



Agriculture Workforce Housing Facilitation Team

Thursday, October 2, 2014
Oregon Housing and Community Services
1:00-3:00 PM Meeting Room 124A

FACILITATOR: Theresa Wingard, Operations and Policy Analyst, OHCS

MEMBERS PRESENT:

Claudia Cantu, CASA	John McCulley, CFG & BMG	Laurie Hoefler, LSO	Sherryl Gleason, RD
Daniel Quinones, DOE	Kim Travis, OHCS	Marc Overbeck, OHPR	Shelly Wilkins-Ehenger, MCHA
Don Herman, OHCS	Karen Shawcross, Bienstar	Maria Elena Castro M., OHA	
Doug Carlson, HUD	Kathleen Kincade, OSHA	Natasha Detweiler, OHCS	

Mission: Federal, state, local, and non-governmental leadership working together to improve housing and economic opportunities for the agriculture workforce

OHCS TRANSITION UPDATE: Margaret VanVliet/OHCS Director

The OHCS Transition planning process is complete and recommendations made to the Legislature. The process was approved and direction was given to move forward and implement the redesign. Margaret handed out the agencies two-page high-level summary.

Initially the big question had been about the service delivery model OHCS was using in partnership with local communities to further housing affordability and stabilization. Another big question had been around policy and governance, how OHCS makes decisions and sets policy. Some financial and sustainability questions were at the heart of all of it. OHCS spent 2013 and into 2014 doing a deep review into all aspects of the agencies work, budget and policy and service delivery with partners. The question then became whether OHCS should disband the agency and send its programs to other places. Would that save money and streamline the process? OHCS pondered and debated whether the system would be better and determined it would not save money but instead make policy setting more diffused and confusing. The legislature advised OHCS to do the redesign and refocus the agency so that the primary role of OHCS would become one of being a facilitator of local and regional efforts.

The four overarching redesign principles specify that OHCS:

- should be a facilitator of local and regional efforts around prosperity, housing access and stabilization
- should move away from 10 different policy advisory bodies named in statute and move towards a single advisory body
- should think about mutual accountability in the way we send money to community groups and to the development communities.
- should be more aligned with other state agencies (e.g. DHS, DOC, OHA,) to align programs.

OHCS created a strategic plan from the principles. It is not a radical departure from what OHCS has done in the past, but a refinement that helps OHCS and employees focus on their roles. The strategic and

operational plan is internally focused, with less emphasis on regulatory compliance and more focus on facilitating and convening local and regional groups. Compliance gets balanced in a way where we're as helpful as we can be while being good stewards of the public funds. OHCS receives funds from seven federal sources and a variety of complicated state sources. OHCS staff needs to be trained to focus in new directions.

OHCS does not propose to change the Agriculture Workforce group in the short run. However, in 2016, OHCS does propose to sunset some of the ten advisory bodies. This group is not on the list because the work being done is unique and not easily replicated elsewhere. In the future, OHCS will come back and revisit the advisory bodies and may want to talk with this group about how the group fits in with the other advisory bodies.

DISCUSSION/QUESTIONS:

