edward, second by Jennifer. All in favor.

Motion: To approve \$650 to support Transgender Day of Remembrance

Made by: Edward

Second: Jennifer

Vote: Unanimous

Rick Pedigrew brought a request for \$200 to support the Archeology Channel Film Festival. It is a media event on cultural heritage that has been going for 14 years. Funding is a challenge. They have received support in the past from the HRC for general operations. Free event. Aria, question: are films are closed captioned? No – films from all over the world. Audience – mostly local community and at the Shedd and Broadway Metro. Edward, question: do the films have human rights themes? Films do not directly focus on human rights, but the basic cultures of the people they are about; they promote cultural awareness and respect. Motion by Bonnie, second by Jennifer. All in favor save Aria and Edward. Approved.

Motion: To approve \$200 to support Archeology Channel Film Festival

Made by: Bonnie

Second: Jennifer

Vote: 7 in favor, 2 against, Approved

ACLU Presentation wrap up/Discussion

ACLU rep was asked how familiar she was with Eugene's surveillance systems? Body cams are being rolled out within the year, but she did not know about everything. EPD is said to be pretty good about disclosing information, but we don't know. The ACLU wants to take police departments that are doing a good job and lift them up. We are not in Eugene because we think there is a problem – just doing outreach and education. A question was asked about the model ordinance? The effort started because of Oakland, Northern California had an ordinance passed and ACLU is looking at it as a model. Have not heard from the 11 cities working on this, too soon to have gone through systems. Want to learn about how the model ordinance gets altered etc. Question asked- how has Oakland, California's been implemented? It just passed this year, too early to tell much. C. Pryor stated he was not aware of extensive surveillance being used at EPD. ACLU rep stated that Eugene has a Police Commission and Police Auditor and that it would be good for them to look at regarding the policy implications. The City Council should be involved in that says ACLU. Important to support the process at the right level – City Council for policy, EPD for technology.

Lt. Jen Bills, EPD was present and came to the table to report what EPD has. No fake cell tower or license plate readers, but she wants to get that one for missing children. City of Eugene has one but it lives with Parking control not EPD. Yes, EPD has Cell Bright – use with consent or warrants only to help go after abducted kids and for homicides. CCTV (like web cam at Willamette pass) is used by DMV. EPD uses existing cameras for major car crash investigations, sexual assaults, homicides. It will come downtown, but will be restricted by time, matter and space. Biometrics or facial recognition are not used by EPD. EPD uses social media but they just look at sites, they do not have fancy programs. Helpful when youth are involved, youth are very social media savvy- they post with their friends and there is a lot one can find out, for example Twitter, Instagram, Snap Chat (however, need court order or consent). As EPD gets body worn cameras, they will consider victims' rights – i.e. rape survivor, what can go on public record – and balance of right to privacy for survivor, public info, storage and when do you activate and when are you permitted to not activate. Regarding retention of data – some cases kept forever (homicide), Oregon Public Records Law dictates what is kept, for how long, when can it be purged. Balance and framework is important. Technology can save lives. Should there be unbridled use – no. EPD does currently have policies and procedures in place.

ACLU wrap up: 11 cities have opened up doors to civic engagement and increasing public awareness around this. Questions: Are there other Oregon cities that are thinking of engaging? Will there be second wave? Next step could be looking at State wide government technology use. Thought Eugene would be good place to start – hoping Eugene wants work on this type of policy. There are conversations happening in Portland as well. ACLU wants to talk to the Police Commission as well. They have a set of recommendations on body cams.

Homelessness Resolution Follow up Conversation

Jen F. and Ken are interested in making sure the resolution gets responded to by City staff. Questions were sent out to 25 organizations and individuals about obstacles for individuals who are homeless. The word "criminalization" was not used. Staff have not communicated to Council the results of the data collection. They are wondering why; why is the CMO not using Jen and Ken for looking at responses? Mia and Michael have stated that once the results are shared with Council, then they will be shared with HRC and that is general protocol. Council has not seen them yet. It has been a long time. Ken and Jen have offered several times to help with next steps (even without seeing content) and requested to be involved in the process of what is next. They are concerned about transparency; why aren't they being told what is

happening. They are ok with rules and not seeing content before City Council, but would like to be involved in the process. The last information they received was that Departments were commenting on what they do that might affect barriers to the unhoused. HRC did not even know that this was happening. Collaborative and transparent process would have been appreciated and helpful. This was a lost opportunity to do this. Ken is puzzled as a human rights advocate with a city that has committed itself as a human rights city. Respect and responsiveness are needed. Ken stated the City has committed itself to embracing the HR framework – this should include inviting public participation and being transparent when making decisions about HR issues. Why say it if they're not going to do it? Part of HRC responsibility is to hold the City to this. There is still hope that there is opportunity for this to happen. Edward McGlone offered that they might not be withholding on purpose and that the focus should be to help the City understand advocates can be allies and that there might be a misunderstanding or miscommunication. He would like to see a gentle tone when Ken and Jen meet with City Manager and Mayor, and to make sure there is not a miscommunication. Ultimately Ken and Jen would like to know about the basics: How information was collect, timeline, etc. and would like to rework to be collaborative. HRNI staff, Jennifer Lleras Van Der Haeghen added: the City came to the homeless workgroup to share questions and get a list of folks to send the questionnaire out to. The survey was sent to the HRC. Ken and Jen are more concerned with what happened after.

EPD Liaison Update

Lt. Jen Bills reported on Hate and Bias Crimes. There were no gender based crimes. The rocks thrown through windows at Asian markets were found not to be a bias crime – mental health was involved and he just liked to break windows – not bias motivated. HRC asked if the City will do anything to let victims know – Lt. Bills said she would work with HRC to get the information out so they can help the community heal and repair. Edward commented that there were 9 more H&B crimes this year and asked “are we doing a better job at reporting or are we just having more crime.” Lt. Bills says we would like to think it is because we are doing a better job reporting but we really can't say why we have an increase. Ken asked about the crimes based on religion, were they against the Islamic faith? No, they were against the Jewish faith. Lt. Bills will be changing jobs – mandatory rotation – back to Patrol. January EPD will send a new person.

Liaison Appointments

- Moving Ahead Transportation Panel has two spots and a back-up needed. Andrew and Aimee agreed to fill the spots. Julia will be back-up.
- Vision Zero Task Force- Aria will do. Edward will be back-up.
- Civilian Review Board. Julia will be back-up.

Work Group Lead Updates

Work group leads handed out written updates. Some additional discussion on the homelessness workgroup was had. The HRC wanted to learn how to move forward with the City Council intergovernmental group. What are the best next steps for HRC to take positions? Needing permission from the IRG. A request is needed.

Motion: To request that the HRC designates two people, Aria Seligmann and Jennifer Frenzer, to work with the IGR Committee to develop a position regarding legislation in Salem regarding the Right to Rest.

Made by: Aimee

Second: Julia

Vote: Unanimous

Ken asked for the HRC to endorsement the Housing Not Handcuffs Campaign. He asked that the HRC endorse just the campaign statement not the legislation. Jennifer moved and Aria seconded. Voting was put on hold for discussion. C. Pryor commented that in the third line the word “instead” be removed, so it would read “ all persons should have...” Edward asked about the campaign platform and what does it mean to endorse this? What is the

mission of the organization? Ken said to increase availability of housing and stated that it is very similar to the “Right to Rest” bill. He stated that resources may be provided to a dozen cities to help with this. It kicks off November 15th and Ken is on the policy committee and has watched it be developed. Edward asked, can we postpone if it will come out next month so we can see the platform? C. Pryor commented that it is not yet specific and it is vague at this point. Ken said they are wanting as many organizations signed on by October 27 as possible; that is the timetable of their rollout and they want to know who is endorsing it. HRC decided to hold off on voting until next month.

Jen F. requests that all HRC members read the Right to Rest bill and be prepared to vote on endorsing that at the next HRC meeting.

Council Update

C. Pryor gave an update:

- Resource to support Human Services – HOME funds were approved for a \$640 facility to house homeless youth. Extremely high need.
- A motion was proposed at the last Council meeting to dedicate marijuana tax to Community Court, increased human services funding and park safety and security. Could specify Rest Stops and community acceptance of them.
- Working on ways to modify ordinance to be able to designate parts of parks for Rest Stops.
- Indigenous People’s Day happened. Needs to be put out in the community – bigger splash.
- Tomorrow C. Pryor will be touring Rest Stop sites. There needs to be outreach into every neighborhood and ward to see what it will take to make it happen. Homework needs to be done, Rest Stops are not illegal camps.

Commission Liaison Updates

Edward talked about his Police Commission update (included in the packet). He highlighted searches and inventories of detained persons and wondered about any modifications and revisions that might affect homelessness? Feedback is needed.

Staff Update

Jennifer LlerasVan Der Haeghen gave a staff update:

- Regarding the Council update, the City did do an Indigenous Peoples’ Day press release. Down the road, the City and HRC should look at programming to do on that day.
- CALC Dinner request: would you like to send people on behalf of the HRC? \$75 per person, would come out of the HRC budget.
Motion: For two people, Jen and Julia, to attend (\$150) the CALC Dinner.
Made by: Ken
Second: Jen
Vote: Unanimous
- Jen answered some question about INTL Human Rights day budget and venue. Yes the funding comes out of HRC budget. No, no venue yet, HRC needs to look into options. Need to earmark funds for venue, catering, publicity. In past about \$700 for event, but depends on event and space. Aria would like \$1000 ear-marked. December is a tough month for venues. Might be able to do on different night during the week.
- Council discussion on the Sustainability Commission report – C. Evans asked for a component of social equity to be added to their annual work plan. They were amenable – who to reach out for help. Joel has expressed the idea of cross pollination by having a liaison position.
- Lorna Flormoe will be interim support. There will be an update about longer term support at the next meeting.

Announcements

There is an LTD Board meeting tomorrow at 5:30, the first 5 minutes will be public input on an administrative decision. LTD wants a more diverse workforce and to better train staff, such as bus drivers and road supervisors, in public service.

