

No. 23-175

IN THE
Supreme Court of the United States

CITY OF GRANTS PASS,
Petitioner,

v.

GLORIA JOHNSON AND JOHN LOGAN, ON BEHALF OF
THEMSELVES AND ALL OTHERS SIMILARLY SITUATED,
Respondents.

On Writ of Certiorari to the United States Court
of Appeals for the Ninth Circuit

**BRIEF OF *AMICI CURIAE* TIANA TOZER, PHILIP
RHODES, BARBARA JACOBSEN, DANE SOUTHARD,
LORIEN ILENA WELCHOFF, PAULINE LONG, MARK
BARNHILL, STEVE JACKSON, KEITH MARTIN, AND
STEVEN REBISCHKE IN SUPPORT OF PETITIONER**

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INTERESTS OF *AMICI CURIAE*¹

Amici are ten private citizens of Portland, Oregon, who are persons with disabilities who sued the City of Portland in 2022 for failing to maintain its pedestrian rights-of-way and sidewalks free of tent encampments in violation of Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973. *Tozer v. City of Portland*, Case No. 3:22-cv-1336 (D. Or.). The City settled the case on terms favorable to the *amici*, but implementation of the settlement has been stymied due to constraints on the City imposed by *Martin v. City of Boise*, 902 F.3d 1031 (9th Cir. 2018), *amended on denial of reh'g*, 920 F.3d 584 (9th Cir. 2019), and its progeny.

Amici file this brief in support of Petitioner, in the hope that the Court will recognize the harms befalling people with disabilities, including the infringement of their federal rights caused by the proliferation of unsheltered persons living on public sidewalks and the inability of local governments to fully respond to their concerns and fully advance their rights due to *Martin* and its progeny.

SUMMARY OF ARGUMENT

The *amici*, as plaintiffs in a federal lawsuit in 2022, extracted far-reaching and favorable settlement terms from the City of Portland, requiring the

¹ Pursuant to this Court's Rule 37, *amici* state that no counsel for any party authored this brief in whole or in part, and no person or entity other than *amici* made a monetary contribution to the preparation or submission of the brief. *Amici* provided timely notice of this brief to the parties.

City to maintain its pedestrian rights-of-way in compliance with the Americans with Disabilities Act and the Rehabilitation Act of 1973 by—among other things—clearing tent encampments from sidewalks. The City, however, is unable to completely and effectively vindicate the rights of *amici* under federal law and the settlement, in part because of the requirements imposed on it by *Martin v. City of Boise*, 902 F.3d 1031 (9th Cir. 2018), *amended on denial of reh’g*, 920 F.3d 584 (9th Cir. 2019) and its progeny. Accordingly, the *amici* submit their stories and the burdens they bear, which are caused in large part by *Martin*, to urge the Court to grant the relief sought by the Petitioner.

ARGUMENT

Amici Tiana Tozer, Philip Rhodes, Barbara Jacobsen, Dane Southard, Lorien Ilena Welchoff, Pauline Long, Mark Barnhill, Steve Jackson, Keith Martin, and Steven Rebischke are all members or caregivers of the largest minority demographic in the country—a minority in which most people will one day find themselves a member—the disabled.²

In 2022, *amici* sued the City of Portland, Oregon for the City’s failure to maintain its pedestrian rights-of-way free of tent encampments in violation of Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973. *Tozer v. City of Portland*, Case No. 3:22-cv-1336 (D. Or.).

² See INSTITUTE ON DISABILITY, HEALTH DISPARITIES CHART BOOK ON DISABILITY AND RACIAL AND ETHNIC STATUS IN THE UNITED STATES 3 (Charles Drum et al. eds., 2011).

Amici extracted a far-reaching and favorable settlement from the City in May of 2023. The settlement agreement requires the City to:

- Prioritize removal of campsites that obstruct “sidewalks” that are defined as the portion of sidewalks that are intended for pedestrian travel, normally 6 to 8 feet in width or, for a sidewalk less than 6-8 feet in width, the entire sidewalk, as referenced in the PBOT Pedestrian Design Guide 2022.

- Ensure that for a full five-year period, 40% of all campsite removals within the City limits are devoted to keeping sidewalks clear.

