

2 **2SSB 6168** - CONF REPT
3 By Conference Committee

4 ADOPTED 3/12/98

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 19.27 RCW
8 to read as follows:

9 (1) Temporary worker housing shall be constructed, altered, or
10 repaired as provided in chapter 70.114A RCW and chapter . . . , Laws of
11 1998 (this act). The construction, alteration, or repair of temporary
12 worker housing is not subject to the codes adopted under RCW 19.27.031,
13 except as provided by rule adopted under chapter 70.114A RCW or chapter
14 . . . , Laws of 1998 (this act).

15 (2) For the purpose of this section, "temporary worker housing" has
16 the same meaning as provided in RCW 70.114A.020.

17 (3) This section is applicable to temporary worker housing as of
18 the date of the final adoption of the temporary worker building code by
19 the department of health under section 2 of this act.

20 NEW SECTION. **Sec. 2.** A new section is added to chapter 70.114A
21 RCW to read as follows:

22 (1) The department shall adopt by rule a temporary worker building
23 code in conformance with the temporary worker housing standards
24 developed under the Washington industrial safety and health act,
25 chapter 49.17 RCW, the rules adopted by the state board of health under
26 RCW 70.54.110, and the following guidelines:

27 (a) The temporary worker building code shall provide construction
28 standards for shelter and associated facilities that are safe, secure,
29 and capable of withstanding the stresses and loads associated with
30 their designated use, and to which they are likely to be subjected by
31 the elements;

32 (b) The temporary worker building code shall permit and facilitate
33 designs and formats that allow for maximum affordability, consistent
34 with the provision of decent, safe, and sanitary housing;

1 (c) In developing the temporary worker building code the department
2 of health shall consider:

3 (i) The need for dormitory type housing for groups of unrelated
4 individuals; and

5 (ii) The need for housing to accommodate families;

6 (d) The temporary worker building code shall incorporate the
7 opportunity for the use of construction alternatives and the use of new
8 technologies that meet the performance standards required by law;

9 (e) The temporary worker building code shall include standards for
10 heating and insulation appropriate to the type of structure and length
11 and season of occupancy;

12 (f) The temporary worker building code shall include standards for
13 temporary worker housing that are to be used only during periods when
14 no auxiliary heat is required; and

15 (g) The temporary worker building code shall provide that persons
16 operating temporary worker housing consisting of four or fewer dwelling
17 units or combinations of dwelling units, dormitories, or spaces that
18 house nine or fewer occupants may elect to comply with the provisions
19 of the temporary worker building code, and that unless the election is
20 made, such housing is subject to the codes adopted under RCW 19.27.031.

21 (2) In adopting the temporary worker building code, the department
22 shall make exceptions to the codes listed in RCW 19.27.031 and chapter
23 19.27A RCW, in keeping with the guidelines set forth in this section.
24 The initial temporary worker building code adopted by the department
25 shall be substantially equivalent with the temporary worker building
26 code developed by the state building code council as directed by
27 section 8, chapter 220, Laws of 1995.

28 (3) The temporary worker building code authorized and required by
29 this section shall be enforced by the department.

30 The department shall have the authority to allow minor variations
31 from the temporary worker building code that do not compromise the
32 health or safety of workers. Procedures for requesting variations and
33 guidelines for granting such requests shall be included in the rules
34 adopted under this section.

35 NEW SECTION. **Sec. 3.** A new section is added to chapter 49.17 RCW
36 to read as follows:

37 By December 1, 1998, the department of labor and industries shall
38 adopt rules requiring electricity in all temporary worker housing and

1 establishing minimum requirements to ensure the safe storage, handling,
2 and preparation of food in these camps, regardless of whether
3 individual or common cooking facilities are in use.

4 **Sec. 4.** RCW 43.22.480 and 1995 c 289 s 2 are each amended to read
5 as follows:

6 (1) The department shall adopt and enforce rules that protect the
7 health, safety, and property of the people of this state by assuring
8 that all factory built housing or factory built commercial structures
9 are structurally sound and that the plumbing, heating, electrical, and
10 other components thereof are reasonably safe. The rules shall be
11 reasonably consistent with recognized and accepted principles of safety
12 and structural soundness, and in adopting the rules the department
13 shall consider, so far as practicable, the standards and specifications
14 contained in the uniform building, plumbing, and mechanical codes,
15 including the barrier free code and the Washington energy code as
16 adopted by the state building code council pursuant to chapter 19.27A
17 RCW, and the national electrical code, including the state rules as
18 adopted pursuant to chapter 19.28 RCW and published by the national
19 fire protection association or, when applicable, the temporary worker
20 building code adopted under section 2 of this act.

21 (2) The department shall set a schedule of fees which will cover
22 the costs incurred by the department in the administration and
23 enforcement of RCW 43.22.450 through 43.22.490.

24 (3) The director may adopt rules that provide for approval of a
25 plan that is certified as meeting state requirements or the equivalent
26 by a professional who is licensed or certified in a state whose
27 licensure or certification requirements meet or exceed Washington
28 requirements.

