

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF JOSEPHINE

DISABILITY RIGHTS OREGON, JEFFREY
DICKERSON, JANINE HARRIS,
GREGORY KIME, RICHARD MATTESON,
and CAROL SELPH,

Plaintiffs,

v.

CITY OF GRANTS PASS,

Defendant.

No. 25CV05989

AMENDED COMPLAINT FOR
INJUNCTIVE AND DECLARATORY
RELIEF

AMENDED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

The Plaintiffs allege as follows:

Introduction

1. Since August 2024, the city of Grants Pass has prohibited all unhoused people from camping or otherwise placing personal property, such as chairs, tarps, or tents, on any city property. A person who cannot find a safe place to lodge may only sleep at limited sites, at times and under conditions declared by the City Council through a resolution. From August 2024 to January 2025, the Grants Pass City Council required all unhoused people without shelter to lodge at one of two sites within the city. The campsites operated by the city concentrated large numbers of people in a single space not designed for human habitation. The properties routinely flooded and were physically inaccessible to people with disabilities.

2. After months of this treatment, the City Council of Grants Pass decided on January 7, 2025 to restrict camping even further. The City Council voted to close the larger of the two sites, the J Street site. At the time of closure, city staff estimated that roughly 120 tents were on site at the J Street campsite.

3. The City also decided to restrict the hours at the only remaining site for permitted camping, the 7th Street location. This smaller site held roughly 30 tents at any one time and was generally full. The City decided that the 7th Street location would be closed from 7:00am to 5:00pm.

4. Even though emptying the J Street campsite left hundreds of people suddenly with no legal place to go in the middle of January, and the smaller 7th Street campsite would be unable to absorb more than a tiny fraction of those individuals, the City made no other provision for where homeless people could go, where they could sleep, where they could camp, or where they could legally and safely leave their belongings.

5. On January 30, Plaintiffs filed the present lawsuit, including a motion for a Temporary Restraining Order against the City. In light of the City Council's decision to fully or partially close the only places they were allowed to reside within city limits, the unhoused plaintiffs sought protection against enforcement of the City's anti-camping ordinance. The Court issued a Temporary Restraining Order on February 3 and an extension on February 18.

6. On February 20, the City Council convened to consider locations where it might permit its homeless residents to reside. At a meeting the week prior, the Council had been presented with nine potential areas. The options ranged in size from less than half acre to 7.8 acres. Some were fully or partially paved, others had covered areas. On February 20, councilors acknowledged that they had been advised by their attorney to select three or more spots. Ultimately, they voted to permit the city's unhoused residents to shelter and exist on two unpaved lots, and to require those residents to relocate between each lot every four days. One site is a quarter-acre lot at 712 7th Street. The other is a half-acre lot at 6th Street, but only one-half

would be available for sheltering, as the other is reserved for use for staging of materials to repair the roof of City Hall. Thus, each lot effectively provides only one-quarter acre.

7. Grants Pass now prohibits sleeping or placing any personal belongings that might be deemed “camping materials” on any city property other than two quarter-acre gravel lots. Given the city’s own requirements for space between tents, each lot will accommodate roughly 30 tents. Considering state building code standards, even fewer tents could be placed on site. OAR 918-650-0055(1). Even together, the lots would hold a mere a fraction of the City’s estimated 600 unhoused residents. For most of the homeless people in Grants Pass, Grants Pass city code now makes it illegal for them to exist and survive by virtue of their poverty and disabilities.

8. The city’s actions violate the law. Hundreds of people will not fit into spaces that together hold roughly 60 tents. Additionally, many will be unable to comply with the arbitrary movement requirement as it stands. If 25 people at the 7th Street lot reach the City’s 96-hour limit on the same day that only 10 people at the 6th Street lot reach that limit, 15 people displaced from the 7th Street lot will have no place where they can exist in the City without violating its anti-camping laws. Instead of imposing regulations of camping that are “objectively reasonable as to time, place and manner,” ORS 195.530(2), the city has chosen to use its authority to re-criminalize being homeless in the guise of a time/place/manner restriction.

9. The city’s actions are also unreasonable and in violation of nondiscrimination law as they unfairly target, impose a disparate impact on, and fail to accommodate people with disabilities. People with certain disabilities, for instance, may be unable to comply with the movement requirement. Though the City is required to provide reasonable accommodations to its programs and practices, it refused to reasonably modify its movement requirement for people who requested medical accommodations throughout the fall of 2024. There is no evidence to suggest the City would provide reasonable accommodations to the movement requirement going forward. Finally, neither site is physically accessible to people who use wheelchairs and have other disabilities. The sites have loose gravel surfaces and lack accessible routes.

10. By foreclosing all access to all city property, except within the limits of two small sites that permit survival camping, the city has prohibited homeless people from using safer, more accessible, more dispersed sites where people unable to find housing were previously able to select campsites that were drier, more sheltered, more accessible, and safer. The sites the city previously designated for camping were crowded and frequently flooded with standing water.

11. Grants Pass's policy is one of intentional cruelty. The city is quite explicit about its aims. It does not want to help people find housing. It does not want to support individuals or organizations that work to connect unhoused residents with housing and other resources. It wants to make being homeless in Grants Pass so unpleasant that people go elsewhere. Instead of engaging in constructive action to help people who are poor and unable to find housing, or refraining from actions that make it harder for homeless people to get into housing, the city sends police officers out to cite and to threaten residents. Despite the presence of numerous elderly, ill, and disabled people on site, the city increased its draconian restrictions in the dead of winter leaving hundreds of people with no legal option for their continued survival.