- Establish 24-hour reporting hotlines (telephone and online) to ensure that all residents, including those with mobility disabilities, can effectively report sidewalk obstructions efficiently and in real time. Permit reporters to upload pictures onto the hotline.

- Create a process online or telephonically for those with mobility disabilities to request ADA accommodations to prioritize these removals.

- Require a city staffer or contractor to assess reported campsites within 5 business days of the report.

- Consolidate all data so obtained in a publicly accessible, single tracking system and database of reported campsites and actions taken in response to reports.

- Ensure that employees and contractors of the City who engage in campsite removals instruct those who are displaced that they cannot relocate within pedestrian through zones.

- Post “no camping” signs in frequently obstructed areas.
- Extend the ban on City employees and contractors handing out tents and tarps with limited exceptions (including where doing so helps relocate those displaced or during sub-freezing weather with safeguards to prevent relocation onto sidewalks).
- Acknowledge the City’s intent to adequately fund its obligations under the agreement including an assurance that even in the event of budget restrictions, the City must devote a bare minimum of \$8 million for fiscal year 2023/24 and a bare minimum of \$3 million per year for the following four fiscal years to campsite removals and associated functions.
- Promise to engage in at least 500 campsite removals each year as a bare minimum (unless there are no longer encampments to remove).
- Require the City to provide quarterly written reports as to its compliance with the agreement and share the reports with the public.
- Allow the Federal Court to enforce the terms of the agreement for a period of five years from the date it is entered into and provide for a process to mediate and confer prior to taking enforcement action.
- Pay the plaintiffs \$5,000 each as compensatory damages.
- Pay the plaintiffs’ reasonable attorney fees, costs and expenses incurred in pursuing the lawsuit.

- Pay additional attorney fees should the plaintiffs need to resort to court to enforce the agreement.

Nearly a year later, however, many of the City's sidewalks and rights-of-way are still blocked by tent encampments in the City's central commercial corridors, and the *amici's* federal rights are still infringed because encampments often return within days or weeks of their removal. *Martin v. City of Boise*, 902 F.3d 1031 (9th Cir. 2018), *amended on denial of reh'g*, 920 F.3d 584 (9th Cir. 2019), and its progeny prohibit the City from implementing more efficacious strategies that would allow it to maintain its public conveyances clear of obstructions once encampments are removed.

Amici provide their stories³ to the Court to highlight *Martin* and its progeny's effect on the federally

³ The *amici* held a press conference the day their complaint was filed elaborating on their experiences.

<https://www.dropbox.com/s/ohvmrwxlhrvcaqk/Sept.%207%20Press%20Conference%20Video%20-%20ADA%20Plaintiffs%20v.%20City%20of%20Portland%20MOV?dl=0>

An avalanche of press reports followed for the local audience. Here is a sampling.

<https://www.kgw.com/article/news/local/homeless/portlanders-with-mobility-disabilities-sue-over-tents/283-ca0e5ba8-0d5a-48f8-931a-51a41cb96351>

<https://www.wweek.com/news/city/2022/09/07/federal-lawsuit-alleges-city-of-portland-fails-to-uphold-americans-with-disabilities-act-by-allowing-tents-on-sidewalks/>

protected rights of Americans with disabilities—citizens who follow rules, pay taxes and contribute to society.

1. **Tiana Tozer**

Ms. Tozer lives in the Irvington neighborhood of Portland, Oregon, and must frequent downtown Portland for her work. She is a 55-year-old activist, former humanitarian aid worker, and two-time Paralympic medalist at the 1992 Barcelona and 1996 Atlanta Paralympic Games.

<https://www.kptv.com/2022/09/07/group-suing-portland-says-city-is-violating-ada-by-allowing-tents-sidewalks/>

<https://www.opb.org/article/2022/09/07/portland-sued-over-tents-on-sidewalks-ada-accessibility/>

<https://www.koin.com/news/portland/portlanders-with-disabilities-sue-city-say-tents-on-sidewalk-violate-ada/>

<https://katu.com/news/local/group-files-suit-against-portland-for-ada-violation-over-camps-tents-blocking-sidewalks-americans-disabilities-act-unsheltered-homeless-camping-city-sidewalk-clearing-lawsuit>

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<https://bikeportland.org/2022/09/07/class-action-lawsuit-says-city-of-portland-violates-ada-law-by-not-keeping-sidewalks-clear-363034>

<https://apnews.com/article/oregon-lawsuits-portland-class-action-government-and-politics-e4dac58daf47221f08c8a13e185a7d24>

When she was 20 years old, Ms. Tozer was struck by a drunk driver, which left her with a permanent mobility disability that makes it difficult for her to walk. In fact, after that accident, she spent four years in a wheelchair and had 36 surgeries while teaching herself to walk again.