- It was said that the agency is becoming more of a facilitator when the mission statement says OHCS is a provider.
 - *OHCS does not do direct provision of housing, but because of the work we do, housing is provided. Our mission is that housing be provided. It is both about the provision of housing and about the engagement of other leaders to think about an integrated policy.*
- It's great news that this team is not on the sunset list. This means we need to reconnect to the work and move it forward.
 - *This group deals with a particularly vexing set of problems, which takes a long-term commitment. There is no other group that does this kind of work. OHCS continues to be appreciative of this team's work.*
- Will the Strategic Plan be implemented at some point? What is the time frame for that?
 - *The Strategic Plan is more tactical and internally focused. OHCS gathered so much information, debated and vetted with partners over the last year that we think we understood what partners wanted from us. You will find the plan is consistent with the guiding principles and the direction set for the Agency. We have articulated outcome goals within the strategic imperative, but the real outcome for Oregonians will come down the road. The plan is framed with a three-year set of strategic imperatives. OHCS has key activities established year by year that we will be reporting to the housing council and, to some degree, to the legislature.*
- Does the plan affect the Agency budget?
 - *OHCS has approximately 150 employees. We have managed vacancies without big layoffs. During the 15/17 biennium, we will eliminate 25 positions, including vacant and limited duration positions. OHCS receives funds from bonds, federal government, document-recording fees, and the general fund. The Strategic plan will not change the programmatic pieces of the budget. OHCS plans to move towards outcome/performance-based contracts with providers. We will begin to set targets that everyone will have a chance to debate. Once the targets are determined, we will put them into contracts and grants.*
- When OHCS begins to work closer with other agencies, will the plan bleed into other agencies and what can we expect from those agencies?
 - *The Governor's plan is released on December 1, every other year. The Governor is pressing for interagency collaboration. This requires a policy leadership direction at multiple levels. We have a commitment at the leadership level to link arms, however, blending programs, on the ground level, is harder, and takes time. Those who are used to applying for funds will begin to see that we will be asking developers to bring us proposals that show how developers will serve, or have collaborated with, other partners and agencies. We want to encourage this at the local level and try to organize state government to facilitate it.*

- What do you anticipate the priority setting process will be for allocating tax credits and other funding?
 - *The prioritization process for tax credits and other funding will continue to have community engagement around it. We are currently scoring the tax credit applications. We are not making big policy changes for 2015 awards. In 2016, we want to drive the policy agenda a little more intentionally, have a long involved process to talk about this, using data and perspective of a variety of folks in a transparent way. This process is different from weatherization, homeless, and rent assistance programs. Those programs have a different kind of delivery map that is set in statute. We will go to those program partners to talk about policy changes.*
- This group would like to know well in advance when there are opportunities for input into processes
 - *OHCS continues to be transparent so that everyone knows when there is an opportunity for dialog about funding sources or policy changes. If changes are made to the CAPs or State Housing Council, for example, these will go through the legislative process and everyone will have an opportunity to give input. We envision a broad framework where, A, there is an agency and, B, one coherent policy body. Funding source by funding source we will continue to get good advice.*
- Is there a take away for this group as we think about the 2016 NOFA and the set aside for farmworker housing, to do some work or make recommendations to OHCS?
 - *OHCS will provide this team with plenty of notice on timelines and make sure the group gets invited to broader meetings. At any time, the group can request a presentation by the OHCS policy group.*
- Will the 2015 NOFA be identical to 2014?
 - *Not identical to 2014, but close. We will do some cleanup but no policy priority shifts.*
- Having a combined policy body hopefully will free OHCS to make policy changes without the need to consult multiple groups. This group hope is to be consulted and included in the process whenever farmworker housing is involved.
 - *OHCS will provide transparency long before we get to the NOFA. One way to do that is for OHCS to produce data showing where we see Oregon's housing needs are located and where we would focus housing dollars over the next three-year period. We could present the data to this group and you could provide your input. The results could be reviewed by a body, appointed by the Governor, and confirmed by the Senate.*
- This group is trying to figure out how to describe the housing need, but we lack the information. Do you have a sense of what questions the Department has for this group? What information would it be helpful for OHCS to know?
 - *We consider this group the experts, who have a better sense of the information OHCS needs. We could bring needs data to this group and have a conversation. The group could look at the data and talk about various ways to assess it and use it.*
- Which funds work and which don't for farmworker housing? Tax credit or LIHTC, and the competitive credit set aside? What role does Ag Tax credit play? How do we use resources in the best way? How do we use existing tools? How can we further farmworker housing development with the tools that we have?
 - *We should think about what works best for a particular kind of housing development, be more mindful on how dollars are allocated. Rather than everyone applying for every kind of funding they can, we need to look at what really works best. If we could agree, as an industry, on what funding really works well for a certain type of housing and, agree as an industry, to focus in a certain way that would be something to aim for.*