Meeting adjourned 7:42pm

DRAFT

November 15, 2016

Amanda D'Souza
City of Eugene
99 W. 10th Ave
Eugene, OR 97401

To Whom It May Concern,

The City of Eugene's Human Rights Commission supports the Eugene Brownfields Coalition's application to the Environmental Protection Agency for the 2017 Brownfield Grant Assessment.

The HRC's mission is to promote implementation of Universal Human Rights values and principles in all City of Eugene programs and throughout the wider community. To achieve this, we proactively work with City staff, community partners, and community members to protect, respect, and fulfill the full range of universal rights through activities such as providing education, addressing human rights violations, ensuring public participation, and being publicly accountable for human rights progress.

We believe that the Brownfield Assessment Grant will help us to achieve our goals of protecting universal human rights in our community. While our community has slowly recovered from the recession that started in 2008, our vulnerable populations still struggle with achieving economic prosperity, often because of systemic and historical factors that we continue to identify and address.

We have seen a pattern of overlap between our disadvantaged areas and brownfields sites, a situation made worse as the brownfield designation often creates a barrier to redevelopment and negatively impacts the perceived livability of the neighborhood. Being able to utilize the Brownfields Assessment tool would help us to begin the process of addressing the underutilization of these sites, helping our community to address public health and safety concerns, remove barriers to redevelopment, and help us work toward our desired socioeconomic outcomes.

By partnering with Coalition staff, the HRC can reach segments of the community's population that lack trust in government entities. The HRC will work with Coalition staff to ensure that there is effective communication about the Brownfield Assessment program with our community's vulnerable populations. The HRC has established, on-going relationships with organizations that help disadvantaged populations and we will use these existing relationships to provide information about brownfields, the program and how the program can be a tool to improve environmental and economic conditions in their neighborhoods. We are optimistic about the impact this grant could potentially have in our community and help with working to achieve the HRC's goals.

Sincerely,

Chair? Whole committee?



Eugene Human Rights Commission

Dear Community Leader:

We are writing to ask your assistance in choosing the recipient of the **2017 Dr. Martin Luther King Jr. Community Leadership Award**. Each year on Martin Luther King Jr. Day, the City of Eugene Human Rights Commission recognizes an individual for their contribution in the area of human rights and race relations.

The Human Rights Commission is seeking nominations for the award and would like nominations from your organization. Please remember, **anyone who has received the award in the past, is a City of Eugene employee, or is currently a member of the Human Rights Commission is ineligible**. Your prompt response is much appreciated.

The deadline to provide a nomination is 5 p.m., December 15, 2016.

Please nominate a group or an individual who you believe demonstrates leadership in making Eugene a more inclusive and supportive city for its communities of color.

Name of Nominee:	Phone:
Address:	E-Mail:
In 50 words or less, please explain how the nominee demonstrates leadership:	
Your Name:	Phone:
E-mail:	

This person is under the age of 25 and is eligible for the youth award (Please circle one): Yes/No

Nominations can be hand delivered or mailed to 99 W 10th Ave #116, Eugene, OR 97401. They can also be emailed to lorna.r.flormoe@ci.eugene.or.us or faxed to 541-682-5221.

MARTIN LUTHER KING, JR. AWARD INFORMATION

If you have any questions, feel free to contact program staff at 541-682-5619. We look forward to hearing from you.



Eugene Human Rights Commission

Last Updated 2016

PAST RECIPIENTS INELIGIBLE FOR NOMINATION

2016	Leah Dunbar Sarah Ross		
2015	Deborah Olson Marshall Saucedo		
2014	Francisca Leyva Johnson Carmen Urbina Rosemary Villanueva Dr. Mary Spilde		
2013	Dr. Emilio Hernandez Dr. Tom Ball Carla Gary		
2012	Patricia Cortez		
2011	Arun Toke		
2010	Neil Van Steenberg		
2009	Will Doolittle	1998	Mrs. Mattie Reynolds
2008	Juventud Faceta	1997	Dr. Twila Souers
2006	Connie Mesquita Dwight Souers	1996	Misa Joo
2005	Rev. Dan Bryant Jim Garcia	1995	Bridgette Jackson
2004	Henry Luvert	1994	Eric Ward
2003	Judge Cindy Carlson	1993	Dr. Anselmo Villanueva
2002	Dr. Robert Bolden	1992	Guadalupe Quinn
2001	Paul Jorgensen	1991	Jeff Miller Ed Coleman
2000	Bobby Green Pearl Hill	1990	Bahati Ansari
1999	George Russell	1989	Ruben Cota
		1988	Willy Polite

If you have any questions, feel free to contact program staff at 541-682-5619. We look forward to hearing from you.

HOUSING NOT HANDCUFFS

From: Ken Neubeck [<mailto:kneubeck@comcast.net>]

Sent: Monday, November 07, 2016 10:39 AM

To: Jennifer Frenzer <jenniferfrenzer@gmail.com>

Cc: FLORMOE Lorna R <Lorna.R.Flormoe@ci.eugene.or.us>; VANDERHAEGHEN Jennifer E <Jennifer.E.VanDerHaeghen@ci.eugene.or.us>

Subject: Fwd: [HNH] One week to go to launch!

This is the campaign we want the HRC to endorse at its Nov. 15 meeting. As you can see, details on the campaign will be dribbling out this week. Ken

Begin forwarded message:

From: Eric Tars <ETars@nlchp.org>

Date: November 7, 2016 at 10:19:54 AM PST

To: "housingnothandcuffs@googlegroups.com" <housingnothandcuffs@googlegroups.com>

Subject: [HNH] One week to go to launch!

Reply-To: etars@nlchp.org

Dear Housing Not Handcuffs Campaign,

We have one week to go until our official launch on Tuesday, Nov. 15!

- **Endorsements:** We currently have 225 endorsements, 107 organizational and 118 individual! If you haven't endorsed yet (check the attached list), now is the time! Keep encouraging others to sign up as well:
<https://www.surveymonkey.com/r/HousingNotHandcuffs>
- **Communications materials** will be sent on Wednesday including:
 - A template press release to link local events/issues to the national Campaign
 - Sample social media tweets/blurbs
 - Talking points guidance
- **The website**, housingnothandcuffs.org will also go live later this week.
- **Launch events:** If you have not yet let us know about what you're doing to help launch the Campaign next week, please do so!

Looking forward to launching with all of you. Please let me know if there's any questions!

Thanks,
Eric

Eric S. Tars | Senior Attorney
National Law Center on Homelessness & Poverty
2000 M St., N.W., Suite 210
Washington, DC 20036
T +1.202.638.2535 x. 120
F +1.202.628.2737
E etars@nlchp.org

CFC # 11947
www.nlchp.org

NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY

Using the power of the law to end and prevent homelessness



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You received this message because you are subscribed to the Google Groups "Housing Not Handcuffs Campaign" group.

To unsubscribe from this group and stop receiving emails from it, send an email to housingnohandcuffs+unsubscribe@googlegroups.com.

To post to this group, send email to housingnohandcuffs@googlegroups.com.

To view this discussion on the web visit

<https://groups.google.com/d/msgid/housingnohandcuffs/BN3PR1201MB097982C75CE1896052ECD582A6A70%40BN3PR1201MB0979.namprd12.prod.outlook.com>.

For more options, visit <https://groups.google.com/d/optout>

National Housing Not Handcuffs Campaign

Organizational Endorsements:

1. a Bigger Vision, LLC (Indianapolis, IN)
2. A Way Home America
3. Ali Forney Center (New York, NY)
4. Allard K. Lowenstein International Human Rights Clinic (New Haven, CT)
5. Amnesty International USA
6. ArchCity Defenders (Saint Louis, MO)
7. Barrier Free Living (New York, NY)
8. Bill Wilson Center (Santa Clara, CA)
9. California Homeless Youth Project
10. Care for the Homeless (New York, NY)
11. Caridad (Las Vegas, NV)
12. Catholic Worker House (San Antonio, TX)
13. Charles Hamilton Houston Institute for Race and Justice (Cambridge, MA)
14. Chicago Area Fair Housing Alliance
15. Chicago Coalition for the Homeless
16. Civil Liberties Defense Center (Eugene, OR)
17. Collective Action for Safe Spaces (DC)
18. Community Access (New York, NY)
19. Community Renewal Society (Chicago, IL)
20. Community Solutions (NY)
21. Detroit Action Commonwealth
22. Dover Interfaith Mission for Housing (Dover, DE)
23. Fair Housing Justice Center (Long Island City, NY)
24. Family Promise (Summit, NJ)
25. Florida Alliance for Consumer Protection
26. Florida Legal Services, Inc.
27. Four Freedoms Forum (Honolulu, HI)
28. Fox House (New York, NY)
29. Funders Together to End Homelessness (Boston, MA)
30. Gravity Podcast (San Francisco, CA)
31. Greater Cincinnati Homeless Coalition
32. Heartland Alliance (Chicago, IL)
33. Harvard Law School Homelessness Coalition (MA)
34. Harvard Legal Aid Bureau (MA)
35. Health Care for the Homeless (MD)
36. Heartland Alliance (Chicago, IL)
37. Hearts Full of Grace Inc. (Virginia Beach, VA)
38. Helping Hands Development Center, Inc. (Wilmington, DE)