12. As proof of its intent to erase all means by which homeless people could survive in Grants Pass, at the same January 7 meeting where the city created its harsh new scheme for prohibiting homelessness, it also rescinded the only grant money it had allotted for a low-barrier shelter. Although the city council nominally stated that it had rescinded its funds because of the condition of the building, the incoming mayor of Grants Pass had previously stated in November 2024 that: "The community has come out numerous times. They don't want a low-barrier or no-barrier shelter." The city has adopted a resolution prohibiting the very existence of most homeless people in Grants Pass. The city currently has no meaningful plan to provide shelter or otherwise assist homeless people to find places to live. People have no place to legally go.

PARTIES

13. Plaintiff Disability Rights Oregon is an independent nonprofit corporation and the statewide Protection and Advocacy System for the state of Oregon. It is designated by federal law and state law to represent and to advocate for people with disabilities throughout Oregon,

including to “pursue administrative, legal, and other appropriate remedies to ensure the protection of” people with disabilities. 42 U.S.C. § 15041, *et seq.*; 42 U.S.C. § 10801, *et seq.*; 29 U.S.C. § 794e; ORS 192.517. It is incorporated in the state of Oregon. Its primary offices are in Portland, Oregon.

14. Jeffrey Dickerson is a 57-year-old man. He resides in Grants Pass, Oregon, as he has since he arrived at the age of one, other than time living in Klamath Falls. He is homeless and has no fixed address. He resided at the 7th Street camp until it began to close during daytime hours.

15. Jeffrey worked in construction until he had an aneurysm in 2006 and could no longer work as a result. He was homeless for many years after his aneurysm. He was able to move in with a friend in 2014 and, later, rented rooms around Grants Pass until the owner of his last apartment sold the building in early 2024. Since then, Jeffrey has been homeless again, unable to save enough money to pay the first month’s rent, last month’s rent, and security deposit required for any rental. Given his limited social security payment and the difficult housing market, he has been unable to find housing. He has sought help from HUD and other social services but is on waiting lists for services with no idea of when he might find assistance.

16. Jeffrey also has neuropathy in his extremities—a loss of feeling and control over his hands and feet—that makes it hard to walk, to handle items, or to otherwise use his hands and feet. He previously used a cane to get around, but his cane was stolen. He found it hard to move around on the gravel at the 7th Street camp and fell down on multiple occasions. He has great difficulty even getting out of his tent to access the bathroom because of the loose gravel on the site.

17. The City’s anti-homeless laws and policies create insurmountable problems for Jeffrey. Because of his neuropathy, it is often impossible to take down his tent, pack up his belongings, carry them to a new location, and set up his tent again. Although the pain induced by his neuropathy is exponentially worse in very cold weather, the City’s historic refusal to provide

reasonable accommodations for people with disabilities suggests he would be at risk if he could not relocate after four days at each site, regardless of the weather or his resulting level of pain.

18. Janine Harris is a 57-year-old woman who resides in Grants Pass, Oregon. She is homeless with no fixed address. She lived in the J Street campsite until it closed. She was cited and fined for violating the challenged ordinances in September 2024. *See State v. Janine Harris*, 24VI116739.

19. Janine's mother struck her in the head with a cast iron skillet when Ms. Harris was a girl. Following extreme physical abuse by her mother, Janine experiences PTSD, depression, and anxiety. She also has vertigo, migraines, and arthritis in her hips and knees. She often uses a cane to get around because of her arthritis and other pain. Sometimes her mental health symptoms are so strong that she cannot get out of bed in the morning. Sometimes her migraines are so strong that she needs to rest in a dark, quiet place until they go away. She cannot stay at the Gospel Rescue Mission because of her disabilities and because the Mission prohibits all dogs, including service animals.

20. Gregory Kime is a 66-year-old man who resides in Grants Pass, Oregon. He has lived in southern Oregon for 23 years. He is homeless and has no fixed address. He is a veteran of the U.S. Army. He has been repeatedly cited for violating Grants Pass laws regarding camping. He was cited for violating the present ordinance on August 9, 2024. *See State v. Gregory Kime*, 24VI102534. He resided at the J Street camp for five months until it was closed.

21. Gregory experienced a stroke a couple of years ago and has partial paralysis on one side of his body. After his stroke, he noticed he experienced greater memory loss and irritability. He also has asthma, chronic obstructive pulmonary disease, hammer toe on both feet, lung disease, heart disease, and arthritis in his knees and back. He has gotten frostbite and hypothermia while homeless. He cannot reside at the Gospel Rescue Mission because the Mission would force him to live separately from his partner of 38 years and because of his disabilities.

22. Richard Matteson is an adult male in his 40s. He resides in Grants Pass, Oregon. He has no fixed address and is homeless. He resided in the 7th Street camp until it was closed in January 2025.

23. Richard has a serious mobility impairment as a result of a fall. He used a wheelchair to get around for four years until he regained the ability to walk eight or nine months before the filing of this complaint. Moving around, carrying items, walking long distances, and other basic mobility tasks can be very difficult for him.

24. Because of the poor conditions in the camp and the cold, wet weather of the fall and winter, Richard was hospitalized twice since August 2024 with hypothermia. The Grants Pass police seized all his belongings when he was hospitalized in January 2025. He cannot reside at the Gospel Rescue Mission because of his disabilities.

25. Carol Selph is a 62-year-old woman who resides in Grants Pass. She has lived in southern Oregon for 23 years. She is homeless and has no fixed address.

26. Carol has several disabilities. She uses a wheelchair to get around because one of her legs ends at the knee. Her prosthetic leg was thrown away following her eviction from a camping site. In her wheelchair, she found it difficult and unpleasant to negotiate the rocky surfaces of the J Street camp.

27. Defendant City of Grants Pass is a municipal corporation in the state of Oregon, located in Josephine County. It is a local government entity.

JURISDICTION AND VENUE

28. Oregon circuit courts are courts of general jurisdiction, with subject matter jurisdiction to hear any matter not otherwise reserved to another court's exclusive jurisdiction. Or. Const. Art. VII, § 9.

