



DATE: April 12, 2022

TO: All Oregon OSHA Staff

FROM: Renée Stapleton, Policy Manager

SUBJECT: Hotels and motels used in employer-provided housing

Oregon OSHA is updating its policy on the use of hotels/motels in employer-provided housing in response to increased demand for seasonal farm workers coupled with reduced housing availability, in large part due to significant damage to available housing as a result of wildfires and other pressures to affordable housing in communities across the state. Oregon OSHA recognizes the challenge employers face in finding suitable housing for workers, as well as, the potential difficulties of hotels/motels to comply with certain provisions of the rules for Agricultural Labor Housing (ALH) OAR 437-004-1120. This issue has become more prevalent for housing related to the federal H2A program.

Oregon OSHA will continue to allow hotels/motels that are in compliance with ALH rules to be used as housing in the H2A program for seasonal workers. This policy will allow for considerations of situations where implementing specific rule elements in a hotel/motel could create a greater hazard and conflict with existing Building Codes, Fire Codes, and Traveler's Accommodation Rules. An example of a greater hazard created by compliance with ALH rules at hotels/motels would be the installation of self-closing screen doors that could block passageways during an emergency.

Oregon OSHA will continue to evaluate housing used for seasonal workers through the Consultation section. Consultants will conduct an on-site evaluation of hotels/motels and issue a letter of compliance to employers requesting workers through the H2A program if site conditions are compliant with ALH rules, which may include a greater hazard assessment. This on-site evaluation will require the assessment of the specific hotel/motel rooms being used for this purpose (not like-rooms), and greater hazard assessments will be documented in the consultation report. Some other challenges may arise when using hotels/motels for the H2A program, such as; laundry facilities and cooking facilities. To be considered in compliance, the owner/operator will need to work with the consultant to develop and implement an alternative method of providing these amenities which will adequately meet the needs of the occupants, if they are not readily available at the facility.

In no case will Oregon OSHA issue a letter of compliance if the site conditions do not meet the criteria for compliance as determined by the consultant on a case-by-case basis, nor shall the agency issue a letter of compliance if the occupancy allowance is exceeded, or if other clear violations of Building Codes, or Fire Codes, or Traveler's Accommodation Rules exist.

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The evaluation of hotels/motels for domestic workers will continue to follow the substantially in compliance evaluation described in the ALH Rules.

This policy is effective immediately and supersedes all previous versions of policy and/or interpretations related to the use of hotels/motels in employer-provided housing.

History: PG 2022-01 Issued 4-12-22