

Feb. 5, 2015

To: Members of the Human Services and Housing Committee

Re: HB 2610 – Technical Corrections to Agricultural Workforce Housing Tax Exemption

Dear Chair Keny-Guyer and Members of the Committee:

Please accept this letter in support of HB 2610, which comes before you for a hearing on Monday, Feb. 9. For new members of the committee, Oregon Opportunity Network (Oregon ON) is a statewide association of affordable housing and community development nonprofits, and a member of the Oregon Housing Alliance. We look forward to working with all of you this session!

Ten of Oregon ON's member nonprofit organizations around the state develop and operate agricultural workforce housing. This community-based housing helps ensure a stable workforce for our state's \$5 billion+ agricultural economy and provides safe, decent affordable housing for the families who put food on our tables.



Children from Nuevo Amanecer in Woodburn - achieving close to 100% HS graduation rate!

Examples of community-based farmworker housing operated by our nonprofit members include [Rockwood Landing](#) in Gresham; [Juniper Gardens](#) in Forest Grove; [Colonia Amistad](#) in Independence; and [Nuevo Amanecer](#) in Woodburn.

HB 2610 is a technical fix to the statute providing property tax exemptions for nonprofit agricultural workforce housing. This bill is a top priority on Oregon ON's legislative agenda. While it makes relatively minor technical fixes to existing statute, HB 2610 is essential legislation to ensure that critically needed housing for Oregon's agricultural workforce families continues to be available. We thank Rep. Gallegos for his chief sponsorship, and we urge your approval.

See the attached one-pager for additional info on the bill. Briefly, ORS 307. 480-505 creates a tax exemption process for certain nonprofit farm labor housing. The statute requires certification by OR-OSHA and the Fire Marshal in order for housing to be eligible for the exemption. These requirements had the valid purpose of ensuring basic safety levels for on-farm housing, but it no longer satisfies that purpose for newer community-based farmworker housing, where OR-OSHA has no jurisdiction. Community-based housing must independently satisfy local, state, and federal building codes, which include fire marshal oversight.

The mismatch between the technical requirements of the current statute and the reality of community-based housing providers has put critically needed housing within our communities at risk of losing their tax exemptions. HB 2610, developed in cooperation with OSHA and DOR, provides the necessary technical fixes and deserves immediate passage. Thank you very much for your consideration, and for your service to Oregon.

Sincerely,



John Miller
Executive Director

Agricultural Workforce Housing Tax Exemption
Technical Correction: HB 2610 (Gallegos)

Problem: ORS 307. 480 – 505 creates a tax exemption process for certain nonprofit farm labor housing and child care facilities. The statute requires certification by OR-OSHA and the Fire Marshal in order for housing to be eligible for the exemption. These requirements had the valid purpose of ensuring basic safety levels for on-farm housing, but it no longer satisfies that purpose for newer community-based farmworker housing where OR-OSHA has no jurisdiction. The eligibility requirements of the statute need updating to ensure applicability to current housing models.

- The requirement of certification by OR-OSHA and the Fire Marshal made sense when the prevailing model for farm labor housing was in the form of camps that were located on farms, where the housing was specifically connected to recruitment or employment on that farmer’s farm. OR-OSHA has jurisdiction over this sort of housing, and the Fire Marshal would not otherwise certify on-farm housing.
- In the past two decades, there has been a move toward development of community-based housing for farmworkers, within cities and towns rather than on farms. This housing is not tied to any particular individual employer. OR-OSHA does not have jurisdiction over this form of housing, and cannot certify. Community-based housing providers therefore cannot meet the technical requirement of the current statute.
- Community-based housing must independently satisfy local, state, and federal building codes, which include fire marshal oversight. Compliance with these codes satisfies the same safety purpose originally intended by the OR-OSHA certification requirements.
- The mismatch between the technical requirements of the current statute and the reality of community-based housing providers has put critically needed housing within our communities at risk of losing their tax exemptions.

Proposed solution (HB 2610): Where nonprofit farm labor housing is community-based, and OR-OSHA does not have jurisdiction, specify that safety certification for eligibility for property tax exemption be in compliance with local, state, and federal building codes. HB 2610 also includes these minor “housekeeping” updates to statute:

- Adds same definition for agriculture workforce housing as exists in ORS 315.163.
- Makes changes as requested by the Department of Revenue for how claims of exemption will be sent to the department.
- Deletes an anachronistic reference to "camping" in the farm labor camp definition.

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