29. The circuit court for Josephine County has personal jurisdiction over the defendant, and venue in Josephine County is proper, as the facts of the matter arise in Josephine County and the defendant is located in Josephine County. ORS 14.030; ORS 14.050; ORS 14.080; Or. R. Civ.

Pro. 4.

30. An action to enforce certain rights of homeless people must specifically be brought in the “circuit court of the county in which the city that enacted the law is located.” ORS 195.530(4).

CLAIMS FOR RELIEF

Claim I: Objectively Unreasonable Regulation of Homeless Camping Under ORS 195.530

31. Plaintiffs incorporate paragraphs 1 through 134.

32. Oregon state law provides that a city 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.” ORS 195.530(2).

33. Oregon law vests people experiencing homelessness with the right to bring suit to protect their rights under this statute. ORS 195.530(4). The individually-named plaintiffs are people experiencing homelessness within the meaning of the statute. Disability Rights Oregon is an independent nonprofit designated by federal law to bring actions on behalf of people with disabilities, who comprise a significant portion of people who are homeless in Oregon.

34. Whether a city’s regulation of homeless camping is “objectively reasonable” is “determined based on the totality of the circumstances, including but not limited to, the impact of the law on persons experiencing homelessness.” ORS 195.530(5). The city of Grants Pass’s law, in all of its various forms since August 7, 2024 and in its current form, regarding camping is not and has not been “objectively reasonable.”

35. The time, place, and manner standards of the City’s policy do not permit many people who are homeless any reasonable means to keep themselves warm and dry, nor any reasonable place or means to sleep. The City’s policy is objectively unreasonable as to people who are homeless generally and as to homeless people with disabilities.

36. The City acted to restrict homeless camping in a manner that it knew or should have known would leave insufficient opportunity for people who are homeless to find a place to sleep or to stay warm and dry, especially people with disabilities.

37. Plaintiffs gave specific notice to the City more than 90 days before filing of this complaint of their intent to bring an action and are entitled to attorney's fees. ORS 195.530(6).

38. The City's laws and practices regulate sleeping and keeping warm and dry in a manner that is objectively unreasonable, in violation of ORS 195.530.

Claim II: Violation of Oregon State Non-Discrimination Law (ORS 659A.142)

39. Plaintiffs incorporate paragraphs 1 through 134.

40. Under Oregon state law, a place of public accommodation may not discriminate against a person with a disability. ORS 659A.142(4).

41. A place of public accommodation for this purpose includes any service provided by a public body or any "place that is open to the public and owned or maintained by a public body," regardless of whether the place or service has any commercial purpose. ORS 659A.400(1). The sites operated by the City of Grants Pass are places of public accommodation under state law, and the city's program of offering camping or "resting" sites is a service of a public body.

42. Oregon's nondiscrimination laws are read to be coextensive with the federal Americans with Disabilities Act wherever possible. ORS 659A.143. Because Oregon law is coextensive with and interpreted to be consistent with federal law wherever feasible, citation to federal law is necessary. Plaintiffs do not raise a separate claim under federal law, however.

43. The Americans with Disabilities Act provides that disability discrimination takes many forms, including intentional denial of services to a person based on their disabilities, siting services in an inaccessible place, failure to remove physical barriers, failure to provide effective communication to people with disabilities affecting their communication, delegation of tasks to another body that engages in disability discrimination, using criteria and methods of administration that tend to deprive people with disabilities of equal opportunity to benefit from a service, and a refusal to provide reasonable accommodations. 42 U.S.C. § 12132; 42 U.S.C. § 12182; 42 U.S.C. § 12183; 28 C.F.R. § 35.130; 28 C.F.R. § 35.149; 28 C.F.R. § 35.150; 28 C.F.R. § 35.151; 28 C.F.R. § 36.201; 28 C.F.R. § 36.204; 28 C.F.R. § 36.304; 28 C.F.R. § 36.401.

1 44. The City has discriminated against people with disabilities by imposing standards for
2 participation in its camping program that require people to move themselves and their own
3 belongings frequently and for no good purpose. People with physical disabilities affecting their
4 movement or chronic illnesses that make frequent lifting, carrying, and walking distances
5 difficult or impossible have been and will be cited and prosecuted for violating city ordinances
6 regarding camping. People who cannot move quickly enough to get a spot at a site, when there
7 are not enough spots to accommodate everyone, will be left without anywhere to legally exist
8 with their belongings. People who cannot safely move around the designated sites because of the
9 gravel ground cover will be forced to choose between risking their physical safety, risking tickets
10 and fines, or leaving town. Finally, the City's past responses (or lack thereof) to requests for
11 reasonable accommodations suggest that any future requests for reasonable modifications to the
12 movement requirement would be futile.

13 45. The City thus selected criteria and methods of administration of its camping program that
14 tended to discriminate against people with disabilities. ORS 659A.142(4); 42 U.S.C. § 12132;
15 42 U.S.C. § 12182(b)(1)(D); 28 C.F.R. § 35.130(b)(3); 28 C.F.R. § 36.204. The City's program
16 tended to exclude or offer a less substantial benefit, or deny the full and equal enjoyment of the
17 benefit of the camping program to individuals with disabilities than individuals without
18 disabilities. ORS 659A.142(4); 42 U.S.C. § 12132; 42 U.S.C. § 12182(b)(1)(A); 28 C.F.R. §
19 35.130(b)(1)(i)-(b)(1)(iii); 28 C.F.R. § 36.201. The commentary at the City Council's meetings,
20 from both some council members and from the general public, evidence extreme hostility to
21 people with disabilities, such as those with mental illnesses and those recovering from addiction,
22 indicating an intent to discriminate and deliberate indifference to the needs of people with
23 disabilities.