39. HerStory Ensemble (DE)
40. Homeless & Housing Coalition of Kentucky
41. Homeless Rights Advocacy Project (Seattle, WA)
42. Homeless Services United (New York, NY)
43. Homeless Youth Law Clinic (Portland, OR)
44. House the Homeless Inc. (Austin, TX)
45. Housing Alliance of Pennsylvania
46. Housing Opportunities for People Everywhere (Providence, RI)
47. Human Rights Advocates (Berkeley, CA)
48. Kairos: The Center for Religions, Rights and Social Justice at Union Theological Seminary (NY)
49. Law Foundation of Silicon Valley (CA)
50. Law Office of William Kennedy (Elk Grove, CA)
51. Legal Aid Service of Broward County, Inc.
52. Loaves and Fishes Community (Duluth, GA)
53. Metro Atlanta Task Force for the Homeless, Inc.
54. MFY Legal Services, Inc. (New York, NY)
55. National Alliance to End Homelessness
56. National Center for Housing and Child Welfare
57. National Coalition for a Civil Right to Counsel
58. National Coalition for Legislation on Affordable Water
59. National Coalition for the Homeless
60. National Council of Jewish Women
61. National Economic & Social Rights Initiative
62. National Fair Housing Alliance
63. National Health Care for the Homeless Council
64. National Housing Law Project
65. National Law Center on Homelessness & Poverty
66. National Legal Aid and Defender Association
67. National LGBTQ Task Force
68. National Low Income Housing Coalition
69. National Network for Youth
70. Nazareth Housing Inc. (New York, NY)
71. Ninth Circuit Public Defender (Charleston, SC)
72. NJCM/ Parable of the Sower Intentional Community Cooperative (Jacksonville, FL)
73. Poverty & Race Research Action Council (Washington, DC)
74. Propel Foundation, Inc (DC)
75. Providence House Inc. (Brooklyn, NY)
76. Public Justice Center (Baltimore, MD)
77. Root & Rebound (Oakland, CA)
78. Sacramento Regional Coalition to End Homelessness
79. Safer Foundation (Chicago, IL)
80. Santa Clara University - International Human Rights Clinic (CA)

81. Sargent Shriver National Center on Poverty Law
82. Signs of Providence (Providence, RI)
83. Southern Legal Counsel (FL)
84. St. Johns County Legal Aid (St. Augustine, FL)
85. St. Joseph Services (Chicago, IL)
86. StandUp For Kids (DC)
87. Street Democracy (Detroit, MI)
88. Street Sense (Washington, DC)
89. Street Sheet (San Francisco, CA)
90. Teen Living Programs (Chicago, IL)
91. The Episcopal Church of Saints Andrew and Mathew (Wilmington, DE)
92. The Kearney Center (Tallahassee, FL)
93. The Osborne Association (Brooklyn, NY)
94. The Public Interest Law Project (Oakland, CA)
95. The Salvation Army, National Headquarters
96. Tolentine Zeiser (Bronx, NY)
97. Unitarian Universalist Service Committee (Cambridge, MA)
98. Urban Pathways (New York, NY)
99. US Human Rights Network
100. Vermont Workers Center
101. Vivian's Angels (Atlanta, GA)
102. Washington Legal Clinic for the Homeless (DC)
103. Welcome Home Coalition (Portland, OR)
104. Western Center on Law & Poverty (CA)
105. Western Regional Advocacy Project (OR, CO, CA)
106. Woodhull Freedom Foundation (Washington, DC)
107. Young Women's Freedom Center (San Francisco, CA)

National Housing Not Handcuffs Campaign

Individual Endorsements:

1. Alston Toure', Aleta
2. Althouse, Phillip
3. Ameen, Eddy
4. Andrade, Paul
5. Arellano, Chiara
6. Arneri-Matsis, Alexandra
7. Aten, Diane
8. Beaty, Anita
9. Bensky, Eric
10. Bernardini, Mario
11. Blatteis, Jacquelyn
12. Bradley, Donna
13. Bramstedt, Nicole
14. Brewer, Jenifer
15. Canessa, Stella
16. Carruth, Tara
17. Casson, Diane-Louise
18. Chambers, La Juana
19. Clanton, Kirsten
20. Clingham, Megan
21. Clevenger, Jenny
22. Cooper, Joshua
23. Dale, Brandon
24. Day, Jayme
25. Deputy, Danielle
26. Dostert, Carol
27. Dougherty, Bob
28. Feistamel, Alicia
29. Follendorf, Silas
30. Foreman, Jeff
31. Frankel, Allison
32. Fugere, Patricia Mullahy
33. Galipeau, Michael
34. Gevurtz, Steve
35. Gilbert White, DeBorah
36. Gilmour, Dani
37. Hankins, Gary
38. Hartman, Pattie

39. Harwood, Janine
40. Herrera, Victor
41. Hirsch FAIA, Thomas
42. Holder, Eric (The Honorable Eric Holder, former U.S. Attorney General)
43. Huang, Margaret
44. Hukari, Jim
45. Hyatt, Shahera
46. Ibarra, Isabel
47. Interiano, Nathalie
48. Judge, Steve
49. Kang Bartlett, Andrew
50. Katovich, Scout
51. Kaufmann, Craig
52. Kearney, Rick
53. King-Kerge, Myra
54. Knebel, Melinda
55. Knutson, Sarah
56. Konkel, Brenda
57. Kopp-Richardson, Sydney
58. Krueger, Linda
59. Landy, Rebecca
60. Latimer, Denver
61. Leavitt, Noah
62. Lee, Amber
63. Lue, Charisse
64. Malester, Pamela
65. Mallett, Camille
66. Mandarano, Nick
67. McCammack, Janelle
68. McNicholas, Edward
69. Miller, Kelly
70. Millhollen, Anne
71. Mills, Bekki
72. Murphy, Cathleen
73. Murray, Johnna
74. Neubeck, Ken
75. Nickerson, Sherry
76. Nunez, Daria
77. Obermeyer, Chris
78. O'Donnell, Evanne
79. Patel, Jayesh
80. Plauche, Chris

81. Pratt, Patrice
82. Rankin, Sara
83. Raven, Jessica
84. Raymond, Reta
85. Rhodes, Paula R
86. Rivera, Crystal
87. Rivera, Francisco
88. Robinson, Robert
89. Roisman, Florence Wagman
90. Ruiz, Glorin
91. Sanchez, Tom
92. Santos, Michael
93. Sawyer, Don
94. Shining, Carolin
95. Sielicki, Heather
96. Sinn, Laura
97. Smith, Megan
98. Soqo, Salote
99. Speth, Florence
100. Spriggs, Merideth
101. Spring, Josh
102. Spitz, Lilly
103. Staudenmaier, Ann Marie
104. Stauffer, Curtis
105. Stone, Jason
106. Taskin, Anastasia
107. Tars, Eric
108. Tebrugge, Adam
109. Troxell, Richard R
110. Turnage, Linda
111. Vedvig, Hillary
112. Vigil, Angela
113. Watson, Brian
114. Whitehead, Donald
115. Wider, Dorinda
116. Winkler, Inga
117. Wlodarek, Desiree
118. Yungman, Jeff

Western Regional Advocacy Project

Homeless Bill of Rights Campaign



Artwork by Ronnie Goodman

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Oregon Statewide Homeless Bill of Rights Campaign



From: Western Regional Advocacy Project (WRAP)

Dear Legislator,

I am reaching out on behalf of the Western Regional Advocacy Project (WRAP) to ask for your support on Right to Rest Act. We represent a coalition of over 175 organizations in Oregon, Colorado and California, all working together to ensure that the human and civil rights of all people are protected and respected. We want to make sure that the record number of people who are homeless, without a private place to rest, are not unfairly targeted through discriminatory laws and police enforcement.

The Right to Rest Act will protect people who are homeless from discrimination against either the enactment or enforcement of laws in a way that prevents rest. We know that homelessness is a steadily growing and that people living on the streets are facing a multitude of challenges. Out of 552 street outreach surveys conducted by WRAP, 87% of homeless people were cited or arrested for sleeping and 82% were cited or arrested for sitting or lying. Criminalizing necessary life-sustaining activities like sitting, lying, resting or eating in public, when someone has nowhere else to do these things, only worsens the problem and further entrenches people in homelessness. The Right to Rest Act was written by Right2Survive, Street Roots, Sisters of the Road, the Western Regional Advocacy Project along with legal and policy experts. It is led by outreach to people living on the streets in Oregon and created by people who are currently and formerly homeless.

I've attached materials that will help you in your consideration:

1. A fact sheet with the results of surveys with 1,527 homeless people, including 522 from Oregon, speaking directly to enforcement activities of local police and private security guards.
2. A historical analysis comparing today's homeless enforcement ordinances and practices with similar campaigns that have been launched by local governments in the past, and why today's actions are considered by many to be a dangerous continuation of these long gone campaigns.
3. A copy of a press release from the Department of Justice (DOJ) stating its opinion that criminalizing rest is "cruel and unusual punishment." As explained in the press release, the DOJ took this position in a statement of interest it filed in the federal district court in Idaho in *Bell v. City of Boise et al.*

Best Regards!

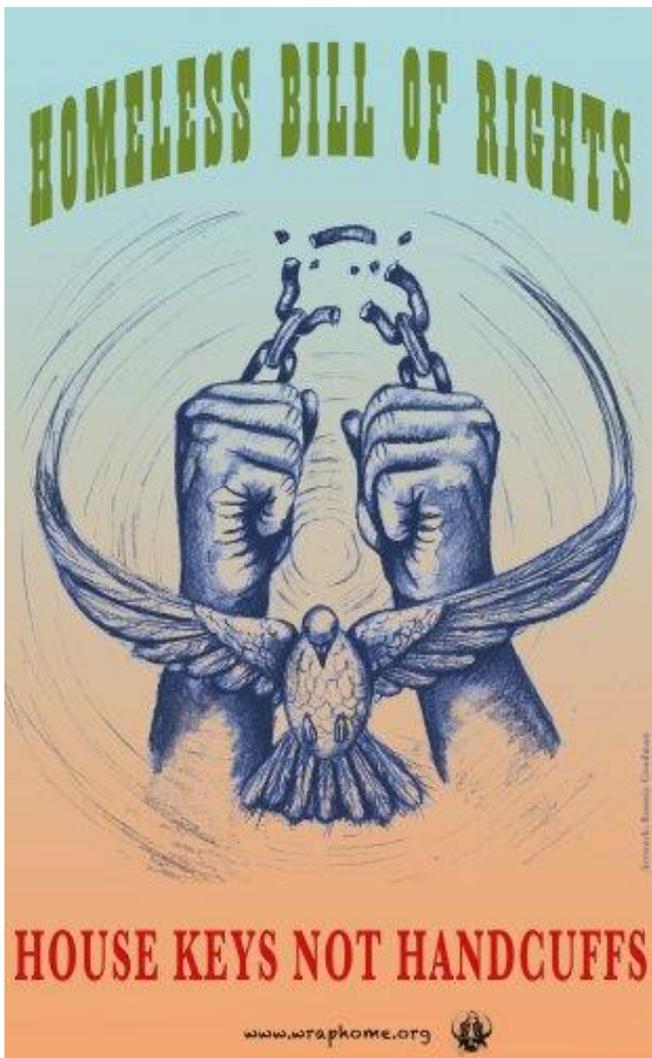
Contact: oregonHBR@gmail.com (971) 361-6427 www.wrAPHOME.org

A Homeless Bill of Rights Campaign



December 10, 2015

Laws that segregate, make criminals of people based on their status rather than their behavior, or prohibit certain people's right to be in public spaces are not just sad relics from the past: Today, numerous laws infringe on poor people's ability to exist in public space or obtain basic needs such as housing, employment, and equal protection under the law. Our Homeless Bill of Rights Campaign (HBR) stands on the shoulders of social justice campaigns of the past to alleviate poverty and homelessness while protecting homeless and poor people from unjust laws and ensuring all people's right to exist in public spaces.



