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HOUSE BILL 2362

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State of Washington

52nd Legislature

1992 Regular Session

By Representatives Prentice, Winsley, Nelson, Anderson, Grant, Locke, Jacobsen, Wineberry, Brekke and Leonard

Read first time 01/15/92. Referred to Committee on Housing.

1 AN ACT Relating to housing for farmworkers; and adding a new  
2 chapter to Title 43 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** (1) The legislature finds and declares  
5 that:

6 (a) There continues to exist a serious shortage of safe, decent,  
7 and sanitary dwelling accommodations for migrant or seasonal  
8 farmworkers in the rural areas of the state. This shortage has  
9 contributed, and shall continue to contribute, to the creation and  
10 persistence of substandard living conditions which are detrimental to  
11 the health, welfare, and prosperity of the residents of the state;

12 (b) Existing federal, state, local, and private resources have not  
13 been adequate to remedy this shortage;

1 (c) The provision of either housing assistance grants or loans is  
2 necessary to make full and complete utilization of currently available  
3 resources for migrant or seasonal farmworker housing in the rural areas  
4 of the state; and

5 (d) The provision of either housing assistance grants or loans to  
6 local governments, public or private nonprofit organizations, and  
7 eligible growers for housing for migrant and seasonal farmworkers in  
8 rural areas of the state is exclusively for public and governmental  
9 purposes for which public money may be spent.

10 (2) The legislature declares that the purpose of the farmworker  
11 housing assistance act is to:

12 (a) Provide for financial and technical assistance to local  
13 governments, public and private nonprofit organizations, and eligible  
14 growers who will provide housing for migrant or seasonal farmworkers in  
15 areas of the state where the need for housing clearly exists and such  
16 housing is to be financed by federal, state, local, or private  
17 resources;

18 (b) Develop and enhance maximum flexibility in the use of federal  
19 assistance and funds in the provision of housing for migrant or  
20 seasonal farmworkers; and

21 (c) Create a farmworker housing assistance trust fund to be used by  
22 local governments, public and private nonprofit organizations, and  
23 eligible growers that provide housing for migrant or seasonal  
24 farmworkers.

25 NEW SECTION. **Sec. 2.** Unless the context clearly requires  
26 otherwise, the definitions in this section apply throughout this  
27 chapter.

28 (1) "Department" means the department of community development.

1 (2) "Director" means the director of the department of community  
2 development.

3 (3) "Eligible grower" means a farm owner, family farm partnership,  
4 family farm corporation, or an association of farmers.

5 (4) "Farmworker housing center" means a facility that, in addition  
6 to housing, may provide facilities for day care, infant care, and  
7 access to a variety of other social, employment, cultural, and  
8 recreational programs for migrant or seasonal farmworkers that occupy  
9 the housing.

10 (5) "Grower-provided housing" means housing provided or rented by  
11 an eligible grower to low-income farmworkers.

12 (6) "Local government" means a county, city, town, or any  
13 combination as coapplicants.

14 (7) "Very low-income farmworker" means a migrant or seasonal  
15 farmworker household whose annual income is at or below fifty percent  
16 of median income, adjusted for household size, for the county where the  
17 farmworker housing is located.

18 (8) "Migrant farmworker" means a seasonal farmworker employed  
19 within a specific locality other than the place of residence and who  
20 does not reside within normal commuting distance of his or her place of  
21 employment.

22 (9) "Nonprofit organization" means a public housing authority  
23 created under chapter 35.82 RCW, a public nonprofit corporation created  
24 by a local government, or a nonprofit corporation as defined in RCW  
25 24.03.005 and as further defined by the department by rule.

26 (10) "Rehabilitation" means repairs or improvements to a dwelling  
27 unit necessary to make it a decent, safe, and sanitary dwelling which  
28 meets applicable federal, state, and local building, housing, and  
29 health standards.

1 (11) "Seasonal farmworker" means a worker hired for work on any one  
2 farm for less than a continuous one hundred fifty-day period in the  
3 course of a year.

4 NEW SECTION. **Sec. 3.** There is created within the department  
5 the farmworker housing assistance program to carry out the purposes of  
6 this chapter. The program shall be developed and administered by the  
7 department with advice and input from the low-income housing assistance  
8 advisory committee established in RCW 43.185.110.