Ms. Tozer has made it her life's mission to advocate for justice for persons with disabilities; she is a tenacious advocate. She was a congressional intern in the early 1990s and successfully worked for the passage of the Americans with Disabilities Act—the same act through which she sued the City of Portland and extracted a valuable settlement. Ms. Tozer then moved to Iraq where she implemented a program teaching people with disabilities to advocate for themselves to deliver social change, and managed a program that taught more than 10,000 women how to read and write. Ms. Tozer also served as a State Director in Southern Kordofan in Sudan where she ran a program to develop government capacity to deliver services.

Despite her decades of hard work and activism on behalf of people with disabilities, Ms. Tozer finds herself discriminated against through governmental inaction. Specifically, Ms. Tozer is unable to safely and effectively navigate her neighborhood, the adjacent Lloyd District where she runs errands, or in downtown Portland which she must frequent for work, because tent encampments often block her way—often requiring her to navigate around them, unsafely in the street, denying her equal access to the most ubiquitous and overlooked public facility—the sidewalk.

2. Philip Rhodes

Mr. Rhodes lives in the Old Town neighborhood of Portland, Oregon. Mr. Rhodes is an 83-year-old Navy Veteran who served as a flight-deck crewman. Because both of Mr. Rhodes' knees are damaged from old injuries, his mobility is limited and he relies on an electric scooter to help him get around and run errands, such as going to the grocery store.

Mr. Rhodes is originally from East St. Louis, Illinois. He moved to Portland and into the current building where he lives in Old Town in 2004, the same year that he retired. When he moved into Old Town, Mr. Rhodes notes that Portland was a safe, clean, and well-run city.

In recent years, Mr. Rhodes has experienced the downturn of Portland's downtown which coincided with the proliferation of unsheltered persons living on the streets in tents near his apartment, and in the neighborhoods where he shops and runs errands. Mr. Rhodes has experienced unsheltered persons camping on downtown sidewalks who completely obstruct his ability to use the sidewalks to run errands and conduct business. Indeed, Mr. Rhodes routinely has to cross the street to use sidewalks on the other side of the block in order to move through downtown and has even, at times, had to operate his electronic scooter in the street in order to bypass encampments that obstruct his ability to use the sidewalks, putting himself in danger.

Mr. Rhodes' efforts to use the City sidewalks have also resulted in unprovoked altercations with outdoor campers. One such person tried to push him into traffic, and, on two separate instances, campers

have stood in the sidewalk and prevented Mr. Rhodes from passing, requiring him to turn around and take another route. Mr. Rhodes has also suffered verbal assaults on occasion. Accordingly, Mr. Rhodes often avoids going outside after dark out of concern for his safety and wanting to avoid further dangerous encounters.

3. Barbara Jacobsen

Ms. Jacobsen—affectionately called Babs by her friends and community—is a 64-year-old woman who resided in Southeast Portland and has lived in Portland for over 25 years. She is an accomplished artist and sings in the choir at the Maybelle Center.

Ms. Jacobsen suffers from a degenerative joint disease, vocal cord dysfunction, chronic obstructive pulmonary disease, post-traumatic stress disorder, and fibromyalgia. She uses an electric wheelchair to move around. Ms. Jacobsen also uses a service dog named Vinnie to alert her to seizures and breathing ailments.

Ms. Jacobsen formerly volunteered at a community nonprofit in Old Town that helps fight social isolation in disadvantaged communities. From her current home, and from her prior homes in Old Town and the Pearl District, Ms. Jacobsen commutes on the City's sidewalks and on public transit. In recent years, Ms. Jacobsen has noticed a decline in downtown Portland's safety and cleanliness. Since her nonprofit reopened following the Covid-19 pandemic, Ms. Jacobsen has found it challenging to get around due to tent encampments and debris. Ms. Jacobsen frequently has to operate her wheelchair in

the street in order to maneuver around the tents, putting herself in physical danger.