24 46. Even when the City was specifically notified that imposing burdens of carrying gear,
25 frequently making and breaking down camps, and frequent moves violated the law, and a
26 reasonable accommodation was requested, the City refused all reasonable accommodations to
reduce the burden of frequent moving, packing, and making and breaking down camps on

homeless people with disabilities. ORS 659A.142(4); 42 U.S.C. § 12132; 42 U.S.C. § 12182(b)(2)(A)(ii); 28 C.F.R. § 35.130(b)(7); 28 C.F.R. § 36.302. Instead, the city continued to make new policies that increased the burdens on people with disabilities.

47. The City selected sites for its camping program that were not physically accessible to people with disabilities. ORS 659A.142(4); 42 U.S.C. § 12132; 42 U.S.C. § 12182; 28 C.F.R. § 35.130(b)(3).

48. The City altered the J Street and 7th Street sites in preparation for their use, giving rise to an obligation to make the facilities fully accessible. ORS 659A.142(4); 42 U.S.C. § 12132; 42 U.S.C. § 12183; 28 C.F.R. § 35.151; 28 C.F.R. § 36.402.

49. As part of the obligations of any alteration or new construction, the City was required to have accessible paths of travel throughout the premises altered, including specifically an accessible route to and from an accessible restroom and an accessible route to and from the point of entry and exit, connecting to the place of primary function, i.e. the campsites. ORS 659A.142(4); 42 U.S.C. § 12132; 42 U.S.C. § 12183; 28 C.F.R. § 35.151(b)(4); 28 C.F.R. § 36.403.

50. An accessible path of travel, as defined through federal standards incorporated into the ADA, requires that the surface in question be “stable, firm and slip-resistant.” 28 C.F.R. § 35.151(c); 28 C.F.R. § 36.406; Access Board, 302.1; ADAAG 302.1; ADAAG 403.2. A gravel or soil surface does not qualify as stable, unless specially treated to maintain stability and firmness. Access Board, 302.1.

51. In the alternative, even in the absence of a qualifying alteration, the City was required to remove barriers in its existing facilities and to ensure that its program of camping was, taken as a whole, accessible to people with disabilities. ORS 659A.142(4); 42 U.S.C. § 12132; 42 U.S.C. § 12183; 28 C.F.R. § 35.149; 28 C.F.R. § 35.150; 28 C.F.R. § 36.304.

52. Under either analysis, the lack of accessible routes to and from points of entry and the primary campgrounds and the lack of accessible routes to and from the accessible restroom

1 prevented physical access to the camping sites and to the benefits of the camping program for
2 people with disabilities in violation of the state nondiscrimination statute. ORS 659A.142(4).
3 53. The City’s administration of its camping program, including its methods of providing
4 notice, allowing challenges to citations and exclusionary orders, and its methods of
5 communication with people who are homeless do not afford effective communication, use
6 methods of administration that tend to deny people with disabilities an equal opportunity to
7 benefit from the City’s limited protections for the rights of homeless people. The City does not
8 provide accessible means to let people who are homeless the ability to know what is expected of
9 them, to challenge the City’s determinations, and to communicate with the City. The city’s
10 methods of administration discriminate against people with disabilities, as does the City’s refusal
11 to provide reasonable accommodations to people with disabilities in the context of the camping
12 program. ORS 659A.142(4); 42 U.S.C. § 12132; 42 U.S.C. § 12182(b)(1)(D); 42 U.S.C. §
13 12182(b)(2)(A)(ii); 28 C.F.R. § 35.130(b)(3); 28 C.F.R. § 35.130(b)(7); 28 C.F.R. § 36.204; 28
14 C.F.R. § 36.302.

15 **FACTS**

16 *Passage of the August 7, 2024 Ordinance and Resolution*

17 54. Following the United States Supreme Court’s decision in *Johnson v. Grants Pass*, the
18 City of Grants Pass amended its city code in August 2024 to prohibit all camping on city
19 property except where permitted by special emergency declaration of the city manager or as
20 regulated per a City Council resolution setting conditions for such camping. Grants Pass City
21 Code 5.61.030(A).

22 55. The “only locations where it is lawful to place camping materials, or store camping
23 materials for any period of time on City property are those locations designated by the City
24 Council.” Grants Pass City Code 5.61.030(B). Any person camping on city property in violations
25 of the terms of the Code is subject to forcible removal. Grants Pass City Code 5.61.050.

1 56. Any person camping on city property in violation of the terms of the Code is subject to a
2 fine of \$50, as well as any non-incarcerative penalty permitted by ORS 153.008. Grants Pass
3 City Code 5.61.070.

4 57. “Camping” means maintaining a “campsite” on city property for more than 24 hours.
5 Grants Pass City Code 5.61.010(A). A “campsite” is any place on city property where camping
6 materials are placed. Grants Pass City Code 5.61.010(B).

7 58. “Camping materials” include “but are not limited to, tents, huts awnings, lean-tos, chairs,
8 tarps, portable stoves, and/or other collections of personal property that are or reasonably appear
9 to be arranged and/or used as accommodations to camp. . . .” Grants Pass City Code 5.61.010(C).

10 59. In summary, the cumulative effect of the new Grants Pass ordinances would prohibit any
11 person from placing any personal property that could conceivably be used for the purpose of
12 camping on the ground anywhere on city property, regardless of whether the person is actually
13 camping at that location.

14 60. The ordinances cumulatively would prohibit a person from pitching a tent or even leaving
15 a backpack or a crate containing a tent or a sleeping bag on city property for any period of time,
16 except as explicitly permitted by City Council resolution.

17 61. At the August 7, 2024 meeting of the Grants Pass City Council, these changes were
18 adopted following presentations by staff.

19 62. A draft version of the ordinance proposed at a July 2024 workshop proposed that
20 camping be permitted at *eight* different sites around the city: the J Street site; Kesterson; Ogle;
21 Tussing; Croxton; Martin; Stansfield; and Baker. The city manager described that as a “small
22 list,” created by eliminating all park sites with playground equipment or otherwise specific to
23 children.

