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**Advocates for the Unhoused File Lawsuit
Challenging Constitutionality of Local Park Rules in Eugene, Oregon**

In the face of an ongoing housing crisis in Oregon, activists have filed a federal lawsuit challenging the constitutionality of City of Eugene's Park Rules. These rules police more than 5000 acres of public space in the City, where many people seek temporary rest and respite. Activists Nicholas Hollows and Samuel Yergler are asking the United States District Court of Oregon to declare four of the Park Rules unconstitutional and to enjoin the City from enforcing them.

The Park Rules allow police officers and others to punish speech and conduct protected by the First Amendment, through a range of onerous penalties. Those include a fine of up to \$500, up to 30 days in jail, and an order excluding the person from those 5000-plus acres. The duration of the exclusion order can be any length, at the total discretion of the officer or other enforcer. In addition, the Rules allow law enforcement and others arbitrary and discriminatory enforcement power, with no effective safeguards to prevent abuse, and no meaningful right of review.

Another lawsuit was filed last week by the Oregon Law Center on behalf of currently and recently unhoused Eugenians, challenging the city's policy and practice of banning and trespassing unhoused residents from all parks and open spaces.

"The City of Eugene had me arrested for speaking out against the inhumane treatment of the unhoused in our community," said Plaintiff Samuel Yergler. "If this was the case for me, simply calling attention to their cruelty, imagine how they treat people experiencing homelessness. The local government and police work hand in hand to send a powerful message: the poor, the destitute, and the hungry are not welcome in Eugene."

The Park Rules' unconstitutional penalties were enforced against both plaintiffs. In two separate incidents, for speaking out against the City of Eugene's draconian treatment of unhoused people, Mr. Yergler and Mr. Hollows were each arrested and then banished from all City-managed property.

The lack of oversight of law enforcement and other municipal enforcers in public spaces is a national issue, but is quite acute in the City of Eugene, where the housing crisis is extreme. Lane County official data shows that, as of September 2023 (most recent data), 4,563 people were unhoused, about 3,377 in Eugene.¹ When nationally compared to other similarly sized counties, Lane County experienced the second largest number of people experiencing chronic homelessness.²

“We are filing this lawsuit not only because we want to protect other activists’ right to call out unfair and unwise law enforcement and government practices exacted on the unhoused community, but also because we want to remove a tool from government’s tool box to systemically drive people out of the city by force,” said plaintiff Nicholas Hollows. “It’s a disgusting practice – these policies are not just cruel to the unhoused, they’re also deeply corrosive to the moral health of this community, and I know we can do better.”

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¹https://public.tableau.com/app/profile/lchsd/viz/HomelessnessinLaneCountyOregon_16195399452050/SummaryDashboard

² <https://www.huduser.gov/portal/sites/default/files/pdf/2022-AHAR-Part-1.pdf> (at page 21).