



Testimony in support of HB 3194 (2025)

Chair Kropf, Vice Chairs Chotzen and Wallen, and members of the Committee,

My name is Kate Suisman. I am an attorney at the Northwest Workers' Justice Project (NWJP). Thank you for the opportunity to provide testimony on this important bill. We represent workers in low-wage jobs when bad things happen to them at work: when they are not paid, or are discriminated against for being in a protected class or are retaliated against for speaking up. Finally, we engage in policy advocacy and try to bring the important perspectives of workers in low-wage jobs and immigrant workers to these policy discussions.

NWJP has been working with Oregon Law Center to pass this bill, based on the truly horrendous conditions we have seen over the past two+ years of our work in the Cannabis Worker Resilience Partnership (CWRP). I have submitted a four-page overview of the work of this Partnership, which offers cannabis workers legal, mental health and humanitarian support. While there are many changes to law that we see as necessary to address the illegal cannabis crisis, addressing inhumane housing conditions is our priority.

We have worked with legislative counsel to draft a narrowly tailored bill. Currently, the CWRP lawyers have a very difficult time bringing "CORA" claims- camp operator registration act claims. To bring suit, the statute is oddly written to require an injunction, a high and unnecessary bar for any worker, let alone seasonal farmworkers. Further, there is little reason to bring a CORA suit in terms of damages, since the entire penalty amount one can be awarded is \$500 total. The bill removes the injunction requirement and increases potential penalties to \$2,000 per violation, in line with BOLI's existing civil penalty power.

I have inquired with BOLI on any recent enforcement under this statute and they informed me that at least in the past six years, there has not been any BOLI enforcement. BOLI does not have the capacity to enforce this law, and this is one of the reasons why we need to make the existing private right of action accessible to the impacted community.

We also asked Oregon OSHA for data on enforcement and received detailed information on violations found since 2015. There have been 23 violations given in this time period. From 2015-2019, none of the 8 violations were on cannabis sites. From 2019 to the present, we believe at least 10 and perhaps more of the 15 violations were on cannabis sites. (Only one is clearly non-cannabis, a 2021 \$5,000 penalty in Sherwood, Oregon.) Thirteen of the 15 are in Southern Oregon, where the illegal marijuana crisis is most dire. The point of this analysis is that unregistered labor housing is most common in marijuana worksites.

What does HB 3194 do?

This bill creates new liability for landowners who look the other way when unregistered labor housing is provided on their property. Section 2(2) of HB 3194 establishes joint and several liability for landowner with unregistered camp operator *unless* they have:

- (a) Delegated the authority to operate the farmworker camp to a farmworker camp operator for whom the landowner has verified compliance with the licensing, registration and indorsement requirements under ORS 658.705 to 658.850; and
- (b) Had no actual knowledge or reason to know of the farmworker camp operator's failure to comply with those requirements.

Opponents have suggested landowners have no way to prove they did not know of the unregistered housing on their land. A landowner is in a better position to offer proof that they had no reason to know something than a worker who is attempting to prove that a landowner definitely did not know, because a landowner at least can testify to their own knowledge credibly. In these examples, someone could offer evidence to show that they are in a nursing home or out of state without contact with neighbors or property management services. Though it sounds difficult to prove a negative, courts are experienced in using indirect evidence evaluating when a party has knowledge or reason to know something, as this is a common factor in other areas of law. A party without reason to know the camp operator was operating beyond the terms of their agreement would not be liable under the statute. This is a common concept when proving negligence/recklessness and many torts have a "knew or should have known" component. Even employer liability for discrimination can depend on whether the employer knew what was going on.

(Another note on the lack of knowledge requirement in (b): we offered to amend this to say the landowner has to check that the registration is valid at least annually, and were told by opponents that this language also did not work.)

Landowners renting to illegal cannabis grows are always paid in cash, since banking is not an option for a federally prohibited product like cannabis. So, landowners have a giant red flag that something may be going on if they are paid in cash. This is why we drafted the liability in section 2 of the bill to allow an off-ramp for landowners who take the time to check that the housing operator is licensed with BOLI to be a farm labor contractor, registered with Oregon OSHA to be a housing provider, and indorsed by BOLI to operate housing. (This final requirement also requires a \$15,000 bond to prove financial responsibility.)

Do landowners have to know what is taking place on their land?

Tenants and their employees are *invitees* of the landowner, and are owed the highest duty of any visitor to someone's land.