24 63. The city council rejected the staff proposal for eight different sites. At the August 7, 2024
25 meeting considered five different sites, a proposal which the city quickly whittled down to two
26 sites at the council meeting. The Council considered essentially only the factors affecting the city

1 and the general public in disqualifying other sites, largely disregarding the challenges associated
2 with concentrating large numbers of people who are homeless into two sites.

3 64. The history of development of the ordinance clearly targets homeless people specifically.
4 The City Manager, at a workshop in July 2024 developing these ordinances, indicated that the
5 proposed ordinance would allow the city, for instance, to allow desirable parties to camp in
6 municipal parks, giving as an example past permission issued to Cycle Oregon.

7 65. The atmosphere of the August 7 meeting was filled with commentary from the public,
8 largely vilifying the homeless, cultivating an atmosphere of fear, and promoting stereotypes
9 associated with disabilities like mental illness.

10 66. The materials prepared for the council on August 7 stated that staff had communicated
11 with the Rogue Retreat and the city of Ashland, other southern Oregon communities that had
12 created dedicated campsites for homeless people. Staff reported that “both [Ashland and Rogue
13 Retreat] had commented on seeing a lot of older adults and adults with disabilities.”

14 67. At no point did any staff or City Council members take meaningful consideration of how,
15 if at all, people with disabilities might need accommodation in this process, beyond indicating
16 that the portable toilets provided should be ADA compliant. No provisions of the ordinance or
17 other city action discussed reasonable accommodations for people with disabilities, examined
18 how people with disabilities would move around or within the campsite, considered how people
19 with disabilities would move between campsites, or how they would move their belongings.

20 68. Ultimately, the City approved a resolution that only permitted the use of two camp sites,
21 the J Street site and the 6th Street site, and only for 72 hours at a time. After the expiration of the
22 time allotted for staying at each site, people would be required to move themselves and their
23 belongings from the current site to the other site. The two sites were approximately one mile
24 apart from one another, and no public transportation routes connected them.

25 *Initial Enforcement of the Ordinance*

26 69. The City began to enforce its ordinance as soon as the federal injunction from *Johnson v.*
Grants Pass was lifted. People were relegated to the two campsites designated by the Council.

1 People who failed to move from campsite to campsite were cited and, in some cases, charged
2 with criminal trespass.

3 70. The City revised the resolution governing when and where people could reside several
4 times in the course of the initial months.

5 71. On September 18, 2024, the City extended the time to remain at either the 6th Street or J
6 Street campsite to one week.

7 72. On October 2, 2024, the City closed the 6th Street location to camping and opened the 7th
8 Street location to camping. The duration of permissible use remained up to one week.

9 73. The 7th Street location, at 712 NE 7th Street is small, roughly estimated at 140 feet by 80
10 feet, was the site of a former exterminator shop. It was estimated to be 40% smaller than the 6th
11 Street location. Like the 6th Street location, the 7th Street location is approximately a mile from
12 the site at J Street. The City had the structure on the property demolished to use it for this
13 purpose. The site borders the Grants Pass Department of Public Safety offices at 724 NE 7th
14 Street on its northern edge.

15 74. Under Grants Pass law, campsites must be confined to an eight-foot by eight-foot space.
16 Grants Pass City Code 6.46.040(A). At least six feet of space must separate each campsite from
17 the next. Grants Pass City Code 6.46.040(B). A buffer zone of 20 feet must extend from a
18 sidewalk and the nearest property line. Grants Pass City Code 6.46.041(B). A buffer of 20 feet
19 must extend between any bathroom or porta-potty and a “portable structure” such as a tent.
20 Grants Pass City Code 6.46.041(B)(1)(f). State building code requires a larger buffer between
21 tents, further narrowing the possible siting of tents. OAR 918-650-0055(1).

22 75. Considering Grants Pass law, no more than 30 campsites could be legally placed in the
23 7th Street site. It was fenced with a single entry-exit point onto 7th Street.

24 76. According to the contract with the contractor who demolished the structure at 7th Street,
25 the city ordered the contractor to fill the site and level it with compacted “3/4” minus gravel”
26 after the demolition, with a topcoat of decomposed granite.

1 77. The J street campsite, at 755 SE J Street, was considerably larger than the 7th Street site,
2 in a roughly wedge-shaped orientation. The northern boundary facing the railroad tracks was
3 roughly 280 feet long, while the western border ran almost 600 feet between the railroad tracks
4 and the Redwood Highway. A fence tracking the Redwood Highway defined a curving line
5 running roughly southeast. In total, the surface area for camping at the J street site was roughly
6 eight or nine times larger than the 7th Street site.

7 78. The surface area of the J Street campsite was loose gravel and dirt. It had a single point of
8 entry and exit onto J Street, being otherwise entirely enclosed by fencing. The J Street site was
9 awaiting construction of a water treatment plant, but construction is not scheduled to begin until
10 May 2025.

11 79. Grants Pass placed one single-use portable toilet deemed ADA compliant at the J Street
12 site and one at the 7th Street site. It otherwise made limited changes—fencing and preparation of
13 the site—to make it usable for sheltering or camping.

14 80. Within the J Street and 7th Street campsites, no accessible routes existed, either
15 connecting the campsites to the limited entry-exit points or to the supposedly ADA compliant
16 toilets. No surface within either campsite met the standard of smoothness or “stable, firm, and
17 slip-resistant” required by law.

18 81. People with disabilities who use mobility devices, such as wheelchairs, often found
19 themselves struggling to traverse the uneven ground, requiring assistance to make it even a short
20 distance within the campsites.

21 82. As the weather in the fall and winter became worse, the flat, gravel and dirt surfaces of
22 the two campsites, lacking any drainage, collected water in large pools. People who were
23 prohibited from living anywhere else were forced to camp in standing water, in cold fall and
24 winter weather. Several people were transported to the hospital from the two camps with
25 hypothermia during the fall and winter of 2024-2025.