Our Homeless Bill of Rights (HBR) campaign in Oregon and California will create bills that protect the following rights and prohibit the enforcement of any local laws that violate these rights:

1. Right to move freely, rest, sleep, & pray and be protected in public spaces without discrimination.
2. Right to occupy a legally parked vehicle.
3. Right to serve food and eat in public.
4. Right to legal counsel if being prosecuted.
5. Right to 24-hour access to "hygiene facilities"
6. Require judges to consider necessity defense when hearing homeless related cases.

Western Regional Advocacy Project (WRAP) unites local social justice organizations and is building a movement that exposes and eliminates the root causes of civil and human rights abuses of people experiencing poverty and homelessness in our communities. The core of our HBR campaign is based on our outreach to homeless and poor people, in which we document their experiences with local police and private security. We have surveyed **1,527** people in **17 cities** throughout **8 states**. The civil rights violations people are experiencing everywhere are eerily similar. The main "illegal offenses" that homeless people are being **harassed & criminalized for include: sleeping 81%, sitting or lying down 76%, and loitering or hanging out 74%.**

For the purposes of these bills, "homeless" is defined as lacking a fixed, regular, and adequate nighttime residence, or having a primary nighttime residence in a shelter, on the street, in a vehicle, in an enclosure or structure that is not authorized or fit for human habitation, substandard apartments, dwellings, doubled up temporarily with friends or families, staying in transitional housing programs, staying anywhere without tenancy rights, or staying with one or more children of whom they are the parent or legal guardian in a residential hotel whether or not they have tenancy rights.

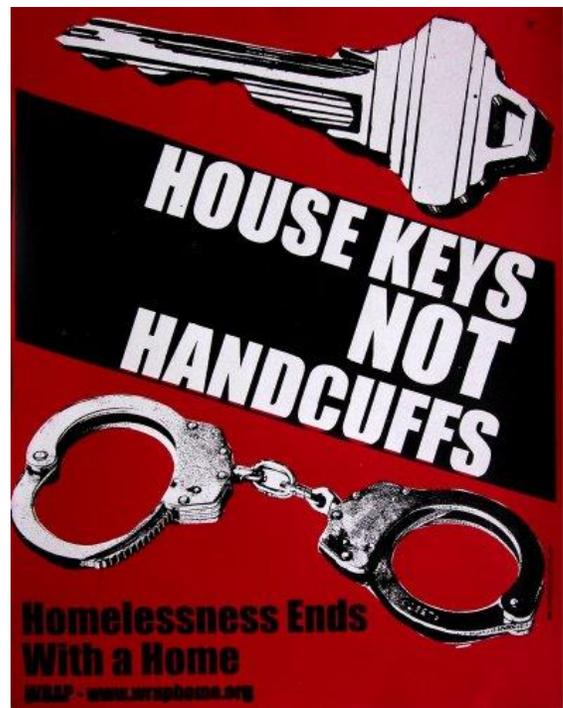
Local attempts to deal with homelessness by making homeless people disappear from sight are gross civil and human rights violations, according to the UN Habitat report entitled, "The Right to Adequate Housing." Local governments utilize tried and true lock 'em up strategies by criminalizing homelessness and homeless people ensuring a long-term cycle of poverty and stigmatization.

What can ORGANIZATIONS do to support the campaign?

- Endorse the 6 principles for the Homeless Bill of Rights Campaign
- Ask at least one of your organizational partners to endorse
- Attend regional planning meetings
- Get information out on email/social media systems
- ID impacted residents and share their stories
- Attend delegation visits
- Attend local awareness actions
- Give public comment at public meetings
- Help with call in days
- Plan other actions in your community
- Visit the WRAP Facebook, Twitter & our official website for updates
- Donate to the campaign

What can YOU do to support the campaign?

- Sign petition in support
- Call elected officials when needed
- Join regional planning committee and attend meetings
- Attend actions/education events
- Share your story in writing or video
- Join a local campaign member group
- Visit the WRAP Facebook page and website for updates
- Donate to the campaign
- Other ideas are very welcome



For more information contact:



**Western Regional
Advocacy Project
(415) 621-2533
wrap@wraphome.org
www.wraphome.org**

Historical Criminalization Fact Sheet Homeless Bill of Rights Campaign



The United States has a long history of using mean spirited and often brutal laws to keep “certain” people out of public spaces and consciousness. Jim Crow, Sundown towns, Anti-Okie laws, Operation Wetback and Ugly laws targeted various populations based on their racial, economic, social, immigration or disability status. Understanding this history will provide context for the exclusionary and discriminatory laws that specifically target homeless people for what are referred to as “Quality of Life” or “Nuisance Crimes.” They criminalize **sleeping, sitting, loitering, panhandling and even food sharing**. Just like the laws from our past, they deny people their right to exist in local communities. They have their roots in the Broken Windows Theory which holds that one poor person in a neighborhood is like a first unrepaired broken window; if such a “*window*” is not immediately fixed or removed, it is a signal that no one cares, disorder will flourish, and the community will go to hell in a hand basket.



- **Anti-Okie Laws**

The agricultural workers who migrated to California for work in the 1900s were generally referred to as “Okies”. They were assumed to be from Oklahoma, but they moved to California from other states, as well. The term became derogatory in the 1930s when massive numbers of people migrated west to find work. In 1937, California passed an “*anti-Okie*” law which made it a misdemeanor to “bring or assist in bringing” extremely poor people into the state. The law was later considered unconstitutional.

- **Jim Crow Laws**

After the American Civil War (1861-1965), most Southern states passed laws denying black people basic human rights. Later, many Border States followed suit. These laws became known as Jim Crow laws after the name of a popular *black-face* character that would sing songs like “Jump Jim Crow.”

In California, Jim Crow played out against Chinese immigrants more than black people. From 1866-1947, Chinese residents of San Francisco were forced to live in one area of the city. The same segregation laws prohibited *inter-racial* marriage between Chinese and *non-Chinese* persons and educational and employment laws were also enforced in the city. African and Native American children had to attend separate schools from those of white children. In 1879, the California constitution read that no Chinese people could vote and the law was not repealed until 1926. Oregon and Idaho had similar provisions in their constitutions.

In 1891, a referendum required all Chinese people to carry a “certification of residence” card or face arrest and jail. In 1909, the Japanese were added to the list of people who were prohibited by law from marrying white people. In 1913, “Alien Land Laws” were passed that prohibited any Asian people from owning or leasing property. The law was not struck down by the California Supreme Court until 1952.

- **Ugly Laws**

From the 1860s to the 1970s, several American cities had laws that made it illegal for people with “unsightly or disgusting” disabilities to appear in public. Some of these laws were called “unsightly beggar ordinances”. The first ordinance was in San Francisco in 1867, but the most commonly cited law was from Chicago. Chicago Municipal Code section 36034 stated:

“No person who is diseased, maimed, mutilated or in any way deformed so as to be an unsightly or disgusting object or improper person to be allowed in or on the public ways or other public places in this city, or shall therein or thereon expose himself to public view, under a penalty of not less than one dollar nor more than fifty dollars for each offense.”

- **Operation Wetback**

Operation Wetback began in 1954 in California and Arizona as an effort to remove all illegal, Mexican immigrants from the Southwestern states. The Operation was by the United States Immigration and Naturalization Service (INS) and coordinated 1,075 border control agents along with state and local police agencies. The agents went *house to house* looking for Mexicans and performed citizenship checks during traffic stops. They would stop any “Mexican looking” person on the street and insist on seeing identification. Operation Wetback was only abandoned after a large outcry from opponents in both the United States and Mexico.

- **Sundown Towns**

Sundown Towns did not allow people who were considered “minorities” to remain in the town after the sun set. Some towns posted signs at their borders specifically telling people of color to not let the sun set on them while in the town. There were town policies and real estate covenants in place to support the racism, which was enforced by local police officers. Sundown Towns existed throughout the United States and there were thousands of them before the Civil Rights Act of 1968 prohibited racial discrimination in housing practices.

Sundown Towns simply did not want certain ethnic groups to stay in their towns at night. If undesired people were to wander into a Sundown Town after the sun had set, they would be subject to any form of punishment from harassment to lynching. While the state of Illinois had the highest number of Sundown Towns, they were a national phenomenon that mostly targeted anyone of African, Chinese, and Jewish heritage.

- **Today..... Broken Windows Laws**

Today’s laws have their roots in the broken-windows theory which holds that one poor person in a neighborhood is like a first unrepaired broken window and if such a “window” is not immediately fixed or removed, it is a signal that no one cares, disorder will flourish and the community will go to hell in a hand basket. A direct outcome of this theory is the introduction of legislation to criminalize the presence of homeless people in public.