- What if we take migrant farmworker housing capacity, general migrant seasonal farmworker population estimates (Alice Larson Study), overlay them with public health data, demographic data, match that up against where tax credits are being used, and use this for criterion to determine where the housing is needed.
 - *We used to believe you could not double dip, but more and more we are thinking maybe double dipping leverages. Maybe it means you get more bang for the buck and there are better outcomes for the people. We need to be strategic, do overlays, and look at how we drive outcomes.*
 - *Natasha and Marc will have a follow up meeting to pursue this research idea.*

BOLI PRESENTATION: Stan Wojtyla, Compliance Specialist

Stan Wojtyla is an investigator for the Farm Labor and Wage and Hour division unit of BOLI. Stan provided the group with an overview of his program and the relationship between employers and employees in Oregon.

BOLI was created in 1903 legislature and based on the Fair Labor Standards Act (FLSA).

The United States Department of Labor (USDOL) handles cases where the employer is worth over half a million or it is a child labor case.

BOLI receives over 4,000 claims a year, 20 to 30 of those are farm labor related.

BOLI is complaint driven and does not charge for their services. If no one complains, nothing happens. Farmworkers do not often complain due to immigration issues or fear of retribution. When farmworkers complain it is usually motivated by feelings and emotions.

Whether a worker is labeled an employee or a contractor has become problematic. Employers want to classify workers as contractors to save money on insurance. If the employer does not control the employee, the employee can be considered an independent contractor. If there is any control at all (e.g. hours, breaks), the employee is not viewed as an independent contractor, but an employee.

It is common for employees to complain about abusive bosses and employers, but hard to prove. BOLI uses the standard if it “shocks your senses” to determine if an employee or employer has a case. Employers can also be charged with intentional infliction of emotional distress and harassment.

Agriculture has an exemption for overtime but, when the employer mixes the type of work, he loses the exemption. (E.g. dairy/orange juice)

BOLI licenses farm labor contractors. These contractors supply labor to a third party and can send workers to any state. There are currently 325 licensed farmworker contractors in Oregon who contract for reforestation and farm labor. A contractor’s license \$50 per year. To be eligible for a license, applicants must be in compliance with the Department of Revenue, the Internal Revenue Service, and the Employment Department. BOLI is unable to separate the list of contractors to show farm labor housing only.

Marion County has more contractors than any other county in Oregon.

BOLI licenses farm labor housing and OSHA registers agriculture labor housing. OSHA inspects for housing occupational safety and health standards. BOLI does not inspect the farm labor

housing. OSHA is interested in cross-referencing both agency lists to ensure no farm labor housing falls through the cracks.

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BOLI has a Wage Security Program that is funded by Workers Compensation payments. BOLI can pay up to \$4,000 per employee for up to six months of lost wages when an employer closes their doors and there are no funds to pay employee wages.

BOLI has an apprenticeship program that is actively seeking applications from women and minorities.

****Follow-up:** Per Stan, all labor contractor fees (including camp operator endorsement fees) are used to support the costs of issuing and administering labor contractor license requirements.

AGENCY RESOURCE CHART: Laurie Hoefler

There is a need for an easy reference map that describes key farmworker housing data like the number of farmworkers, registered camps, health data, migrant Ag data, and community based data. This would give a good overview of the need across the state. This fits into the needs and research subcommittee's work.

The OHCS website has a number of maps that could be linked with the data Laurie has compiled and the mapping Marc Overbeck suggested. Natasha will plan to have a meeting with Marc and Laurie to follow up on the research and determine next steps.