Further, while maneuvering through Old Town, Ms. Jacobsen has to keep Vinnie on her wheelchair with her because it is not safe for him to walk beside her. For instance, in areas near the tent encampments, especially near Union Station, there is frequently broken glass, vomit, syringes, urine, and feces on the ground that would harm Vinnie if he were allowed to walk.

Ms. Jacobsen fears for her safety and has taken to carrying a knife for self-defense. Her fears are not unfounded—she was once assaulted by unsheltered persons while out walking during the day; she has been spat on and sees frequent and open drug use in the tent encampments; and she has been maced by campers as she left a nearby business establishment, the injury of which took her three weeks to heal. Ms. Jacobsen has also been prevented from leaving her prior apartment by an unsheltered person sleeping in the doorway.

The cumulative effects of the tent encampments have prevented Ms. Jacobsen from safely using the sidewalks to buy groceries, visit her doctors, and commute to and from work, and the drug use and crime associated with the tent encampments have made Ms. Jacobsen fearful for her safety.

She has recently left downtown Portland for a safer area.

4. Dane Southard

Mr. Southard lives in the Park Blocks in downtown Portland. Seven years ago, Mr. Southard suffered a spinal cord injury and became permanently disabled. Mr. Southard has limited mobility and uses a cane, walker, or wheelchair to get around.

Mr. Southard routinely has issues moving through downtown Portland because of tent encampments blocking the sidewalk. Mr. Southard tries to maneuver past encampments to the best of his ability but frequently finds that he has to avoid using certain sidewalks on certain streets because they have been completely blocked by tents, and he is unable to maneuver around them. Mr. Southard has also been unable to use sidewalks due to debris accumulated and generated by the tent encampments. Mr. Southard also uses the parks in downtown Portland less than he used to due to the obstructions and fear for his safety.

Like the other *amici*, Mr. Southard has been threatened and harassed by unsheltered persons in tents on numerous occasions while doing nothing but trying to maneuver around their tents. He has been physically assaulted twice outside his home by such persons, has been held against his will in an attempted mugging, and has been chased by an unsheltered person who pushed her way into the lobby of his building. Both he and his building have reported the crimes to police, but the police officers told him there is nothing that they can do to address the sidewalk blockages caused by the tent encampments.

5. Lorien Ilena Welchoff

Ms. Welchoff is a 23-year-old recent graduate of the Pacific Northwest College of Art. At the time that Ms. Welchoff filed her lawsuit against the City of Portland she was living the Pearl District in downtown Portland.

When she was 18 months old, Ms. Welchoff was diagnosed with Cerebral Palsy. At 14 years old, she was diagnosed with Spastic Diplegia Type 4. Because of these conditions, Ms. Welchoff has to use an electric scooter or a wheelchair to move around.

Ms. Welchoff uses the City's sidewalks to commute and get around and frequently uses public transportation to visit her hometown of Aloha, Oregon. Ms. Welchoff has difficulties commuting and visiting Aloha due to tent encampments, frequently having to change routes, take longer routes, and operate her wheelchair in the street because of tent encampments and debris obstructing the sidewalk.⁴

⁴ Indeed, newscasters for KGW in Portland, Oregon, interviewed Ms. Welchoff, highlighting the seriousness of the discrimination Ms. Welchoff faced. That news segment also featured stories from other *amici* discussing the discrimination they faced by the City's failure to maintain sidewalks free of tent encampments, as well as the impact on their daily lives. *'Make it clear for us': Portland college student among group with disabilities suing city over tents on sidewalks*, (KGW television broadcast Sept. 7, 2022), available at <https://www.kgw.com/article/news/local/homeless/portlanders-with-mobility-disabilities-sue-over-tents/283-ca0e5ba8-0d5a-48f8-931a-51a41cb96351>.

Like other *amici*, Ms. Welchoff has been followed and harassed by unsheltered persons as she has attempted to navigate around their encampments and even had her personal property stolen while attempting to enter her former school. Because of this, Ms. Welchoff became fearful of moving through downtown and when she was attending school would frequently use her school's campus safety officer to escort her back to her home whenever it was dark outside—she did not feel safe and is scared to deal with unsheltered persons after dark.