Current “Quality of Life” laws also take a certain population into account: homeless persons. Using these laws, people are criminalized for simply walking, standing, sleeping, and other regular human behaviors. In other words, they are penalized and harassed simply because of who they are. Just as with Jim Crow, Ugly Laws, Anti-Okie Laws and Operation Wetback, how people look and their very existence is the basis for charging them with criminal behaviors.



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FOR IMMEDIATE RELEASE

Thursday, August 6, 2015

Justice Department Files Brief to Address the Criminalization of Homelessness

The Department of Justice filed a statement of interest today arguing that making it a crime for people who are homeless to sleep in public places, when there is insufficient shelter space in a city, unconstitutionally punishes them for being homeless. The statement of interest was filed in federal district court in Idaho in *Bell v. City of Boise et al.*, a case brought by homeless plaintiffs who were convicted under Boise ordinances that criminalize sleeping or camping in public.

As stated by the Justice Department in its filing, “[i]t should be uncontroversial that punishing conduct that is a universal and unavoidable consequence of being human violates the Eighth Amendment. . . . Sleeping is a life-sustaining activity—i.e., it must occur at some time in some place. If a person literally has nowhere else to go, then enforcement of the anti-camping ordinance against that person criminalizes her for being homeless.”

“Many homeless individuals are unable to secure shelter space because city shelters are over capacity or inaccessible to people with disabilities,” said Principal Deputy Assistant Attorney General Vanita Gupta, head of the Civil Rights Division. “Criminally prosecuting those individuals for something as innocent as sleeping, when they have no safe, legal place to go, violates their constitutional rights. Moreover, enforcing these ordinances is poor public policy. Needlessly pushing homeless individuals into the criminal justice system does nothing to break the cycle of poverty or prevent homelessness in the future. Instead, it imposes further burdens on scarce judicial and correctional resources, and it can have long-lasting and devastating effects on individuals’ lives.”

“No one wants people to sleep on sidewalks or in parks, particularly not our veterans, or young people, or people with mental illness,” said Director Lisa Foster of the Office for Access to Justice. “But the answer is not to criminalize homelessness. Instead, we need to work with our local government partners to provide the services people need, including legal services, to obtain permanent and stable housing.”

In this case, the plaintiffs allege that enforcement of the city of Boise ordinances prohibiting sleeping or camping in public outdoor places, on nights when there is insufficient shelter space in Boise to accommodate the homeless population, amounts to cruel and unusual punishment in violation of the Eighth Amendment. In its filing, the United States does not take a position on the factual accuracy of the plaintiffs’ claims, but instead addresses the appropriate legal framework for analyzing their claims. The statement of interest advocates for the application of the analysis set forth in *Jones v. City of Los Angeles*, a Ninth Circuit decision that was subsequently vacated pursuant to a settlement. In *Jones*, the court considered whether the city of Los Angeles provided sufficient shelter space to accommodate the homeless population. The court found that, on nights when individuals are unable to secure shelter space, enforcement of anti-camping ordinances violated their constitutional rights. The parties in *Bell v. City of Boise* disagree about whether the *Jones* court’s analysis was correct, reflecting the longstanding disagreement among courts analyzing the constitutionality of anti-camping ordinances. The statement of interest was filed to address this currently unsettled area of the law.

Bell v. City of Boise et al. was filed in the District of Idaho in 2009.



Oregon Statewide Homeless Bill of Rights Campaign



The #Right2Rest Act Talking Points

1. On the tail end of the Great Recession, communities up and down the West Coast face skyrocketing rents, mass evictions and low vacancy rates. Homelessness is being further compounded by decades of massive disinvestment in affordable housing stock by our Federal Government. Mayors up and down the West Coast have called for additional support from state and the federal government to invest in more affordable housing.
2. The solution to homelessness is permanent housing. We must work together to ensure that truly affordable, accessible and adequate housing is available to all who need it. Such a solution to homelessness is not being implemented today. Instead, people who lack housing and must conduct survival activities in public spaces are being criminalized. Criminalization is violent, unjust, counterproductive, and creates barriers that prevent people from getting off the streets. By criminalizing homelessness instead of dealing with its root causes, local governments are forcing homeless people into hidden, and therefore less secure, areas--where the risk of being attacked is increased. Criminalizing homelessness instead of providing appropriate solutions sends the message that "homeless lives don't matter."
3. Data shows that homelessness is caused by the lack of affordable housing. Since 1996, there has been no federal government funding for new public housing, and homelessness has tripled or quadrupled in every major U.S. city and risen steadily since. Ironically, the criminalization of homelessness actually perpetuates homelessness by creating legal barriers to accessing housing and employment. If we want homeless people off of the streets, we must stop criminalizing them.
4. The way to reduce the number of people who are sleeping and living outside is not to criminalize their efforts to exist in public spaces, but rather to make appropriate day centers, healthcare services, meaningful employment, and especially housing available to those who need and want it. Efforts from homeless people to build self-determined housing and communities must also be respected and honored. Part of the reason we do not have adequate housing and services to meet the needs of homeless Oregonians is because municipalities have chosen to allocate these resources to law enforcement. If money spent on enforcement of anti-homeless laws (including policing, court processing costs, and incarceration), was instead spent on permanent affordable housing, we could end homelessness.
5. On Aug. 6, the Department of Justice wrote a statement of interest in the case of *Janet F. Bell vs. the City of Boise* declaring that when shelters are full, it's unconstitutional to

prosecute homeless people for sleeping outside. Many people experiencing homelessness in Oregon have no access to shelters because some communities have no shelters, shelters are full, or shelters are unsafe for them for so many reasons (including systemic issues of racism, gender violence, sexual violence, ableism, homophobia and transphobia).

6. This bill does NOT give people the right to leave trash about, urinate in public, aggressively panhandle, block a doorway or passageway, or engage in destructive activities. This bill simply makes it legal for people to move freely, rest, sleep, protect themselves from the elements, eat and share food, and other basic acts necessary for human survival.
7. Homeless people have nowhere to go but public spaces, such as libraries, downtown areas, and parks. They have a right to use these spaces. The idea that homeless people should be barred entry to some public spaces is racist, classist and violent.
8. Citing homeless people for sleeping does not mean they will stop looking for a place to live, but criminal records create barriers to housing and employment. Criminalization of homelessness deepens poverty by creating legal barriers to exiting homelessness.
9. There are laws across the country criminalizing the act of simply sharing food in public. This bill will prevent laws like that from being passed in Oregon. In many cases, food-sharing programs may be the only occasion when homeless individuals have access to healthy, safe food. The need for food assistance is growing in our communities. We must ensure that those who wish to share food with those in need can do so in public spaces.
10. The Right to Rest Act protects the simple acts of resting or sharing food in public--acts of SURVIVAL. It does not mean people can sleep in doorways. This bill states clearly that people can "rest in public spaces and protect oneself from the elements, in a non-obstructive manner." Current laws prohibiting obstruction of a passageway would still be in effect. It doesn't mean people can be drunk in public, harass others, trespass or block passageways.
11. Homelessness exists in most geographic regions in the state. Though homelessness is more difficult to measure in rural communities, it does exist, and the barriers to escaping homelessness can be even more pronounced for rural residents. According to the U.S. Department of Housing and Urban Development, 10 percent of homeless services clients live in rural areas, and 20 percent are in suburban areas. Homeless shelters are virtually nonexistent in rural communities and most health and social services accessible to homeless people are located in areas with larger and denser populations.
12. A national trend is developing, condemning discriminatory practices which criminalize homeless people for existing in public. These include the DOJ's statement describing criminalization as "cruel and unusual punishment," HUDs encouragement to local Continuums of Care to demonstrate their commitment to ending homelessness, and the UN Human Rights Committee's opinion that criminalization violates international human rights treaty obligations.

Senate Bill 629

Sponsored by Senator SHIELDS, Representative GALLEGOS; Senators DEMBROW, STEINER HAYWARD, Representatives FREDERICK, GREENLICK, KOMP, MCLAIN, REARDON (at the request of Western Regional Advocacy Project)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Establishes Oregon Right to Rest Act. Makes violation unlawful practice enforceable by Commissioner of Bureau of Labor and Industries or by civil action.

A BILL FOR AN ACT

1
2 Relating to rights of persons experiencing homelessness; creating new provisions; and amending ORS
3 659A.885.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Sections 2 to 6 of this 2015 Act are added to and made a part of ORS chapter**
6 **659A.**

7 **SECTION 2. Sections 3 to 6 of this 2015 Act shall be known and may be cited as the**
8 **“Oregon Right to Rest Act.”**

9 **SECTION 3. (1) The Legislative Assembly finds that:**

10 **(a) Many persons in Oregon have experienced homelessness as a result of economic**
11 **hardship, a shortage of safe and affordable housing, the inability to obtain gainful employ-**
12 **ment and a disintegrating social safety net system; and**

13 **(b) Decriminalization of rest allows local governments to redirect resources from local**
14 **law enforcement activities to activities that address the root causes of homelessness and**
15 **poverty.**

16 **(2) It is declared to be the public policy of Oregon to guarantee persons experiencing**
17 **homelessness participation in the social and economic life of this state, remunerative em-**
18 **ployment, use of and free movement within public spaces, participation in and receipt of the**
19 **benefits of the services, programs and activities of state government and local governments**
20 **and housing accommodations of the person's choice, without discrimination on the basis of**
21 **the person's housing status.**

22 **SECTION 4. As used in sections 3 to 6 of this 2015 Act:**

23 **(1) “Harassment” means a knowing and willful course of conduct by law enforcement**
24 **officers, public or private security personnel or employees of local governments directed at**
25 **a person experiencing homelessness that a reasonable person would consider as seriously**
26 **alarming, annoying, tormenting or terrorizing of the person experiencing homelessness.**

27 **(2) “Housing status” means the residential status of a person experiencing homelessness.**

28 **(3) “Local government” has the meaning given that term in ORS 174.116.**

29 **(4) “Motor vehicle” has the meaning given that term in ORS 801.360.**

30 **(5)(a) “Persons experiencing homelessness” means persons who lack, or are perceived to**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 lack, a fixed, regular and adequate nighttime residence or who have a primary nighttime
 2 residence in a shelter, on the street, in a vehicle or in an enclosure or structure that is not
 3 authorized or not fit for human habitation.