There are additional categories of data not included in the Alice Larson Study. The team may want to consider gathering information for workers that were not documented in the Study. Many of these workers are served by members of this team. The Study only included seasonal nursery workers who worked less than nine months a year. There are many nursery workers in Marion County who work more than nine months a year that would be considered seasonal farmworkers. Other workers include animal agricultural workers, workers who process food, farm equipment operators, and workers who are temporarily out of the workforce. The NAWS (National Agricultural Worker Survey) just came out and could help to supplement the estimates provided in the Study.

Marc Overbeck offered an additional set of data that was not released publicly because the data was not scientifically validated. The data includes the gross estimated number of migrant seasonal workers that could be added to the total estimated in the Alice Larson Study.

The data collected for Marion County shows there are 18 registered labor camps, 500 spaces in the camps, and 271 units of subsidized community housing (variety of housing). The Alice Larson Study estimated there were 23,000 farmworkers and dependents in Marion County. There are large gaps in the number of workers and housing available. The next step is developing an easy to access housing information tool for workers, and, secondly, a list of the community resources for each county (e.g. health, education). The team would need to determine if the resource lists already exist or if they need to be compiled.

There are a number of links to provider agencies on the OHCS website. These resources are not organized by county.

SUB-COMMITTEE REPORTS:

Needs and Research/Natasha Detweiler: The response to the survey has been small, with most of the responses from Hood River, Sherman, and Wasco counties. This is a summary of the responses from those counties:

- The majority of the workforce is two thirds year round and the rest are seasonal workers
- Housing is an issue for the vast majority of their membership
- Housing is insufficient and the prices are too high and not available for seasonal or year round farm labor
- Landlords do not want to rent to Ag workers
- There is high housing need throughout the year with the highest being June through October,
- There is an interest in year round seasonal and community based housing

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- The need is mostly for two and three bedroom rather than dorm or single person
- Hood River has the highest demand of the three counties that responded

The low response to the survey could have been due to the time of year the survey was sent out (summer months). On the other hand, it may be that the internet is not the most effective tool for this survey. It may be that direct interviews with growers would get a larger response.

Alignment and Streamlining/Claudia Cantu: Rural Development is in the process of updating the streamlining marketing process and the farmworker questionnaire. OHCS believes the environmental process cannot be streamlined due to different HUD requirements for each program. The new HOME rule will not have any effect on the environmental process. Beginning October 1, RD will have regionalized all of their environmental specialists and appraisers. Cheryl Gleason/RD will talk with management to find a contact for Doug Carlson/HUD to continue the environmental process conversation.

INFORMATION SHARING:

Theresa Wingard: OHCS will be hosting Oregon Prosperity Forums the month of October. The Prosperity Initiative is a statewide focus led by Sylvia Hayes. The forums will outline the goals and objectives and gather information from the community. Website: Oregonprospers.org

November Meeting: The group discussed the November 25 meeting date and decided to move it to Thursday, November 20.

Karen Shawcross: The grand opening of Juniper Gardens 2 in Forest Grove is on October 22 at 3:00. At 3:30, Sylvia Hayes will be speaking on the Prosperity Initiative and the way farmworker housing fits.

Kathleen Kincaid: Will follow up on the BOLI and OSHA registered camps and report her findings

Next Steps: “Next steps” will be added to the November agenda (recalibration, looking ahead to 2016 and recommendations on policy).

ACTION ITEMS:

Stan Wojtyla will provide a list of farm labor camps, contractors, and information on apprenticeship program

Kathleen Kincaid will cross-reference BOLI and OSHA lists for farmworker housing and present her findings to the team

Laurie Hoefler will be added to the Needs and Research Subcommittee.

Marc, Laurie, and Natasha will meet and report back to the team

Cheryl Gleason/RD will locate a contact for streamlining the environmental process

Theresa Wingard will send the Oregon Prosperity Forum invite to the team

NEXT MEETING:

Thursday, November 20, 2014, 10:00-12:00

Oregon Housing and Community Services, Room 124B

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