Servicios Legales de Oregon
PROGRAMA PARA CAMPESINOS

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The LASO Farmworker Program assists workers and their family members with issues related to farmworker housing and may be reached at (503) 981-5291.

Farmworker/Employer-Provided Housing Issues After ICE Enforcement

If you live in **employer-provided** farmworker housing, your right to stay in your housing after a family member or loved one has been taken by ICE might be different from the rights of people staying in other types of housing.

Employer-provided housing is a place you live – like a house, an apartment, a trailer, or even a camping spot – that is at or near the place where you work and that your employer controls. In other words, your employer decides whether or not you live in the housing. You might be living in employer-provided housing even if the person or company you work for does not pay your rent. If you are unsure if you live in employer-provided housing, here are a few questions to help you decide:

- Did the person I work for provide or assign me to this housing?
- Does the person I work for pay or help pay for my housing?
- Do I pay rent to the person I work for?
- Does my work contract (if I have one) say anything about housing?
- If I were fired, would my employer expect that I also would have to leave the housing?

If your answer to one or more of these questions is "yes," you might live in employer-provided housing, and the information below might apply to you and the people who live with you.

Because your legal rights might be different than someone who does not live in employer-provided housing, we will describe a few different situations you could be in and what your rights are in each one:

1. **My family and I live in employer-provided housing. Everyone in my family who works for the employer who owns or provides our housing was detained.**

Employer-provided housing often requires that the employee keep working in order for them or their family to continue to live in the housing, especially if no rent is being paid for the housing. Because the family members who work for the employer has been detained by ICE and are unable to work, they might be fired by their employer. At that point, your family may be forced to leave, and may need to find new housing.

You can read about what to expect if your family is facing eviction from your employer-provided housing on Page 3 of this document.

2. **My family and I live in employer-provided housing. My loved one was detained, and I still work for the employer who owns our housing.**

Because you still work for the employer, you and your family likely have a right to stay in the housing. However, there are a few things that could happen because a person living with you was detained.

The first is that your employer might move you into a smaller unit or to housing in a different place. You might want to prepare for this possibility in case you have to move with little notice.

The second is that your employer could start asking questions about you and your family's immigration status because another person in the house was detained. Please look at the resource sheet on workplace issues which has some information on when and how an employer can check for work authorization.

If your employer fires you after your loved one's detention, you may want to speak with an attorney to determine if your employer violated your rights. If you would like to talk to an attorney about your rights, you can find contact information for a legal aid office near you at https://oregonlawhelp.org/ Search-for-lawyers-legal-help (English) or https://oregonlawhelp.org/es/Search-for-lawyers-legal-help (Spanish).

3. **My family and I live in employer-provided housing. I was detained, but I still have minor children living in the housing.**

We have an additional guide about what to do if you are detained and, as a result of detention, are separated from your minor children. Look at https://oregonlawcenter.org/protect-your-family/ to prepare for this situation.

If you and your family are facing eviction, know that you still have rights.

Employers must follow any contract you or your family members signed, including the terms for employer-provided housing.

These "terms of occupancy" are the rules you and the employer agreed to follow around your housing. They are supposed to be posted somewhere you can read them. If they are posted, see if they have information about the rules or procedures the employer must follow when firing an employee to evict residents of employer-provided housing.

You might also find this information in a copy of your loved one's job contract or other written agreement, a housing agreement, or an employee manual, It's a good idea to read through any of these documents that you have access to.

Here's what Oregon law says about eviction from employer-provided housing:

- By Oregon law, your employer should wait at least 24 hours after firing an employee before forcing the employee or their family to leave the employer-provided housing. An employer is supposed to give residents of the housing a written notice to leave the housing.
- Even if the residents don't leave within the time permitted, the law forbids the employer to use direct force to evict the residents.
- Instead, the employer is supposed to go to court to get an order requiring the family to leave. The residents will be given an opportunity for a hearing at which they can present any defenses to eviction they may have, if they respond to notice of the court proceeding.
- At this point, if the residents are ordered to leave, and still do not vacate the housing, the sheriff will assist in enforcing the order to leave the housing.

Of course, some employers may not follow these legal procedures. This would be unlawful, and if it happens your family might have options to respond through the legal system. But in the meantime, they might be illegally evicted. In planning for what steps to take, you should take this possibility into consideration.

If you can't find other housing within the time given to leave, you should consult an attorney about the situation. You can find contact information for a legal aid office near you at https://oregonlawhelp.org/ Search-for-lawyers-legal-help (English) or https://oregonlawhelp.org/es/Search-for-lawyers-legal-help (Spanish).

Most important takeaways & other tips:

- If you are the employee, make a copy of the following documents (if you have them):
    - Your job contract
    - Your employee manual
    - Your lease, housing agreement, or list of housing rules

  These documents can provide information about rules your employer has to follow, such as how long you can stay in employer-provided housing after you are told you are being fired. Be sure to keep a copy of these documents in a place where both you and your family members can find it.

- If your family member is the employee, ask them to make copies of the documents listed above and keep them somewhere easy to find.
- Talk with your family and come up with a plan for what you will do if, for whatever reason, you have to leave your housing early or move into different housing on short notice.
- If you think that your employer may have violated your rights, or if you are unsure whether your rights have been violated or not, please consult with an attorney. You can find contact information for a legal aid office near you at https://oregonlawhelp.org/ Search-for-lawyers-legal-help (English) or https://oregonlawhelp.org/es/Search-for-lawyers-legal-help (Spanish).