

2 SSB 5668 - H AMD 583 ADOPTED 4-15-97

3 By Representative Clements

4

5 Strike everything after the enacting clause and insert the
6 following:

7 NEW SECTION. **Sec. 1.** The legislature finds that the shortage of
8 temporary worker housing is due in part to inappropriate construction
9 requirements for temporary worker shelter and related facilities. It
10 is the intent of the legislature that temporary worker housing
11 developers, including employers, be provided with a regulatory
12 framework that allows shelter to be provided that meets the basic
13 dignity, comfort, common decency, health, and safety needs of workers.
14 It is the intent of chapter . . . , Laws of 1997 (this act) to provide
15 a temporary worker housing building code that will encourage private
16 development of temporary worker housing, and will accommodate a wide
17 range of building materials and new and innovative construction formats
18 that are not possible under previously applicable codes.

19 NEW SECTION. **Sec. 2.** A new section is added to chapter 19.27 RCW
20 to read as follows:

21 Temporary worker housing shall be constructed, altered, or repaired
22 as provided in chapter 70.114A RCW. The construction, alteration, or
23 repair of temporary worker housing is not subject to the codes adopted
24 under RCW 19.27.031, except as provided in any code adopted under
25 chapter 70.114A RCW. For the purposes of this section "temporary
26 worker housing" means a shelter, place, area, or piece of land where
27 sleeping places or housing sites are provided by an employer for his or
28 her employees for temporary seasonal occupancy, and includes labor
29 camps under RCW 70.54.110. The rules adopted by the state board of
30 health under RCW 70.54.110 apply to all temporary worker housing.

31 **Sec. 3.** RCW 70.114A.020 and 1995 c 220 s 2 are each amended to
32 read as follows:

33 The definitions in this section apply throughout this chapter.

34 (1) "Department" means the department of health.

1 (2) "Dwelling unit" means a shelter, building, or portion of a
2 building, that may include cooking and eating facilities, that is:

3 (a) Provided and designated by the operator as either a sleeping
4 area, living area, or both, for occupants; and

5 (b) Physically separated from other sleeping and common-use areas.

6 (3) "Facility" means a sleeping place, drinking water, toilet,
7 sewage disposal, food handling installation, or other installations
8 required for compliance with this chapter.

9 (4) "Occupant" means a temporary worker or a person who resides
10 with a temporary worker at the housing site.

11 (5) "Operator" means a person holding legal title to the land on
12 which temporary worker housing is located. However, if the legal title
13 and the right to possession are in different persons, "operator" means
14 a person having the lawful control or supervision over the temporary
15 worker housing under a lease or other arrangement.

16 (6) "Temporary worker" means a person employed intermittently and
17 not residing year-round at the same site.

18 (7) "Temporary worker housing" means a place, area, or piece of
19 land where sleeping places or housing sites are provided by an employer
20 for his or her employees or by another person, including a temporary
21 worker housing operator, who is providing such accommodations for
22 employees, for temporary, seasonal occupancy, and includes "labor
23 camps" under RCW 70.54.110. The rules adopted by the state board of
24 health under RCW 70.54.110 apply to all temporary worker housing.

25 **Sec. 4.** RCW 70.114A.080 and 1995 c 220 s 8 are each amended to
26 read as follows:

27 (~~By December 1, 1996,~~) ~~The~~ ~~((state building code council))~~
28 department shall ~~((develop))~~ adopt by rule under chapter 34.05 RCW a
29 temporary worker ~~((housing))~~ building code, in conformance with the
30 temporary worker housing standards developed under the Washington
31 industrial safety and health act, chapter 49.17 RCW, the rules adopted
32 by the state board of health under RCW 70.54.110, and the following
33 guidelines:

34 (1) The code shall provide construction standards for shelter and
35 associated facilities that are safe, secure, and capable of
36 withstanding the stresses and loads associated with their designated
37 use, and to which they are likely to be subjected by the elements.

1 (2) The code shall permit and facilitate designs and formats that
2 allow for maximum affordability, consistent with the provision of
3 decent, safe, and sanitary housing.

4 (3) In developing the code the ~~((council))~~ department shall
5 consider: (a) The need for dormitory type housing for groups of
6 unrelated individuals; and (b) the need for housing to accommodate
7 families.

8 (4) The code shall include construction standards for a variety of
9 formats, including, but not limited to: (a) ~~((Tents and tent
10 platforms))~~ Straw bale exterior wall structures; and (b) hard-shell,
11 single exterior wall structures.

12 (5) The code shall include standards for temporary worker housing
13 that is to be used only during periods when no auxiliary heat is
14 required.

15 In ~~((developing))~~ adopting the temporary worker ~~((housing))~~
16 building code, it is the intent of the legislature that the ~~((building
17 code council))~~ department make exceptions to the codes listed in RCW
18 19.27.031, and chapter 19.27A RCW, in keeping with the guidelines set
19 forth in this section.

20 ~~((The building code council shall appoint a technical advisory
21 committee to assist in the development of the temporary worker housing
22 code, which shall include representatives of industries that most
23 frequently supply temporary housing to their employees.))~~ It is also
24 the intent of the legislature that the initial temporary worker
25 building code adopted by the department be substantially equivalent to
26 the temporary worker building code developed by the state building code
27 council under section 8, chapter 220, Laws of 1995, and presented to
28 the legislature on December 1, 1996.

29 A rule-making advisory and oversight committee is hereby
30 established that shall participate fully throughout the rule-making
31 process authorized by chapter . . . , Laws of 1997 (this act). The
32 advisory and oversight committee is composed of seven members as
33 follows: One member from each caucus in the house of representatives,
34 appointed by the speaker of the house of representatives; one member
35 from each caucus in the senate, appointed by the president of the
36 senate; one member representing migrant and seasonal agricultural
37 workers; one member representing agricultural employers; and one member
38 from the department of labor and industries to serve ex officio,
39 appointed by the governor.

1 The temporary worker building code authorized and required by this
2 section shall be enforced by the department.

3 **Sec. 5.** RCW 43.70.340 and 1990 c 253 s 3 are each amended to read
4 as follows:

5 (1) The farmworker housing inspection fund is established in the
6 custody of the state treasury. The department of health shall deposit
7 all funds received under subsection (2) of this section and from the
8 legislature to administer a labor camp inspection program conducted by
9 the department of health. Disbursement from the fund shall be on
10 authorization of the secretary of health or the secretary's designee.
11 The fund is subject to the allotment procedure provided under chapter
12 43.88 RCW, but no appropriation is required for disbursements.

13 (2) There is imposed a fee on each operating license issued by the
14 department of health to every operator of a labor camp that is
15 regulated by the state board of health. The fee paid under this
16 subsection shall include all necessary inspection of the units to
17 ensure compliance with applicable state board of health rules on labor
18 camps.

19 (a) Fifty dollars shall be charged for each labor camp containing
20 six or less units.

21 (b) Seventy-five dollars shall be charged for each labor camp
22 containing more than six units.

23 (3) The term of the operating license and the application
24 procedures shall be established, by rule, by the department of health.

25 (4) The department of health shall establish a building permit fee
26 schedule for temporary worker housing subject to chapter 70.114A RCW.
27 The department of health shall develop rules to establish a fee
28 schedule sufficient to cover the cost of all necessary plan reviews and
29 on-site construction inspections of the temporary worker housing to
30 ensure compliance with the codes developed under RCW 70.114A.080."

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