4 (b) "Persons experiencing homelessness" includes:

5 (A) Persons who reside in a residential hotel or any other location without tenancy
 6 rights.

7 (B) Families with children staying in a residential hotel whether with or without tenancy
 8 rights.

9 (6)(a) "Public space" means any property that is owned, in whole or in part, by state
 10 government or a local government, or upon which there is an easement for public use, and
 11 that is held open to the public.

12 (b) "Public space" includes but is not limited to plazas, courtyards, parking lots, side-
 13 walks, public transportation facilities and services, public buildings and parks.

14 (c) "Public space" does not mean a private business establishment.

15 (7) "Recreational vehicle" has the meaning given that term in ORS 446.003.

16 (8) "Rest" means the state of sleeping or not moving or the state of holding certain
 17 postures that include but are not limited to sitting, standing, leaning, kneeling, squatting or
 18 lying on the ground or other surface.

19 (9) "State government" has the meaning given that term in ORS 174.111.

20 **SECTION 5.** (1) In enacting sections 3 to 6 of this 2015 Act, it is the intent of the Legis-
 21 lative Assembly that:

22 (a) Persons experiencing homelessness be permitted to use public spaces in the same
 23 manner as any other person without discrimination based on their housing status;

24 (b) Civil and human rights that are protected for persons in their homes and in other
 25 private places be extended to the public spaces in which persons experiencing homelessness
 26 live; and

27 (c) Every person in this state, including persons experiencing homelessness, have the
 28 rights set forth in subsection (2) of this section to be exercised without being subject to
 29 harassment.

30 (2) Notwithstanding any other law or regulation of state government or local govern-
 31 ment, a person experiencing homelessness has the following rights:

32 (a) To use and move freely in public spaces without discrimination and time limitations
 33 that are based on housing status.

34 (b) To rest in public spaces and seek protection from adverse weather conditions that are
 35 unsuitable for human exposure in a manner that does not obstruct human or vehicle traffic.

36 (c) To eat, share, accept or give food in any public space in which having food is not
 37 prohibited.

38 (d) To pray, meditate, worship or practice religion in public spaces without discrimination
 39 based on housing status.

40 (e) To occupy a motor vehicle or a recreational vehicle provided that the vehicle is legally
 41 parked on public property or on private property with the permission of the private property
 42 owner.

43 **SECTION 6.** (1) It is an unlawful practice for any person to deny, refuse, restrict or
 44 withhold from a person experiencing homelessness, because of the person's housing status,
 45 any of the rights listed in section 5 of this 2015 Act.

1 **(2) Complaints alleging an unlawful practice under this section may be filed by the**
 2 **aggrieved person, or by a person lawfully acting on behalf of the aggrieved person, with the**
 3 **Commissioner of the Bureau of Labor and Industries in the manner provided by ORS**
 4 **659A.820. The commissioner shall enforce this section in the manner provided in this chapter**
 5 **regarding other unlawful practices.**

6 **(3) Violation of this section subjects the violator to the civil remedies and penalties pro-**
 7 **vided in this chapter.**

8 **SECTION 7.** ORS 659A.885 is amended to read:

9 659A.885. (1) Any person claiming to be aggrieved by an unlawful practice specified in sub-
 10 section (2) of this section may file a civil action in circuit court. In any action under this subsection,
 11 the court may order injunctive relief and any other equitable relief that may be appropriate, in-
 12 cluding but not limited to reinstatement or the hiring of employees with or without back pay. A
 13 court may order back pay in an action under this subsection only for the two-year period imme-
 14 diately preceding the filing of a complaint under ORS 659A.820 with the Commissioner of the Bureau
 15 of Labor and Industries, or if a complaint was not filed before the action was commenced, the two-
 16 year period immediately preceding the filing of the action. In any action under this subsection, the
 17 court may allow the prevailing party costs and reasonable attorney fees at trial and on appeal. Ex-
 18 cept as provided in subsection (3) of this section:

19 (a) The judge shall determine the facts in an action under this subsection; and

20 (b) Upon any appeal of a judgment in an action under this subsection, the appellate court shall
 21 review the judgment pursuant to the standard established by ORS 19.415 (3).

22 (2) An action may be brought under subsection (1) of this section alleging a violation of ORS
 23 10.090, 10.092, 25.337, 25.424, 171.120, 408.230, 408.237 (2), 476.574, 652.355, 653.060, 659A.030,
 24 659A.040, 659A.043, 659A.046, 659A.063, 659A.069, 659A.082, 659A.088, 659A.103 to 659A.145,
 25 659A.150 to 659A.186, 659A.194, 659A.199, 659A.203, 659A.218, 659A.228, 659A.230, 659A.233,
 26 659A.236, 659A.250 to 659A.262, 659A.277, 659A.290, 659A.300, 659A.306, 659A.309, 659A.315,
 27 659A.318, 659A.320 or 659A.421 **or section 6 of this 2015 Act.**

28 (3) In any action under subsection (1) of this section alleging a violation of ORS 25.337, 25.424,
 29 659A.030, 659A.040, 659A.043, 659A.046, 659A.069, 659A.082, 659A.103 to 659A.145, 659A.199,
 30 659A.228, 659A.230, 659A.250 to 659A.262, 659A.290, 659A.318 or 659A.421:

31 (a) The court may award, in addition to the relief authorized under subsection (1) of this section,
 32 compensatory damages or \$200, whichever is greater, and punitive damages;

33 (b) At the request of any party, the action shall be tried to a jury;

34 (c) Upon appeal of any judgment finding a violation, the appellate court shall review the judg-
 35 ment pursuant to the standard established by ORS 19.415 (1); and

36 (d) Any attorney fee agreement shall be subject to approval by the court.

37 (4) In any action under subsection (1) of this section alleging a violation of ORS 652.355 or
 38 653.060, the court may award, in addition to the relief authorized under subsection (1) of this section,
 39 compensatory damages or \$200, whichever is greater.

40 (5) In any action under subsection (1) of this section alleging a violation of ORS 171.120, 476.574,
 41 659A.203 or 659A.218, the court may award, in addition to the relief authorized under subsection (1)
 42 of this section, compensatory damages or \$250, whichever is greater.

43 (6) In any action under subsection (1) of this section alleging a violation of ORS 10.090 or 10.092,
 44 the court may award, in addition to the relief authorized under subsection (1) of this section, a civil
 45 penalty in the amount of \$720.

1 (7) Any individual against whom any distinction, discrimination or restriction on account of
 2 race, color, religion, sex, sexual orientation, national origin, marital status or age, if the individual
 3 is 18 years of age or older, has been made by any place of public accommodation, as defined in ORS
 4 659A.400, by any employee or person acting on behalf of the place or by any person aiding or
 5 abetting the place or person in violation of ORS 659A.406 may bring an action against the operator
 6 or manager of the place, the employee or person acting on behalf of the place or the aider or abettor
 7 of the place or person. Notwithstanding subsection (1) of this section, in an action under this sub-
 8 section:

9 (a) The court may award, in addition to the relief authorized under subsection (1) of this section,
 10 compensatory and punitive damages;

11 (b) The operator or manager of the place of public accommodation, the employee or person
 12 acting on behalf of the place, and any aider or abettor shall be jointly and severally liable for all
 13 damages awarded in the action;

14 (c) At the request of any party, the action shall be tried to a jury;

15 (d) The court shall award reasonable attorney fees to a prevailing plaintiff;

16 (e) The court may award reasonable attorney fees and expert witness fees incurred by a de-
 17 fendant who prevails only if the court determines that the plaintiff had no objectively reasonable
 18 basis for asserting a claim or no reasonable basis for appealing an adverse decision of a trial court;
 19 and

20 (f) Upon any appeal of a judgment under this subsection, the appellate court shall review the
 21 judgment pursuant to the standard established by ORS 19.415 (1).

22 (8) When the commissioner or the Attorney General has reasonable cause to believe that a
 23 person or group of persons is engaged in a pattern or practice of resistance to the rights protected
 24 by ORS 659A.145 or 659A.421 or federal housing law, or that a group of persons has been denied
 25 any of the rights protected by ORS 659A.145 or 659A.421 or federal housing law, the commissioner
 26 or the Attorney General may file a civil action on behalf of the aggrieved persons in the same
 27 manner as a person or group of persons may file a civil action under this section. In a civil action
 28 filed under this subsection, the court may assess against the respondent, in addition to the relief
 29 authorized under subsections (1) and (3) of this section, a civil penalty:

30 (a) In an amount not exceeding \$50,000 for a first violation; and

31 (b) In an amount not exceeding \$100,000 for any subsequent violation.

32 (9) In any action under subsection (1) of this section alleging a violation of ORS 659A.145 or
 33 659A.421 or alleging discrimination under federal housing law, when the commissioner is pursuing
 34 the action on behalf of an aggrieved complainant, the court shall award reasonable attorney fees to
 35 the commissioner if the commissioner prevails in the action. The court may award reasonable at-
 36 torney fees and expert witness fees incurred by a defendant that prevails in the action if the court
 37 determines that the commissioner had no objectively reasonable basis for asserting the claim or for
 38 appealing an adverse decision of the trial court.

39 (10) In an action under subsection (1) or (8) of this section alleging a violation of ORS 659A.145
 40 or 659A.421 or discrimination under federal housing law:

41 (a) "Aggrieved person" includes a person who believes that the person:

42 (A) Has been injured by an unlawful practice or discriminatory housing practice; or

43 (B) Will be injured by an unlawful practice or discriminatory housing practice that is about to
 44 occur.

45 (b) An aggrieved person in regard to issues to be determined in an action may intervene as of

1 right in the action. The Attorney General may intervene in the action if the Attorney General cer-
2 tifies that the case is of general public importance. The court may allow an intervenor prevailing
3 party costs and reasonable attorney fees at trial and on appeal.

