

HB 3194 A STAFF MEASURE SUMMARY

Senate Committee On Rules

Prepared By: Abby Shearer

Meeting Dates: 6/20, 6/23

WHAT THE MEASURE DOES:

The measure creates joint and several liability for landowners who know, or should have known, that their property is being used as the site of a farmworker camp. It creates a rebuttable presumption that a landowner did not know and could not reasonably have known about the operation of an unregistered farmworker camp on their property if they provide a written lease agreement that expressly prohibits such activity by the lessee or third party. It provides that the presumption can be rebutted by a preponderance of the evidence showing the landowner knew or should have known about the camp. It expands the ability of an aggrieved person to bring suit against any person for violations related to farmworker camps, to recover damages, and seek an injunction. It also increases the damages recoverable from \$500 to \$2,000, or actual damages, whichever is greater.

ISSUES DISCUSSED:

- Increase of landowner accountability
- Compromise of proponents and opponents of the measure
- Written agreements to indemnify the landowner from liability

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Under current Oregon law, "farmworker camp" is defined by the Caretaker of Rental Accommodations (CORA) law as a dwelling occupied by six or more unrelated individuals, typically in connection with agricultural employment. These camps must be registered and meet specific health and safety requirements. Currently, landowners are not automatically liable for unregistered or unlawful farmworker camps operated by others on their property unless they are shown to have knowledge or direct involvement. HB 3194 A would change existing law by establishing joint and several liability for landowners who know, or should have known, that their property is being used for a farmworker camp that violates legal requirements. The measure creates a rebuttable presumption that a landowner did not know and could not reasonably have known about such activity if they have a written lease agreement that expressly prohibits the operation of a farmworker camp. This presumption may be rebutted by a preponderance of the evidence showing that the landowner knew or should have known about the camp. The measure also expands who may bring a legal action related to violations involving farmworker camps and increases the available statutory damages from \$500 to \$2,000, or actual damages, whichever is greater.