9 NEW SECTION. **Sec. 4.** There is created in the state treasury  
10 an account to be known as the farmworker housing assistance trust fund.  
11 The farmworker housing assistance trust fund shall include revenue from  
12 the sources established by this chapter, appropriations by the  
13 legislature, private contributions, repayment of loans, and all other  
14 sources. Administrative and personnel costs incurred by the department  
15 in implementing the provisions of this chapter may be paid from the  
16 fund.

17 NEW SECTION. **Sec. 5.** (1) Using moneys specifically  
18 appropriated for such purposes, the department shall finance in whole  
19 or in part projects that will provide housing for very low-income  
20 farmworkers.

21 (2) Activities eligible for assistance include, but are not limited  
22 to:

23 (a) New construction, rehabilitation, or acquisition of farmworker  
24 housing centers and housing for very low-income farmworkers;

25 (b) Rent or operating subsidies in new construction or  
26 rehabilitated farmworker housing centers or housing units for very low-  
27 income farmworkers;

1 (c) Mortgage subsidies for new construction or rehabilitation of  
2 farmworker housing centers or multifamily units for very low-income  
3 farmworkers; and

4 (d) Rehabilitation of grower-provided housing that is affordable  
5 for very low-income farmworkers.

6 NEW SECTION. **Sec. 6.** (1) Organizations that may receive loan  
7 or grant assistance from the department under this chapter are local  
8 governments and public and private nonprofit organizations.

9 (2) Eligible growers may only receive loan assistance from the  
10 department under section 5(2)(d) of this act to be used solely for the  
11 rehabilitation of grower-provided housing that is affordable for very  
12 low-income farmworkers or very low-income farmworkers and their  
13 families.

14 NEW SECTION. **Sec. 7.** (1) During each calendar year in which  
15 funds are available for use by the department for the farmworker  
16 housing assistance program, the department shall announce to all known  
17 interested parties, and through major media throughout the state, a  
18 grant and loan application period of at least ninety days' duration.  
19 This announcement shall be made as often as the director deems  
20 appropriate for proper utilization of resources. The department shall  
21 then promptly grant as many applications as will utilize available  
22 funds less appropriate administrative costs of the department.

23 (2) The department shall develop, with advice and input from the  
24 low-income housing assistance advisory committee established in RCW  
25 43.185.110, criteria to evaluate applications for assistance under this  
26 chapter.

1        NEW SECTION.    **Sec. 8.**        The department shall adopt policies to  
2 ensure that the state's interest will be protected upon either the sale  
3 or change of use of projects financed in whole or in part under this  
4 chapter.    These policies may include, but are not limited to: (1)  
5 Requiring a share of the appreciation in the project in proportion to  
6 the state's contribution to the project; (2) requiring a lump-sum  
7 repayment of the loan or grant upon the sale or change of use of the  
8 project; or (3) requiring a deferred payment of principal or principal  
9 and interest on loans after a specified time period.

10       NEW SECTION.    **Sec. 9.**        The director shall monitor the  
11 activities of recipients of grants and loans under this chapter to  
12 determine compliance with the terms and conditions set forth in the  
13 application or stated by the department in connection with the grant or  
14 loan.

15       NEW SECTION.    **Sec. 10.**       The department shall have the authority  
16 to adopt rules pursuant to chapter 34.05 RCW regarding the grant and  
17 loan process, and the substance of eligible projects, consistent with  
18 this chapter.

19       NEW SECTION.    **Sec. 11.**       This chapter may be known and cited as  
20 the farmworker housing assistance act.

21       NEW SECTION.    **Sec. 12.**       If any part of this act is found to be  
22 in conflict with federal requirements that are a prescribed condition  
23 to the allocation of federal funds to the state, the conflicting part  
24 of this act is inoperative solely to the extent of the conflict and  
25 with respect to the agencies directly affected, and this finding does  
26 not affect the operation of the remainder of this act in its

1 application to the agencies concerned. The rules under this act shall  
2 meet federal requirements that are a necessary condition to the receipt  
3 of federal funds by the state.

4 NEW SECTION. **Sec. 13.** If any provision of this act or its  
5 application to any person or circumstance is held invalid, the  
6 remainder of the act or the application of the provision to other  
7 persons or circumstances is not affected.

8 NEW SECTION. **Sec. 14.** Sections 1 through 13 of this act shall  
9 constitute a new chapter in Title 43 RCW.