Further, Ms. Welchoff has frequently had to wash herself and her wheelchair after returning home due to operating her wheelchair through human feces which is not visible after dark. The tent encampments obstructing downtown sidewalks have become unsanitary and pose substantial health risks to Ms. Welchoff. Since graduating from school, Ms. Welchoff still experiences many of the same problems while moving through downtown Portland.

6. Pauline Long

Ms. Long is a 68-year-old woman residing in the Lloyd District neighborhood in east Portland—where she has lived for roughly four years. Ms. Long has a disability that affects her mobility and requires her to use an electric wheelchair to move around.

Like many Portlanders, Ms. Long relies on the City's sidewalks to navigate her neighborhood, including traveling to her gym, L.A. Fitness, and traveling to Lloyd Center to run errands and shop.

Several years ago, tent encampments began popping up on NE Weidler Street in the Lloyd District immediately in Ms. Long's route to her neighborhood amenities. The tent encampments frequently included vehicles converted into dwellings, and the persons residing in those encampments frequently blocked the sidewalk with refrigerators, stoves, abandoned appliances, and trash. Ms. Long has also been prevented from using the sidewalks due to the presence of used needles, urine, and human feces—all of which pose a health risk to her. Ms. Long has also been harassed by the persons living in the tent encampments, including having a full bottle of liquid thrown at her for running over a sandwich wrapper with her wheelchair. Ms. Long worries for her safety when traversing around the tent encampments and frequently has to operate her wheelchair in the street or take more circuitous routes to arrive at her destination.

7. Mark Barnhill

Mr. Barnhill is a 66-year-old veteran living in the River District neighborhood in west Portland. Mr. Barnhill has a disability that affects his mobility and requires him to use an electric wheelchair to move around.

Mr. Barnhill frequently finds himself unable to use the sidewalks due to the presence of the tent encampments which often completely block the sidewalks. Mr. Barnhill has had to operate his wheelchair in the street to maneuver around the tent encampments or altogether change his routes to get where he is going. As one such example, Mr. Barnhill relies on the number 8 TriMet bus to commute

to his doctor at the Veteran's Administration hospital at the Oregon Health & Sciences University campus. Frequently there has been a tent encampment blocking his ability to cross into Old Town at NW 1st Avenue and Glisan Street which prevents him from accessing his bus. When that crosswalk is blocked, Mr. Barnhill is required to reroute four to five blocks out of his way which can significantly delay him or cause him to forego visiting his doctor at all.

Similar to others, Mr. Barnhill also worries for his safety and has been harassed and even followed by unsheltered persons on several occasions. On one such occasion, Mr. Barnhill felt so scared that he had to confront the unsheltered person and threaten force to defend himself. Mr. Barnhill has taken to carrying a taser with him for self-defense.

8. Steve Jackson

Mr. Jackson is a 49-year-old man living in the Woodlawn neighborhood in Northeast Portland. Mr. Jackson has a condition called retinitis pigmentosa that has rendered him legally blind and continues to deteriorate his vision. Mr. Jackson requires the use of a cane to safely navigate throughout the City.

Mr. Jackson is self-employed under the Randolph-Sheppard Act which provides opportunities to blind people to fulfill vending needs in federal facilities. Through that program, Mr. Jackson operates two micro-market convenience stores: one in the Bonneville Power Administration building in the Lloyd District and the other at Lloyd Center.

In order to commute to work, Mr. Jackson takes TriMet buses and walks along their routes. In his

commutes, he frequently encounters tents in the middle of the sidewalk or attendant debris from the tent encampments that completely obstructs Mr. Jackson's ability to use the sidewalk. When this happens, Mr. Jackson is required to step into the street to maneuver around the encampments. Entering the street in this manner is especially dangerous to Mr. Jackson, who—owing to his vision disability—is unable to safely watch for cars.

Mr. Jackson has at times accidentally stepped on the foot or leg of persons in the tent encampments when attempting to walk by. When this happens, Mr. Jackson and the persons in the tent encampments are startled, and Mr. Jackson is forced to continue on in fear, hoping that the person does not assume that he stepped on them on purpose and will not pursue him to harass or attack him. Mr. Jackson has repeatedly reported his safety concerns to local authorities to no avail.

