

April 8, 2025

**TO:** Members of the Senate Committee on Labor and Business

**FR:** Paloma Sparks, Oregon Business & Industry

**RE:** SB 999-2: Clarifying regulation of ag labor housing

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Chair Taylor, members of the Senate Committee on Labor and Business. For the record, I am Paloma Sparks, Executive Vice President & General Counsel for Oregon Business & Industry (OBI).

OBI is a statewide association representing businesses from a wide variety of industries and from each of Oregon's 36 counties. In addition to being the statewide chamber of commerce, OBI is the state affiliate for the National Association of Manufacturers and the National Retail Federation. Our 1,600 member companies, over 75% of which are small businesses, employ more than 250,000 Oregonians. Oregon's private sector businesses help drive a healthy, prosperous economy for the benefit of everyone.

SB 999 with the -2 amendment addresses how single-family homes that are used as employee housing on farms are regulated. The -2 amendment addresses a couple of the issues raised in the public hearing held last week and in subsequent conversations with Oregon OSHA, Legislative Counsel and worker advocates. This amendment seeks to resolve questions and issues that arose in those discussions.

- Section 1 ensures that all housing provided for workers on farms meet a safety standard. While some single-family homes are exempt from the definition of farmworker camps, we recognize the concern that those homes must be provided to residents in safe conditions. To address this, the amendment would require these homes to meet the standard habitability requirements that apply to all rental housing under landlord tenant law in ORS 90.320.
- The habitability requirements include:
  - Effective waterproofing and weather protection of roof and exterior walls, including windows and doors;
  - Plumbing facilities that conform to applicable law in effect at the time of installation and are maintained in good working order;

- A water supply requirements – capable of producing hot and cold water, installed with appropriate fixtures, connected to sewage disposal system, maintained to provide safe drinking water and to be in good working order;
- Adequate heating facilities;
- Electrical lighting with wiring and electrical equipment that conform to standards when installed and is maintained in good working order;
- Buildings, grounds and appurtenances at the time of the commencement of the rental agreement in every part safe for normal and reasonably foreseeable uses, clean, sanitary and free from all accumulations of debris, filth, rubbish, garbage, rodents and vermin, and all areas under control of the landlord kept in every part safe for normal and reasonably foreseeable uses, clean, sanitary and free from all accumulations of debris, filth, rubbish, garbage, rodents and vermin;
- Adequate trash receptacles and landlord must maintain them in serviceable order;
- Floors, walls, ceilings, stairways and railings maintained in good repair;
- Ventilating, air conditioning and other facilities and appliances maintained in good repair if supplied or required to be supplied by the landlord;
- Safety from fire hazards, including a working smoke alarm or smoke detector, with working batteries if solely battery-operated, provided only at the beginning of any new tenancy when the tenant first takes possession of the premises, as provided in ORS 479.270, but not to include the tenant's testing of the smoke alarm or smoke detector as provided in ORS 90.325 (1);
- A carbon monoxide alarm, and the dwelling unit:
- Working locks for all dwelling entrance doors, and, unless contrary to applicable law, latches for all windows, by which access may be had to that portion of the premises that the tenant is entitled under the rental agreement to occupy to the exclusion of others and keys for those locks that require keys;
- NOTE: It was our intent to apply ORS 90.355 to also apply in these homes which would allow tenants to install temporary cooling devices in homes constructed before 2024. It is unclear if the current amendment does that, but that was our intent. We are happy to work with opponents to clarify this point. Additionally, we

believe the cooling rest areas already required for agricultural workers would apply on the farm so employees would still have cooling resources available to them. New construction would already require the installation of cooling mechanisms.

- The amendment also adds back language from the base bill that aligned Oregon's farmworker camp definition more closely with federal OSHA's rules regarding temporary labor camps. We heard from OR-OSHA that the temporary vs. permanent issue needed to be clear in order to ensure that OR-OSHA's regulations are at least as effective as the federal rule. That is what section 2 attempts to do.
- Section 3 specifies that Oregon OSHA's authority to regulate labor camps includes farmworker camps, defined in ORS 658.705 but does not include those homes that are exempt under 658.705. This helps to clarify the legal question that LC and DOJ both addressed in their legal opinions regarding how broad the agency's authority is related to the regulation of housing on farms.
- Section 4 addresses statutory inconsistencies that we identified when drafting this bill. Oregon statute uses several different terms to describe the same housing – labor camps, farmworker camps, farm labor camps, agricultural labor housing etc. This ensures that OR-OSHA's citation authority is specific to farmworker camps, which are required to register with the agency.

We believe we are making progress towards an agreement to clarify which housing is and is not covered by Oregon OSHA's ag labor housing rules.