26 83. People with disabilities, in particular, struggled as the sites chosen by Grants Pass filled
with rainwater in the fall and winter. As there were no accessible routes to travel to the only

1 toilet or to the exit, people with disabilities found themselves stranded in their tents. They were
2 unable to leave the campsite to get warm or dry and sometimes unable to get to the toilet in a
3 timely manner. People with disabilities were among those most susceptible to hypothermia in the
4 fall and winter months.

5 84. As the sites filled with water in the fall and winter months, the city's concentration of
6 large numbers of people in limited space with no infrastructure or support from the city led to
7 serious public health issues.

8 85. No running water was available at either site, making simple handwashing impossible. A
9 person would have to leave the site and return regularly just to get drinking water.

10 86. Not only did the city provide no drainage at either site, it prohibited people from digging
11 small trenches to divert rainwater away from their tents. It also prohibited people from using
12 simple materials, like old pallets, to lift their tents out of standing water. The nominal
13 explanation offered by Grants Pass for prohibiting the use of such pallets was to prevent a fire
14 hazard, even in the middle of pools of standing water in the wet autumn weather.

15 87. As the fall progressed into winter, basic sanitation at the sites, particularly the J Street
16 site, declined quickly.

17 *Options for Shelter in Grants Pass*

18 88. Other than camping on city property, no meaningful alternatives to homelessness exist.
19 The city lacks a low-barrier or no-barrier shelter. The city has no public housing and no real plan
20 to move people out of homelessness.

21 89. The city's notices to people, when ordering them to move on, direct them only to a
22 handful of local resources: the Gospel Rescue Mission shelter, United Community Action
23 Network (UCAN), Fisko Family House, Women's Crisis Support, and Hearts with a Mission.

24 90. Most of those services, while they may offer some services associate with homelessness,
25 do not actually provide direct shelter services or offer only very limited beds. UCAN, for
26 instance, may assist people with "move-in costs," but does not have beds for immediate use.

1 91. Other settings have very limited beds that are specific to a particular group of people.
2 Women’s Crisis Support has shelter space only for 13 women and their children, associated with
3 domestic violence services, not homeless services. Hearts with a Mission operates a shelter for
4 youth aged 10-17 only, as well as a four-bed facility for 18-21 year olds.
5 92. For men aged 21 or older, or for anyone not able to find a bed at these two shelters, the
6 only other immediate shelter option is the Gospel Rescue Mission. While the Rescue Mission is a
7 unique resource for a population that otherwise has no access to housing, its policies and
8 practices render it functionally unavailable to a large number of people.
9 93. The Gospel Rescue Mission has specific policies that prevent people with disabilities
10 from benefitting from their services. For instance, the shelter explicitly bans service animals “for
11 liability reasons,” in direct violation of the law. The shelter also rejects residents unable to work
12 and has expelled people because of their medical needs, like a person who experiences seizures.
13 94. The Rescue Mission guidelines tell residents that “you must be able to care for yourself
14 while staying at the Mission. . . . If you have serious or chronic medical or mental issues that
15 prevent you from participating in daily Mission life, you may not be able to stay at the Mission.”
16 95. Other residents are barred by Rescue Mission policies, such as the prohibition on
17 transgender people, the requirement to attend religious services, or the Mission’s rigorous
18 behavioral rules—policies often very difficult to comply with for people experiencing a mental
19 illness, traumatic brain injury, neurological damage, or recovering from an addiction.
20 96. Mission residents may not smoke or otherwise consume nicotine, on or off Mission
21 property. They may not drink or take any drugs, on or off Mission property. They may not
22 socialize with members of the opposite sex except at Mission-sponsored events, with sexual
23 relationships entirely prohibited, on or off Mission property. Residents must attend a “church
24 approved by Mission staff” every Sunday. Staying beyond 30 days at the Rescue Mission
25 requires an extensive application showing, among other things that the person has 100% chapel
26 attendance, a good attitude, and gets up at 5:30am every day.

1 97. The Fisko Family Center/Faith House is a women’s only home operated by the Gospel
2 Rescue Mission. Admission requires first that a woman first acquire residency at the Gospel
3 Rescue Mission and be a candidate in good standing for 120 days, have more than \$3500 in
4 savings, owns a vehicle, and have maintained employment for 60 days or more.

5 98. For a large portion of homeless people in Grants Pass, their disabilities, their age, and
6 their sex will permanently exclude them from every single option for shelter in the city. Even for
7 homeless people without disabilities, for homeless women, or for homeless youth, the handful of
8 beds theoretically available to them may be occupied. Even when a bed is actually available, any
9 given person may not qualify or be able to comply with the rules for disability-related reasons or
10 for other reasons, or they may have been previously rejected from the shelter.

11 99. Private housing in Grants Pass is extremely scarce, with few openings. People already
12 homeless, particularly if they experience disabilities, have great difficulty finding housing.
13 Grants Pass needs thousands more units of low-income housing to meet the existing need. Social
14 service providers find it extremely difficult to find private housing for people currently homeless.

15 100. The city of Grants Pass and the Josephine County Housing Authority operate no public
16 housing whatever. The city receives substantial “Community Development Block Grant (CDBG)
17 funding” from the federal government which it routinely fails to spend, usually reserving the
18 maximum for its own internal “administrative” use but spending little on homeless-related
19 services.

20 101. Other than city property, there are no other public or private sites to camp in Grants Pass.
21 Little state, federal, or county property exists within the city, none of it suitable for camping on.
22 Grants Pass prohibits camping on all roads, sidewalks, and property abutting those facilities,
23 regardless of whether they are state, federal, county, or city facilities. Grants Pass Code 5.61.020.

24 *Changes in Grants Pass Policy as of January 2025*

25 102. In the November 2024 elections, a new mayor and four new city council members were
26 elected, essentially all of whom had run on a law-and-order platform, specifically oriented

1 around cracking down on the homeless. The newly-elected mayor and city council members took
2 their seats on January 6, 2025.