4 **(11) In any action under subsection (1) of this section alleging a violation of section 6 of**
5 **this 2015 Act, the court may award, in addition to the relief authorized under subsection (1)**
6 **of this section:**

7 **(a) Compensatory damages or \$1,000 per violation, whichever is greater; and**

8 **(b) A civil penalty in the amount of \$1,000.**

9



MEMORANDUM

DATE: November 9, 2016
TO: Human Rights Commission
FROM: Zach Galloway, Planning Division
SUBJECT: **Clear Lake Urban Growth Boundary (UGB) Expansion and /CL Clear Lake Overlay Zone**

Envision Eugene

Envision Eugene began with a community-based process to create a vision for managing our projected growth over the next 20 years. The forecasted increase in population and employment totals 34,000 and 37,000, respectively. City Council direction and subsequent analysis have resulted in the proposed UGB expansion for jobs, parks, and schools. The expansions are proposed in the Clear Lake Road area, adjacent to the Eugene Regional Airport, and in the Santa Clara community for a new 35-acre community park. There is no recommended expansion for housing. Additional information and timelines of the formal adoption process can be found here: <http://www.eugene-or.gov/2990/Get-Involved>

UGB Expansion for Jobs, Parks, & Schools

The proposed Clear Lake UGB expansion encompasses approximately 950 acres located between the airport and Highway 99. The proposal includes lands for light-medium industrial uses, campus employment (e.g., office park-type development), the 222-acre Golden Gardens Park, and a new Bethel District school. Wetlands also course throughout the area. A full circumferential analysis of lands around the existing UGB ultimately focused on the Clear Lake area, as it contains the large development sites that are currently lacking inside the existing UGB. In January 2015, City Council reaffirmed their prior direction to move forward with UGB expansion. For more information on the Clear Lake area, including a project fact sheet, visit the following webpage: <http://www.eugene-or.gov/2989/Clear-Lake-Expansion-Area>

/CL Clear Lake Overlay Zone

Due to the existing concentration of industrial uses in West Eugene, the City Council requested Planning staff research environmental justice concerns and incorporate those into any future UGB proposal. Staff worked with a local stakeholder group to uncover the local concerns. This feedback and subsequent work resulted in an environmental justice research paper that explored best practices from other jurisdictions. The Planning staff used this work as a

foundation for moving into development of the Clear Lake Overlay Zone (/CL). The overlay zone is intended to (1) preserve the large development sites and (2) address environmental justice-related concerns. A working group was convened with representatives from the Planning Commission, Sustainability Commission, Human Rights Commission, Active Bethel Citizens, and Beyond Toxics. The program coordinator for the City's Toxics Right-to-Know Program and staff at the Lane Regional Air Protection Agency were also resources.

The environmental justice concerns are addressed in four ways, as follows:

1. increased communication and neighborhood involvement,
2. performance standards, which affect future operations,
3. development standards, which affect siting and site design, and
4. prohibition of certain uses (See EC 9.4165 at the link below).

A complete copy of the overlay zone can be found here: <http://www.eugene-or.gov/2989/Clear-Lake-Expansion-Area>. The right side menu includes links to the code, fact sheets, and area maps.

Requested Action

Consider the UGB proposal and formally support the /CL Clear Lake Overlay zone.

Background Crude by rail resolution

Recommendation: Adopt a resolution opposing the transport of hazardous crude oil by rail along the Union Pacific railway through Oregon, the Willamette Valley, and Eugene

Background: The eminent and growing danger of climate change is recognized by international scientific and governmental bodies (United Nations Framework Convention on Climate Change, Paris, 2015) , the US government (NASA.gov), the State of Oregon (oregon.gov), and by the City of Eugene in its 2014 Climate Recovery Ordinance. The use of all forms of fossil fuel must be profoundly curbed immediately, and rapidly ceased altogether to minimize the extent of damage to all ecosystems on Earth.

A transition from fossil fuel energy to non-carbon-producing forms of energy has begun in the US. However the oil industries are continuing to increase domestic oil and gas production, including production from unconventional sources like the Bakken Formation in North Dakota and Canada and the tar sands in Alberta, Canada. Because of this production boom, a surge has occurred in the number of trains transporting crude oil throughout the US, including through the state of Oregon, from production areas in Canada and the upper Midwest to refineries in California. These trains are called High Hazard Flammable Trains (HHFT) by the the US Department of Transportation (DOT). There are several routes taken by HHFT to the central California refineries, one of which is into Northern California through Eugene on the Union Pacific (UP) tracks from Portland. These routes travel through difficult terrain (e.g. The Columbia River Gorge), along vital waterways, and through populated areas. 493,146 carloads of crude oil were shipped by rail in 2014, compared with 9,500 carloads in 2008. (Association of American Railroads) A substantial portion of the refined product is ultimately destined for export, not for use in the US, despite concerns about domestic energy independence, producing record profits for the oil companies. (Los Angeles Daily News, July 2015)

(crude by rail has increased already and is expected to increase more)

Oil and gas companies in California are continuing to increase their capacity for refining and exporting petroleum products, which in turn will lead to a further increase in transport of crude by rail thru Eugene.

California refineries are in the process of securing permits to expand capacity for the import of Canadian tar sands and Bakken crude oils from

the Dakotas. For example, Phillips 66 refineries in San Luis Obispo County, Ca., has a project Environmental Impact Report before its jurisdiction for approval, to increase crude by rail shipments of 100 car unit trains of Bakken crude or Canadian tar sands shipments to five per week. (Slocounty.ca.gov) Current operating capacity for the eight operating rail lines is 496,000 barrels per day (bpd); with the 8 new proposed projects, this would increase to over 1 million bpd. (Frack tracker Alliance, May 2016)

(crude by rail is dangerous/spills/accidents)

Oregon and all states and provinces subject to this crude oil production and transport boom are extremely vulnerable to the dangerous impacts of a derailment, spill, fire or explosion. Seventeen catastrophic incidents have occurred since 2013 involving these trains (Riverkeeper.org). More crude oil was spilled in US rail accidents in 2013 than in the preceding four decades, more than 1.5 million gallons in 2013 alone. (McClatchy Reports) In 2014, a record high of 141 "unintentional releases" occurred (NBC, PHMSA). On July 6, 2013, 74 rail car train loaded with 2 million gallons of flammable Bakken crude oil derailed in Lac Megantic, Quebec dumping 1.5 million gallons of crude into the downtown. The resulting fire and explosions killed 47 people, orphaned 27 children, burned dozens of buildings, caused over \$1 billion in damage and required the removal and decontamination of 60,000 cubic meters of soil. Lac Megantic is very similar in size to Mosier and Eugene, and also similar to these 2 towns in that the railroad track runs directly through downtown. On June 3, 2016, in Mosier, OR oil 16 cars derailed, and 4 exploded and burned. 42,000 gallons of Bakken crude were spilled into the soil, the Columbia River and the town's water supply. Three days later, before Mosier had potable water or a functioning sewer system, trains carrying crude were again passing through the town. (Think progress.org). This derailment was caused by broken fasteners on the track itself. On September 27, 2016, 13 cars derailed in Eugene, one of which was loaded with liquified petroleum gas. Similar spills and accidents have occurred in numerous states such as Virginia, West Virginia, Wisconsin, Illinois, Alabama, North Dakota, and Montana.

(Notification)

Federal notification rules make it impossible to know when HHFT are traveling through Eugene. Because of concerns regarding energy security, federal oversight agencies do not allow the railroads to inform local jurisdictions when hazardous materials are moved through their communities along the rails. By DOT rules promulgated in May 2015, the railroad's only obligation to report is to the Oregon State Emergency

Response Commission (SERC) when large shipment are being moved (defined as 20 cars together, or 35 cars across an entire train, the latter equivalent to about one million gallons). Local jurisdictions must create their own emergency response plans, lacking crucial information which would allow greater preparedness. (DOT, PHMSA)

(problems with car safety, and insufficient federal regulation/oversight)

DOT's Pipeline and Hazardous Materials Safety Administration (PHMSA) has concluded that Bakken crude oil is more highly volatile and flammable than crude from other areas, and therefore more dangerous to ship by rail (PHMSA). Still, the DOT and the various private rail companies have been slow to make changes in how crude is transported by rail that would increase safety. Crude oil is being transported in significant volumes across the US and Canada in structurally deficient DOT 111 rail tank cars, originally designed to haul corn syrup. Canada ordered a phase out of over 5,000 older rail tank cars by the end of May 2014. Because the US had not decided on tank car regulation, this new regulation in Canada forces these older tank cars to be used exclusively in the US. New rules were promulgated by PHMSA in 2015 to increase the safety of transport of crude by rail within 3-5 years (e.g. Upgrades to DOT 111 rail tank cars and phasing in more of the upgraded CPC 1232 tank cars). However, these rules only apply to trains which meet the definition of High Hazard Flammable Train (20 consecutive cars, or more than 34 cars of oil across an entire train); trains with fewer cars may continue to use the most unsafe cars. Many of the accidents described above involved fewer than 35 cars, (e.g. Mosier, OR: 4 cars). The Rail Safety Improvement Act of 2008 is a US federal law enacted by congress to improve rail safety by requiring positive train control (PTC) technology (computerized surveillance and braking technology to monitor and control train movements so as to prevent human-error accidents) to be installed on most of the US railroad network by 2015. However, in October 2015 and at the request of the Federal Railroad Administration, congress extended the deadline to 2018. (National Transportation Safety Board)

(Other Health problems, diesel emissions)

Increased rail traffic in Oregon from crude oil will also lead to an increase in health problems caused by diesel emissions in the communities along rail lines. Exposure to particulate matter from diesel engines has been linked to impaired pulmonary development in adolescents; increased cardiopulmonary mortality; measureable pulmonary inflammation; increased severity and frequency of asthma attacks, emergency room visits, and hospital admissions in children; increased rates of heart attacks

and strokes in adults; increased risk of cancer; and increased asthma and lung disease in children. ([Www3.epa.gov](http://www3.epa.gov))

Mitigating the impacts of transporting crude and other commodities by rail has been a challenge by the railroads, which claim they are asserting federal pre-emption and arguing that other agencies have no authority to mitigate the impacts. However, this is incorrect. Every permitting agency - cities, counties, and air districts- have the authority to deny land use and other permits if the applicant refuses to mitigate impacts. PHMSA and the Federal Emergency Management Agency recognize the rights of state and local jurisdictions in these regards. (PHMSA, FEMA)

Other state and local jurisdictions across the US have used resolutions and other legal instruments to express their opposition to crude by rail through their communities, and to limit the expansion of refining, port and export facilities. New York Governor Andrew Cuomo recognized the risk of transporting volatile crude by rail, passing Executive Order # 125 directing New York State agencies to conduct a comprehensive review of crude by rail transport safety procedures and emergency response preparedness. ([NY.gov](http://ny.gov)). Pursuant to this Order, Albany County, NY issued a moratorium on crude increases at the Port of Albany pending a public health investigation. (Albanycounty.com) In the western US, several cities in Oregon, California, and Washington passed resolutions or taken other actions concerning the safety of and in opposition to transporting crude by rail. (FracTracker; Seattle.gov; portlandoregon.gov)

The City of Eugene adopted a Climate Recovery Ordinance in 2014 and a stringent science-based 350 carbon budget which sets an example as a community opposing the continued use of fossil fuels. In order for the city to reach the standards and benchmarks adopted in the CRO, promoting renewable and sustainable means of transportation and lifestyle requires the phase out of fossil fuels. Opposing crude by rail through the Eugene community would align with this progressive plan to a cleaner environment for future generations.