9. Keith Martin

Mr. Martin is a 73-year-old man who lives in the Cultural District in downtown Portland. Mr. Martin is a longtime Portland resident and pillar of the community. Mr. Martin moved to Portland in 1969 to attend Reed College. He then briefly left Portland to attend The Julliard School in New York City, New York. When Mr. Martin returned to Portland, he founded the first professional ballet company in the state, Ballet Oregon. Ballet Oregon continues to this day as the Oregon Ballet Theater.

Most recently, Mr. Martin finished two three-year terms as a trustee for the Oregon Ballet Theater and has been an active supporter of the Portland

Art Museum for many years. Mr. Martin is also a small business owner, publishing a magazine for sports car collecting for 35 years. Years ago, Mr. Martin was an active volunteer at Baloney Joe's—a former nonprofit that assisted Portland's population of persons experiencing houselessness by providing showers, fresh clothing, and an address such that they could apply for jobs and re-enter the workforce.

Five years ago, Mr. Martin suffered a hemorrhagic stroke that left him partially paralyzed and permanently disabled. Mr. Martin has limited mobility and relies on a mobility scooter or walker to move. After suffering his stroke, Mr. Martin decided to move to the Cultural District because—although he could never be as active as he once was—Mr. Martin wanted to live life to its fullest. Mr. Martin specifically decided on the Cultural District because of its proximity to mass transportation—upon which he now relies—as well as its proximity to a grocery store, restaurants, nightlife, and cultural attractions such as the Portland Art Museum. Because Mr. Martin decided on moving to a condominium with these amenities and features, he is able to live completely independently and without the assistance of an aide. He also lives with his teenage son, a Lincoln High School student, half of the week.

Since moving to the Cultural District, Mr. Martin has noticed a marked decline in his access to the amenities and mass transit that were the deciding factor on where he chose to live. Mr. Martin's building frequently has tent encampments in front of it or adjacent to it that require him to operate his scooter in the street in order to maneuver around them, put-

ting himself in danger. If Mr. Martin decides to accompany his son to school at Lincoln, he similarly has to operate his scooter unsafely in the street to maneuver around tent encampments en route to, or near, Lincoln.

Mr. Martin no longer feels safe in the Cultural District. Mr. Martin has been yelled at and harassed by residents of tent encampments for doing nothing more than operating his scooter in proximity to the tent encampments. While Mr. Martin used to frequently ride the Streetcar to travel around the City, he now sparingly uses it because he feels vulnerable while waiting on the platform with no means of escape. Mr. Martin has even taken to carrying mace for self-defense.

10. Steven Rebischke

Mr. Rebischke is a 60-year-old man living in the Laurelhurst neighborhood in Southeast Portland. Mr. Rebischke does not have a disability but, rather, is a full-time caregiver to a 61-year-old person who suffers from a previous stroke, dementia, and Wernicke-Korsakoff syndrome. The person to whom Mr. Rebischke provides care uses a walker or cane to move and has issues navigating sidewalks, even under clear conditions.

Mr. Rebischke's neighborhood has seen a proliferation of tent encampments which prevent Mr. Rebischke's charge from safely walking with his cane or walker. He often has to walk around the encampments in the street, putting himself in danger. The tent encampments have posed issues entering Lau-

relhurst Park—another public facility frequently denied to the person to whom Mr. Rebeschke provides care.

Mr. Rebeschke frequently complained to City, County, State, and Federal officials about the tent encampments and their attendant garbage, misbehaved dogs, and repeated harassment from unsheltered persons suffered while walking his neighborhood with the person to whom he provides care.

IMPEDIMENTS TO IMPLEMENTATION OF THE SETTLEMENT AGREEMENT

The City has, so far, supplied two quarterly reports documenting significant numbers of campsite removals, of which approximately 74% are for sidewalk clearing. Although conditions on sidewalks have improved since the settlement, the City's inability to implement more efficacious strategies has allowed encampments to return soon after their removal and has inhibited its ability to assure those with disabilities the opportunity to travel on city sidewalks unimpeded by sidewalk campsites.

Camping on sidewalks is “conduct” – not the inevitable consequence of “status.” The City should have at its disposal, the ability to enforce its ordinances in a way that assures those with disabilities, who are wheelchair bound or blind, the right to traverse its sidewalks without the need to commingle into vehicular traffic.

CONCLUSION

For the reasons set forth herein, *amici* respectfully request that the Court grant the relief sought by Petitioner.

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