3 103. Instead of waiting for the next regularly scheduled city council meeting, the city council
4 declared an “emergency” meeting for January 7 at which meeting it substantially altered its
5 policies.

6 104. The resolution adopted at the January 7 meeting closed the J Street camp. In the course of
7 the debate regarding closing the camp, one city council member called the J Street site a
8 “horrible pit,” saying it was “unconscionable to me to allow people to live there [at the J Street
9 site] like that” and that “wherever they go is better than where they are now.” Nevertheless, the
10 city council closed the site without either announcing a new site where people could camp or
11 removing the prohibitions on camping elsewhere.

12 105. After an original proposal to have *eight* sites for camping in July 2024, the city of Grants
13 Pass whittled the number of permissible sites for camping to five, then two, then finally to a
14 single site obviously inadequate for the purpose.

15 106. Having limited the permissible sites for camping to a single inadequate site, the City
16 Council further limited the permissible times to camp on that single site to the overnight period
17 from 5:00pm to 7:00am.

18 107. The City Council’s decision on January 7, 2025 was guided by no evidence, no findings,
19 and no plausible explanation for the adequacy, propriety, or reasonability of the action.

20 108. The city’s attorney appeared at the hearing and stated that the Council’s action was too
21 hasty for him to recommend it, stating that he “would not be comfortable with any changes made
22 tonight. And that’s just strictly from a risk management perspective.” The city manager similarly
23 advised the council against proceeding on the January 7 resolution.

24 109. The City Council acted in an objectively unreasonable manner and without relying on
25 any rational basis to approve its policy.

26

1 110. The City Council shrank beyond any reasonable threshold the availability of any option
2 for legal camping or other legal means of staying safe, warm, and dry for people who are
3 homeless.

4 111. The City Council ordered one of the only two sites for legal camping closed in the middle
5 of January, in the middle of bitterly cold weather, without any regard for where people would
6 live.

7 112. The passage of this change to city policy posed obvious risks of harm or death to
8 homeless people, who would now either be forced to remain in the inadequate, inaccessible 7th
9 Street site, if they could find one of the limited spaces, or left to camp illegally and be subject to
10 penalties and removal at any point.

11 113. In addition, this change was objectively unreasonable as to the interests of the remaining
12 citizens of Grants Pass. Forcing people who are homeless into illegal camping would merely
13 create new and different secondary harms. Forcing people to leave the 7th Street campsite
14 between 7:00am and 5:00pm would result in large numbers of people walking through the
15 downtown area, carrying all their belongings, with no place to legally stop or stay or use the
16 bathroom.

17 114. Grants Pass's January 7 policy was based, not on logic, but on wishful thinking that
18 people who are homeless would just disappear somehow. Even as dissenting members of the
19 Council and the public asked perfectly reasonable questions about where people ejected from the
20 J Street camp would sleep at night or where people temporarily removed from the 7th Street
21 camp, the Council provided no answers, just a vague promise that the Council was "doing
22 something" and "will have solutions."

23 *Plaintiffs' Request for a Temporary Restraining Order, and the City's Response*

24 115. On February 3, the Josephine County Circuit Court granted Plaintiffs' request for a
25 Temporary Restraining Order. As a result, the City could not ticket homeless people for
26 sheltering in parks or force them to relocate. The court left the door open for the City to change

its policy and seek a modified order. The court later extended the order by ten days, excepting
Riverside and Reinhardt Parks.

116. In the days and weeks after the order was issued, the City Council convened on multiple
occasions to discuss matters related to the City’s homelessness crisis. On February 3, the Council
gathered leaders from the community’s nonprofit organizations that work with unhoused people.
Represented organizations included the Gospel Rescue Mission, Hearts on a Mission, MINT,
OnTrack, Options, UCAN, and U-Turn for Christ. Councilors heard about the long waitlists for
treatment beds in the area, the need for expanded services, and the dire lack of affordable
housing. One nonprofit representative emphasized the importance of shelter, saying, “When you
have somebody that’s in treatment, trying to get into treatment, and you don’t have any place to
have them sheltered,” it can be incredibly difficult to access services, maintain a medication
routine, or maintain employment. Several representatives highlighted the layered impacts of the
affordable housing crisis. One person noted that elderly members of the community are
increasingly being priced out of their homes and experiencing homelessness.

117. On February 10, the Council met to review nine potential options for additional sites
where the City might permit its homeless residents to shelter and reside with their belongings.
The suggested sites ranged in size from less than half an acre to 7.8 acres. Three sites were fully
or partially paved. Regarding sites with no paved areas, the City Manager noted that ADA
accessibility would need to be addressed. When discussing the 6th and A Street site, the City
Manager stated that “at least half” of the site will be unavailable for camping purposes because it
is slated to be used for staging a City Hall roofing project. When discussing the 712 NE 7th
Street location, he noted that paving would need to be a “priority” if the councilors wanted that
location to remain a resting/camping site.

118. The City Council met again on February 19 to vote on a proposed resolution to except
three locations from the City’s general prohibition against sitting, sleeping, or lying on City
property with “camping materials.” Those locations included: 712 NE 7th Street (approximately
one quarter acre, not paved), 124 NW Midland (approximately 1 acre, partially paved), and 601

SE I Street (approximately 3 acres, not paved). An unhoused individual would be permitted to be present with their belongings at each location for up to 96 hours before being required to relocate.