Citations

General Information:

<http://dot111.info/2016/07/>

National Aeronautics and Space Administration <http://climate.nasa.gov>

State of Oregon, position on climate change

https://www.oregon.gov/energy/P-1/REWG/docs/climage_change_agenda_1008.pdf

DOT May 2015 final rule: "Hazardous Materials: Enhanced Tank Car Standards and Operational Controls for High Hazard Flammable Trains"

1. Definition of high hazard flammable trains (20 cars together or 35 across entire train, 70 for braking rules)

2. Notification of state and local jurisdictions regarding oil train movements

3. Safety requirements for oil tank cars

https://www.transportation.gov/sites/dot.gov/files/docs/final-rule-flammable-liquids-by-rail_0.pdf

Association of American Railroads

<https://www.aar.org/BackgroundPapers/US%20Rail%20Crude%20Oil%20Traffic.pdf>

Los Angeles Daily Times

<http://www.dailynews.com/opinion/20150727/gas-being-exported-from-california-despite-shortage-thomas-elias>

SLOcounty.ca.gov

<http://www.slocounty.ca.gov/Assets/PL/Santa+Maria+Refinery+Rail+Project/Phillips+66+Staff+Report+2-4-2016.pdf>

Crude by rail infrastructure increase in CA

<https://www.fractracker.org/2016/05/ca-crude-by-rail-sources-terminals/>

River keeper.org

<http://www.riverkeeper.org/campaigns/river-ecology/crude-oil-transport/crude-oil-transportation-a-timeline-of-failure/>

McClatchy reports, spills in 2013

<http://www.mcclatchydc.com/news/nation-world/national/economy/article24761968.html>

PHMSA: Bakken is more flammable than other crude oil

http://www.phmsa.dot.gov/staticfiles/PHMSA/DownloadableFiles/1_2_14%20Rail_Safety_Alert.pdf

Lac Megantic https://en.m.wikipedia.org/wiki/Lac-Mégantic,_Quebec

Think progress.org, Mosier spill
<https://thinkprogress.org/they-did-everything-they-could-have-done-the-tragedy-of-the-oregon-oil-derailment-337740469311#.m84oy5z2r>

Transportation Safety Board of Canada
<http://www.tsb.gc.ca/eng/recommandations-recommendations/rail/2014/rec-r1401.asp>

National Transportation Safety Board, delay in PTC requirement
<http://www.nts.gov/safety/mwl/Pages/mwl7-2016.aspx>

Health hazards of diesel fuel
<http://oehha.ca.gov/air/health-effects-diesel-exhaust>

FEMA, hazard mitigation
<https://training.fema.gov/hiedu/docs/fem/chapter%207%20-%20hazard%20mitigation.doc>

PHMSA hazard mitigation
http://phmsa.dot.gov/staticfiles/PHMSA/DownloadableFiles/Files/Pipeline/IPA_Hazard_Mitigation_Primer_Final_508v4.docx

Department of Environmental Conservation, New York State:
Comprehensive review of safety procedures and emergency preparedness
re: oil trains

<http://www.dec.ny.gov/permits/95614.html>

Albany Moratorium

http://www.albanycounty.com/Libraries/County_Executive/DOH_Moratorium.sflb.ashx

Portland <http://www.portlandoregon.gov/citycode/?c=69548&a=557499>

California jurisdictions with resolutions
<http://maps.fractracker.org/latest/?appid=2c9e89bd4c9a4047a814ccce7f1d7514>

Seattle WA actions re: oil trains
<http://www.seattle.gov/council/issues/oil-train-safety>

[Type text]

FY2017 Human Rights Commission Work Plan

Goals:

- Take a leadership role in fostering respect for social equity, civil rights, and human rights in the community by engaging in education, outreach, listening and collaboration.
- Maintain strategic HRC liaisons and engage in cooperative endeavors with the community and with City of Eugene advisory groups that support civil and human rights and social equity.
- Study and recommend actions on civil and human rights and social equity issue areas of concern to the community and City organization.

Objective 1: Advise and advocate on human rights issues and build productive relationships with City Council, other City advisory bodies, staff, community organizations and institutions. Advise City Council on human rights impacts in other policy areas.	
Objective Leads: Jen Frenzer and Edward McGlone	
Action 1.1	
Task 1	
Task 2	
Task 3	
Action 1.2	
Task 1	
Task 2	
Task 3	
Action 1.3	
Task 1	
Task 2	
Task 3	

Objective 2: Identify and implement strategies to prevent or respond to violence, hate and bias activity, and discrimination; including systemic and individual racism.

[Type text]

FY2017 Human Rights Commission Work Plan

Objective Leads: Bonnie Souza and Ken Neubeck	
Action 2.1	
Task 1	
Task 2	
Task 3	
Action 2.2	
Task 1	
Task 2	
Task 3	
Action 2.3	
Task 1	
Task 2	
Task 3	

Objective 3: Research, analyze and propose solutions to the City Council, and inform the community, on issues of economic inequality, poverty and homelessness.	
Objective Leads: Jennifer Frenzer and Aria Seligmann	
Action 3.1	Monitor, advise and advocate for ways to respond to poverty and homelessness including collaborating with community organizations.
Task 1	Advise Council on pressing issues and support/advocate for city efforts to be responsive to area needs for expanding emergency shelter options including a publicly funded shelter and adequate affordable housing.
Task 2	Monitor and report on activities of the Lane County Poverty and Homelessness Board and Lane County Human Services Commission and other relevant statewide agencies, community organizations and governing bodies, including the Oregon Housing Alliance, and coordinate and collaborate with Eugene representatives on those bodies as possible.

[Type text]

FY2017 Human Rights Commission Work Plan

Task 3	At work group meetings host presentations from community organizations and local agencies and attend their organizing meetings to improve understanding of the issues facing people who are unhoused and increase collaboration on community responses to homelessness and poverty.
Task 4	Monitor community court.
Action 3.2	Address civil and human rights of people who are homeless and/or living in poverty.
Task 1	Continue work on protections for people who are homeless under Criminal Code Intimidation 2 and the Human Rights Ordinance and Fair Housing laws.
Task 2	Continue efforts with state and regional housing campaigns to enact a statewide homeless bill of rights.
Task 3	Engage and consult public officials and educate community members about the local laws and policies that criminalize homelessness and/or create barriers to survival. Develop network to end criminalization.
Task 4	Coordinate with our Police Commission liaison and members of other HRC work groups doing outreach to our local police force and private security firms in order to improve interactions between people who are homeless, downtown youth and police officers, police chief and the City Manager's office.
5 Task	Coordinate with planning and sustainability commissions and housing policy board to address impact of gentrification on vulnerable populations and ensure equitable outcomes in city planning.
Task 6	Ensure equitable access to transportation, including LTD
Action 3.3	Advocate for expansion of shelter, affordable housing options and access to resources and services community-wide.
Task 1	Advocate for expansion of car camping, rest stops, micro housing villages and other innovative and effective shelter programs and assess gaps in emergency shelter options.
Task 2	Complete assessment and track the Mayor's Opportunity Eugene Task Force on Homelessness recommendations and work with city's homeless liaison to pursue task 6 in above task force recommendations concerning a city commission on homelessness and youth

Action 3. 4 Inform the community of the commission's work on objective 3 and develop liaison relationships with existing groups.

Task 1 Maintain social media outreach

Task 2 Host educational events and campaigns

[Type text]

FY2017 Human Rights Commission Work Plan

Objective 4: Develop and strengthen the capacity of the HRC by exploring new opportunities, creating a leadership development pipeline and supporting the working groups of the HRC.	
Objective Leads: Julia Johnson and Joel Iboa	
Action 4.1	
Task 1	
Task 2	
Task 3	
Action 4.2	
Task 1	
Task 2	
Task 3	
Action 4.3	
Task 1	
Task 2	
Task 3	

Objective 5: Research, analyze and propose solutions to City Council, and inform the community, on issues of accessibility.	
Objective Leads: Andrew Thompson Joel Iboa	
Action 5.1	
Task 1	
Task 2	
Task 3	
Action 5.2	

[Type text]

FY2017 Human Rights Commission Work Plan

Task 1	
Task 2	
Task 3	
Action 5.3	
Task 1	
Task 2	
Task 3	

Objective 6: Bring forward work requests for emerging issues within the Eugene community and City organization that align with the mission and capacity of the Human Rights Commission.

Objective Leads:

Action 6.1	
Task 1	
Task 2	
Task 3	
Action 6.2	
Task 1	
Task 2	
Task 3	
Action 6.3	
Task 1	
Task 2	
Task 3	