

July 14, 2023

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City of Bend
710 NW Wall Street
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Ms. Winters and Mr. King-

I write on behalf Myntora Aguilar, John Glaubitz, and Cheryl Voneps. This office represents these three individuals whom are all experiencing homelessness in the City of Bend. This letter provides notice pursuant to ORS 195.530(6)(a) on behalf of these individuals and others also experiencing homelessness within the City of Bend, including any number of families and children. It is my understanding that some of the above are engaged in other litigation surrounding ADA compliance; note we do not represent them in those matters.

ORS 195.530 requires that, among other things,

Any city or county law that regulates the acts of sitting, lying, sleeping or keeping warm and dry outdoors on public property that is open to the public must be objectively reasonable as to time, place and manner with regards to persons experiencing homelessness.

The City of Bend's "camping code" (4.20.010-4.20.040) is not objectively reasonable with regards to persons experiencing homelessness. This letter serves as notice under ORS 195.530(6)(a) that Ms. Aguilar, Mr. Glaubitz and Ms.

Voneps, and others will bring suit under subsection 4 of the same statute and seek declaratory relief, injunctive relief, and, if appropriate, attorney's fees.

The “camping code” is unreasonable is at least the following ways:

1. It bars “at all times” any person from using City of Bend property for “occupancy, habitation, or sheltering for survival” except where the City Manager, in their discretion, permits it for limited periods of time and restricted areas of property. This discretion is vague.
2. For those who do not have a permanent residence or are involuntarily homeless are subject to an array of unreasonable conditions. These include:
 - a. Required relocation every 24 hours
 - b. Relocation at least one block or 600 feet
 - c. Absolute bar on “camping” (or surviving) in an area zoned Residential, a Waterway Overlay Zone, within 1,000 feet of a safe parking site or shelter.
 - d. Individuals, camp materials, camps or personal property may not obstruct “clear vision.”
 - e. The restriction to three camps per block.
 - f. Each camper much be at least 150 feet away from other camp as measured from any direction.
 - g. The types of cooking stoves and other devices for keeping warm are undefined and subject to “adopted City Policies.”
 - h. Any camp materials may not “obstruct” fences, trees, vegetation or buildings.
 - i. The requirement that all animals must be leashed or crated at all times.
 - j. The bar on use of certain power generators.
 - k. The ban on the parking of vehicles, including for shelter, except when in compliance with the Bend City Code.
 - l. The requirement that vehicles must be operational at all times.
 - m. The bar of camping in a vehicle within 500 feet of any safe parking site or shelter.
 - n. Within 1,000 feet of the City’s emergency shelter.
3. The camping code fails to define how lacking a permanent residence or being involuntarily homeless is defined; it fails to provide notice to citizens about who is subject to the restrictions, and privileges, in the camping code.
4. The camping code unreasonably exposes individuals to fines, the risk of criminal prosecution and the risk of jail for those unable to follow its

requirements in violation of the 8th Amendment of the United States Constitution and Article I Section 16 of the Oregon Constitution.

The above individuals will file a lawsuit as described no sooner than 90 days to enjoin enforcement of the camping code and other claims as appropriate under the United States and Oregon Constitutions, and other provisions of law.

Sincerely,

Thaddeus Betz
Attorney, Co-Director
Youth Justice Project

Walter Fonseca
Attorney, Co-Director
Youth Justice Project