119. On multiple occasions during the February 19 meeting, councilors acknowledged that their attorney advised them to select three or more locations to except from the City’s general ban against unhoused people residing anywhere on city property. Council member Erich Schloegl stated that he was in favor of two sites, “however to be able to help out the lawyer we need three, and in order to make this thing go away or . . . for us to be able to be effective three is what we need, correct?” When Schloegl asked whether it would be possible to approve two sites instead of three, Mayor Clint Scherf said that he did not know, but “yes, at some point we were advised to shoot for three or greater . . .” Schloegl then said, “So if we make it two, then essentially what we’re doing is we’re kind of prolonging this, to later on eventually agree to do three, essentially . . . is that what I’m getting?” Scherf responded, “I can’t give you a straight answer but that is an absolute possibility.” A couple of minutes later, Council member Victoria Marshall stated, “I thought it was very clear with legal advice that we were given that we needed, I think the number might have been four, but it was definitely three or more . . .”

120. The council did not approve the resolution containing three sites that totaled 4.25 acres and included one already partially paved area. Instead, they amended the resolution to remove from consideration the lots at 124 NW Midland and 601 SE I Street, and to add the lot at 6th and A Street. Given the roof staging project set to take place on half of the 6th and A Street site through the end of June, the updated resolution amounted to two quarter-acre lots, or half and acre total.

121. When making these changes to the proposed resolution, the councilors did not discuss the number of unhoused people in Grants Pass. They did not discuss whether the approved spaces are large enough to hold the City’s unhoused residents, given the otherwise total ban on homeless persons’ presence in the city with their belongings. There was no talk of whether unhoused residents with disabilities will be permitted to exist elsewhere in the city while the

1 selected sites remain unpaved, or whether the movement requirement will remain in place while
2 either site is under construction.

3 122. The councilors did take the time to discuss, however, whether the lots are sufficiently
4 small to satisfy the councilors' desire to have police regularly patrol the areas. They discussed
5 what steps could be taken to minimize the visibility of the selected sites, and the people within
6 them, to members of the housed public driving down 6th Street. They considered, in sum, not
7 what would be objectively reasonable for a homeless person in Grants Pass, but what would be
8 most desirable for the City's housed population.

9 *Plaintiffs' Efforts to Address These Issues and Inaccessibility of Remedial Efforts*

10 123. On September 13, 2024, Disability Rights Oregon sent a letter to the chief of police and
11 city attorney asking the city to stop enforcing its policy as to certain homeless individuals with
12 disabilities who were physically unable to move themselves and their property between
13 campsites, as a reasonable accommodation.

14 124. On September 18, 2024, DRO presented this letter to the mayor and city council as a
15 whole, offering testimony at that hearing. DRO offered to discuss the question with the city but,
16 other than a brief call from the City Attorney to confirm the receipt of the letter, the city never
17 responded.

18 125. On October 3, 2024, Disability Rights Oregon sent a letter to the chief of police and the
19 city attorney notifying the city that its policies were objectively unreasonable and that DRO was
20 providing notice opening the 90-day time period identified in ORS 195.530(6). The city did not
21 respond at all to this overture. DRO sent a further email on November 12 offering to discuss its
22 concerns.

23 126. Despite all of these efforts by DRO, the city did not engage at all with DRO to discuss
24 these concerns at any point between September 2024 and January 2025.

25 127. Other avenues for relief from the burdens of city policy are inadequate for people with
26 disabilities.

1 128. City policy makes no provision for accommodations of disabilities in this process.

2 Homeless people with disabilities receive no notice or any process for obtaining a reasonable
3 accommodation.

4 129. People who receive a notice to remove their campsite, notices of park exclusion, or a
5 citation receive notices in writing only. No accessible means of notice are provided to people
6 who are blind or low-vision.

7 130. People who are notified of a park exclusion by Grants Pass resulting from alleged
8 prohibited camping may only contest the order by in-person submission of a written request to
9 the City Manager within two business days of the citation.

10 131. A person who is physically unable to walk to the City Manager's office and present their
11 objection in the two-day timeframe has no recourse to contest the citation. Grants Pass Code
12 6.46.355. The history of enforcement indicates that no reasonable accommodation are extended
13 in this process.

14 132. The city attorney indicated in conversation that any reasonable accommodations extended
15 to homeless people in the process of law enforcement engagement are purely in the discretion of
16 the individual officer.

17 133. Throughout Grants Pass's enforcement of law against homeless people in their use of city
18 property for camping purposes, Grants Pass has indicated absolute indifference to the well-being
19 of homeless people, especially homeless people with disabilities.

20 **PRAYER FOR RELIEF**

21 134. In consideration of these violations of law, the plaintiffs hereby request that this Court
22 grant the following relief:

23 a. a declaratory judgment stating that Grants Pass's camping ordinances and city
24 policies violate ORS 195.530 and are objectively unreasonable;

25 b. a declaratory judgment stating that Grants Pass's ordinances, policies, and
26 practices violate ORS 659A.142 by discriminating against people with disabilities;

- 1 c. a preliminary injunction and permanent injunction prohibiting the city from
2 enforcing its current ordinances—Grants Pass City Code 5.61.010, 5.61.030, 5.61.050,
3 5.61.070—and current policies as to homeless individuals;
- 4 d. a permanent injunction requiring Grants Pass to adopt, to publicize, and to adhere
5 to a policy of nondiscrimination towards people with disabilities in the context of services for
6 homeless people and the regulation of camping by homeless people;
- 7 e. a permanent injunction prohibiting Grants Pass from adopting new ordinances
8 regulating camping or sleeping by homeless people that are not objectively reasonable in scope;
- 9 f. a declaratory judgment stating that Grants Pass’s ordinance was unreasonable
10 when the City eliminated J Street and curtailed the hours at 7th Street to overnight-only;
- 11 g. an award of reasonable costs, expenses, and attorney’s fees;
- 12 h. such other and further legal and equitable relief as this Court deems just and
13 proper.

14
15 Dated this 27th of February, 2025.

16 s/ Thomas Stenson

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8
9 **CERTIFICATE OF SERVICE**

10 I certify that this declaration and attached exhibits has been served on January 30, 2025.
11

12
13 Date: January 30, 2025
14

15 /s/ Thomas Stenson

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