"Under traditional rules of landowner liability, the duties that an owner owes to persons who come onto the land depend on whether the person is an invitee, licensee, or trespasser, and the owner owes the greatest duties to the invitee, including the duty to warn of latent dangers and the

duty to take affirmative steps to make the premises safe for invitees.” [Restatement \(Second\) of Torts § 343](#).

Further, Oregon property law (ORS 105.555) says that places where (among other things) activities related to marijuana crimes take place are a **public nuisance**. Anyone living in the county can file an action to enjoin (stop) the violation and can ask for damages including emotional distress damages and an order saying the property cannot be used for a year. The point here is that it suggests landowners already have some minimal obligation to monitor that their land isn't being used for unlawful purposes like cannabis. HB 3194 adds to that burden but doesn't create it out of thin air.

Opponents have claimed that these operations are being run by “squatters” and landowners have no idea their land is being used at all. We are not seeing this fact pattern in *any* of the 50 or cases the CWRP has brought in the last two years. The operations are hiding in plain sight, and even if a landowner is out of state, landowners have neighbors and others who see the operation. These operations have big footprints and use a lot of resources- they are very hard to hide.

Does this bill have to do with the Oregon OSHA rules on Agricultural Labor Housing?

In the press, opponents have expressed concern that this bill “may open up landowners to liability for lessees who operate farmworker housing that falls short of recently-upgraded standards.” HB 3194 does not touch on any issues regarding the *quality* of the housing provided- that is all under OR OSHA’s Agricultural Labor Housing rules. Not having A/C for example would be an OR OSHA issue and OR OSHA could cite for that under their new ALH rules, but CORA does not touch on these issues. CORA requires the housing operator to be licensed and indorsed, to post their registration, to have a bond, and related things, but nothing on the *quality* of the housing.

What is the existing liability under the camp operator registration act- ORS 658.705 to 658.850?

We agree that this law was written in a confusing way in 1989, and we did not amend the **original** language laying out liability. It is a two-step liability test- you can only bring suit if the person violates the *registration* requirements of CORA. If they do violate these, then you can bring suit for any violation of CORA. (These potential violations include not posting the name and address of housing operator, as well as how to make inquiries to DCBS- ORS 658.717; threatening workers to give up pay or restraining any person who wishes to leave the camp under ORS 658.755; and evicting someone for making a claim against them under ORS 658.760.)

Here is the language that already allows suits against persons violating the registration requirements of ORS 658.805(4)(3):

Any aggrieved person may bring suit in any court of competent jurisdiction to enjoin any person violating [ORS 658.715\(1\) \(Farmworker camp operator requirements\)](#) or [658.755\(2\)\(a\) \(Farmworker camp operator duties\)](#) from violating any of the provisions of

[ORS 658.705 \(Definitions for ORS 658.705 to 658.850\)](#) to [658.850 \(Civil penalties\)](#), or rules adopted pursuant thereto, and from committing future violations.

If we break that down, the only way to violate the first requirement (compliance with ORS 658.715(1)) is to NOT be one of the three groups of people allowed to operate housing camps: (1) a FLC with the housing endorsement, (2) a landowner or (3) a landowner's relative by blood or marriage. Hypothetically, maybe a FLC could receive an OSHA registration but not have the housing endorsement from BOLI, though OSHA should have checked? That is the only way I can imagine someone would violate the section that lays out who can register to be a housing provider.

If this were to happen, and a farm labor contractor is allowed to register as a housing operator without the endorsement, it is an interagency communication issue. However, the landowner under this bill is **not liable** if they check the license and endorsement of the camp operator.

The second way to open yourself up to a CORA suit is to fail to be registered under 658.755(2a). This is the section that says: "No farmworker camp operator shall: (a) Operate a camp which is not registered with the department as required by [ORS 658.750 \(Camp operator registration\)](#)." This section is more straightforward on how you violate it- you operate an unregistered camp.

Conclusion

A running concern of the opposition to this bill is landowner liability for unregistered housing in industries other than cannabis. While this is clearly not where most unregistered housing is, this housing should also be provided by licensed, endorsed and registered providers.

Workers are living in extremely dire, inhumane settings, as you have seen and heard about. We ask for your support of HB 3194 so we can give these workers a way to bring some accountability to the landowners who are currently profiting from the cannabis crisis.

Thank you sincerely for your attention on this issue.