

**Organizational Camp
Inspection and Enforcement Guidance**
March 28, 2018

Background:

In 2015, the Oregon Legislature adopted ORS 446.317 which permits the landlord¹ of property used for organization camps to delegate certain duties to a tenant². ORS 446.317 directed the Oregon Health Authority (OHA) to adopt rules identifying the duties that a landlord can contractually delegate to a tenant and the form and format of the contract. Under ORS 446.317(3):

- (1) Tenants who have been delegated duties by a landlord are legally responsible for compliance with the rules.
- (2) The landlord may not be charged with a civil penalty or misdemeanor and the camp license may not be denied, suspended or revoked because of a failure to act by the tenant.

OHA has adopted rules to implement ORS 447.317 and these rules were effective January 1, 2018. This document provides guidance on how to conduct inspections and enforcement at organizational camps that have been delegated duties through a contract with the landlord.

Regulatory Authority:

Under OHA’s rules (OAR 333-030-0023) a landlord can contractually delegate the following duties to a tenant for the term of the rental or lease of all or part of an organizational camp:

| Rule Citation | Subject | |
|--|--------------------------------|--------------------------------------|
| OAR 333-030-0050 (4) | Bedding | |
| OAR 333-030-0055 | (2)(e) | Toilet Tissue |
| | (2)(f) | Non-Water-Carried Waste |
| | (3)(a)(C) and (D) | Soap and Paper Towels |
| | (3)(d) | Non-Permanent Handwashing Facilities |
| OAR 333-030-0060 (2) thru (4) | Laundry Facilities | |
| OAR 333-030-0065 | Solid Waste | |
| OAR 333-030-0070 (1), (2), (4) and (5) | Insect and Rodent Control | |
| OAR 333-030-0090 (1) and (5) | Sewage Collection and Disposal | |
| OAR 333-030-0095 (2) thru (6) | Food Service | |

¹ “Landlord” is defined as “a tourist facility owner holding a license issued under ORS 446.320.” ORS 446.317(1)(a).

² “Tenant” is defined as “a person or public body defined in ORS 174.109 that:

- (a) Is not under the common ownership, management or control with the landlord;
- (b) Rents or leases all or part of a tourist facility from a landlord for the purpose of operating an organizational camp, conference or other private gathering on one or more days during the term of the rental or lease; and
- (c) For the term of the rental or lease enjoys exclusive occupancy of the rented or leased part of the tourist facility.” ORS 446.317(1)(b).

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| OAR 333-030-0100 (3) | Emergency Plan |
| OAR 333-030-0103 | Camp Administration |
| OAR 333-030-0105 (2) thru (9) | Health Services |
| OAR 333-030-0110 (1)(a), (c), (d), (e) and (g), (2)(c), (3) and (4) | Special Programs and Facilities |
| OAR 333-030-0115 | Transportation |
| OAR 333-030-0120 (3)(b), (5) and (6)(e) | Fire Safety |
| OAR 333-030-0125 | Chemical and Physical Hazards |

The landlord is responsible for compliance with duties listed above relating to cleanliness of the facility prior to delegating duties to a tenant. The tenant is responsible for compliance with delegated duties relating to facility cleanliness for the term of the contract.

Conducting an Inspection:

NOTE: For 2018 Inspections Only: There will be varying degrees of knowledge of the new rules among organizational camp operators statewide. OHA recommends that during inspections conducted in 2018, you identify and discuss any items that are not in compliance with the new rules and document them as comments on the inspection report, rather than citing them as violations. For items that are of a more important nature, such as AED and Health Services requirements, you should work with the tenant to establish a schedule for compliance.

At the outset of an organizational camp inspection, the inspector should ask to speak with the camp operator³ or other responsible party. The inspector should ask the following questions:

- 1) Are there any current groups that have rented all or part of the organizational camp?
- 2) If yes, have the rental groups been delegated any specific duties through contract?
- 3) If yes, the inspector should ask for a copy of the contract or a list of the contracted duties.

The inspector should conduct their normal inspection and refer to the list of contracted duties as necessary. All violations, regardless of responsible party, should be listed on the same inspection report. Violations related to contracted duties should be cited on the inspection report and the following language should be added as a comment to the violation statement “Please Note: The contracted rental group, not the camp owner, is responsible for this violation.”

The report should be signed by the camp operator or responsible party. If the report is signed by a person associated with the rental group, a copy should be provided to the signatory and a separate copy should be provided to the camp owner.

³ “Camp operator” means “either the license holder or a contract or rental group the license holder has contracted with to use part or all of the camp facilities and, whichever has overall responsibility for the camp programs and activities.” OAR 333-030-0015(9).

Enforcement Procedures:

You should make every effort to resolve violations with operators without resorting to formal enforcement actions. However, in the event that enforcement actions are necessary, the mechanisms to use are as follows:

- 1) Other than citing violations or requesting a facility voluntarily close, an Environmental Health Specialist in the field cannot take a formal enforcement action.
- 2) ORS 446.990 authorizes the citation of a Class A misdemeanor for any violation of ORS 446 relating to the health and safety. Unless the EHS or other county EH employee is deputized, you will need to consult with your county counsel, district attorney or law enforcement officials for assistance.
- 3) Civil penalties can be cited for any rule violation relating to construction, operation or maintenance of an organizational camp as allowed in ORS 446.347. In the event that you need to pursue this option, you should consult with your county counsel for guidance.