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Chair Kropf, Vice-Chair Chotzen, Vice-Chair Wallan and committee members,

The Columbia Gorge Fruit Growers represent pear, cherry and apple growers located in the Mid-Columbia region who provide nearly two-thirds of the on-farm farmworker housing in Oregon, including many single-family housing units. We ask you to **OPPOSE** House Bill 3194, as it will discourage responsible housing efforts by imposing joint and severe liability on both a landowner and a housing operator, even if the landowner is not directly involved in managing the housing.

Introduced by proponents whose goal is to discourage squalid living conditions at illegal cannabis operations in Oregon, HB 3194 goes far beyond the stated goal and instead targets legal on-farm housing providers and rural landowners.

HB 3194 Unfairly Burdens Farm and Ranch Families Providing Essential Worker Housing

As proposed, farmers who lease land to third-party farmworker housing operators would be held responsible for violations, even if they do not oversee the housing. This includes landowners who may choose to lease their land for personal or financial reasons and will no longer play an active role in the day-to-day activity. The result will be a hesitancy by landowners to lease their land to young up and coming farmers—especially for farmworker housing both registered and unregistered, like single family dwelling units—due to the new risks and burdens. Instead, the only safe option will be to sell to larger entities and continue to decrease the number of family owned and operated farms in the state.

Section 4 of HB 3194 targets our members who voluntarily provide registered housing for their farmworkers by making changes to CORA. The proposed amendments within the bill to “modernize” penalties under CORA targets law-abiding registered farmworker housing providers and should be a separate discussion—one that directly involves agricultural housing providers. Instead, proponents included this language under the umbrella of landowner liability focused on stopping illegal marijuana operations – an inappropriate and unfair inclusion.

While we do not disagree that cannabis growers are almost always unregistered to provide housing, targeting employers and landowners who provide unregistered housing broadens the legislation beyond its stated intent by encompassing a large portion of the housing provided in the Mid-Columbia region. Under ORS 658.750 and Oregon OSHA’s Agricultural Labor Housing (ALH) rules, Section 5, the operator of agricultural labor housing is required to register housing, EXCEPT the following: housing occupied solely by members of the same family, or housing occupied by five or fewer unrelated persons. Much of the housing we provide for our permanent employees is single family housing for the employee, their spouse, and children. This housing is typically unregistered, because it is not required to be registered. Our members

strictly adhere to the state's compliance rules, operating legally and correctly. However, under HB 3194, they would face extreme liability, jeopardizing their ability to continue providing families with safe and stable housing.

Honest Farmers and Landowners Will Become Collateral Damage of HB 3194

As the agricultural industry continues to consolidate due to low income and high input costs, our members face the choice of having to sell or lease their property. Many choose to continue ownership of the property but lease the orchard operation to someone else. Some landowners may continue living on the property because they don't have anywhere else to go, or they feel such a strong connection to it that they don't want to live elsewhere. Other landowners may retain ownership but choose to live elsewhere. Either way, they are no longer involved in the operation of the orchard itself and no longer an employer.

Under HB 3194, property owners must prove they had "no actual knowledge or reason to know [that a farmworker camp didn't comply with the law]." This is an incredibly difficult standard to prove and will inevitably lead to someone facing steep penalties and legal claims for something they had nothing to do with. The assumption that landowners must be aware of an employer's non-compliance is dangerous and simply untrue.

Additionally, proponents of HB 3194 claim that it is a myth that landowners have no way of knowing that illegal cannabis is being grown on their property due to the amounts of water used and garbage generated by these operations. This claim is completely untrue. First, landowners are not physically present on the property at all times to observe farming practices. Some landowners who lease their property and rely on the rental income choose to live elsewhere part or full-time. In addition, landowners have no way of monitoring water use to know exactly how much the operator is utilizing. At no point in the water supply line is our water use measured in a way to track higher usage by a specific operator. Our members all have water rights on their property for irrigation, yet the only way for them to have any accurate idea of water in use is if they physically count the number of irrigation sprinklers running at one time and calculate it based on water flow per sprinkler. Those operating the farm don't even do that regularly, let alone landowners not involved in the day-to-day operations. There are also many places along the line between the water source and a farmer's property that this amount can be manipulated without the knowledge of the property owner. Or, if a farm was located near a stream or river, a pump could be placed to bring additional water to the farm without the property owner knowing.

Proponents also claim it is a myth that this bill will harm honest farmers who grow other crops because there is no liability for those licensed to provide housing. Again, this is untrue. This legislation will absolutely harm honest farmers. As described above, there are many ways that honest farmers and landowners will be harmed; it is only a matter of time.

We support the targeting of illegal cannabis operations and our members are committed to providing safe, high-quality housing for workers. However, they need fair and reasonable policies that support their ability to do so—not punitive measures that discourage responsible housing efforts.

We believe HB 3194 will lead to the closure of good on-farm housing by making it more difficult for farmers to provide worker housing, as they would now face legal risks even if they are not directly involved in managing the camps.

Columbia Gorge Fruit Growers urges legislators to **OPPOSE** HB 3194.