29 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.70 RCW
30 to read as follows:

31 (1) Any person providing temporary worker housing consisting of
32 five or more dwelling units, or any combination of dwelling units,
33 dormitories, or spaces that house ten or more occupants, or any person
34 providing temporary worker housing who makes the election to comply
35 with the temporary worker building code under section 2(1)(g) of this
36 act, shall secure an annual operating license prior to occupancy and

1 shall pay a fee according to RCW 43.70.340. The license shall be
2 conspicuously displayed on site.

3 (2) Licenses issued under this chapter may be suspended or revoked
4 upon the failure or refusal of the person providing temporary worker
5 housing to comply with the provisions of RCW 70.54.110, or of any rules
6 adopted under this section by the department. All such proceedings
7 shall be governed by the provisions of chapter 34.05 RCW.

8 (3) The department may assess a civil fine in accordance with RCW
9 43.70.095 for failure or refusal to obtain a license prior to occupancy
10 of temporary worker housing. The department may refund all or part of
11 the civil fine collected once the operator obtains a valid operating
12 license.

13 (4) Civil fines under this section shall not exceed twice the cost
14 of the license plus the cost of the initial on-site inspection for the
15 first violation of this section, and shall not exceed ten times the
16 cost of the license plus the cost of the initial on-site inspection for
17 second and subsequent violations within any five-year period. The
18 department may adopt rules as necessary to assure compliance with this
19 section.

20 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.70 RCW
21 to read as follows:

22 (1) Any person who constructs, alters, or makes an addition to
23 temporary worker housing consisting of five or more dwelling units, or
24 any combination of dwelling units, dormitories, or spaces that house
25 ten or more occupants, or any person who constructs, alters, or makes
26 an addition to temporary worker housing who elects to comply with the
27 temporary worker building code under section 2(1)(g) of this act,
28 shall:

29 (a) Submit plans and specifications for the alteration, addition,
30 or new construction of this housing prior to beginning any alteration,
31 addition, or new construction on this housing;

32 (b) Apply for and obtain a temporary worker housing building permit
33 from the department prior to construction or alteration of this
34 housing; and

35 (c) Submit a plan review and permit fee to the department of health
36 pursuant to RCW 43.70.340.

1 (2) The department shall adopt rules as necessary, for the
2 application procedures for the temporary worker housing plan review and
3 permit process.

4 (3) Any alteration of a manufactured structure to be used for
5 temporary worker housing remains subject to chapter 43.22 RCW, and the
6 rules adopted under chapter 43.22 RCW.

7 **Sec. 7.** RCW 43.70.340 and 1990 c 253 s 3 are each amended to read
8 as follows:

9 (1) The ~~((farmworker housing inspection))~~ temporary worker housing
10 fund is established in the custody of the state treasury. The
11 department ~~((of health))~~ shall deposit all funds received under
12 subsections (2) and (3) of this section and from the legislature to
13 administer a ~~((labor camp))~~ temporary worker housing permitting,
14 licensing, and inspection program conducted by the department ~~((of~~
15 ~~health))~~. Disbursement from the fund shall be on authorization of the
16 secretary of health or the secretary's designee. The fund is subject
17 to the allotment procedure provided under chapter 43.88 RCW, but no
18 appropriation is required for disbursements.

19 (2) There is imposed a fee on each operating license issued by the
20 department ~~((of health))~~ to every operator of ~~((a labor camp))~~
21 temporary worker housing that is regulated by the state board of
22 health. ~~((The fee paid under this subsection shall include all~~
23 ~~necessary inspection of the units to ensure compliance with))~~ In
24 establishing the fee to be paid under this subsection the department
25 shall consider the cost of administering a license as well as enforcing
26 applicable state board of health rules on ~~((labor camps.~~

27 ~~(a) Fifty dollars shall be charged for each labor camp containing~~
28 ~~six or less units.~~

29 ~~(b) Seventy five dollars shall be charged for each labor camp~~
30 ~~containing more than six units))~~ temporary worker housing.

31 (3) There is imposed a fee on each temporary worker housing
32 building permit issued by the department to every operator of temporary
33 worker housing as required by section 6 of this act. The fee shall
34 include the cost of administering a permit as well as enforcing the
35 department's temporary worker building code as adopted under section 2
36 of this act.

37 (4) The department shall conduct a fee study for:

38 (a) A temporary worker housing operator's license;

1 (b) On-site inspections; and
2 (c) A plan review and building permit for new construction.
3 After completion of the study, the department shall adopt these
4 fees by rule by no later than December 31, 1998.

5 (5) The term of the operating license and the application
6 procedures shall be established, by rule, by the department ((of
7 health)).

8 NEW SECTION. Sec. 8. A new section is added to chapter 43.330 RCW
9 to read as follows:

10 (1) The department shall work with the advisory group established
11 in subsection (2) of this section to review proposals and make
12 prioritized funding recommendations to the department or funding
13 approval board that oversees the distribution of housing trust fund
14 grants and loans to be used for the development, maintenance, and
15 operation of housing for low-income farmworkers.

16 (2) A farmworker housing advisory group representing growers,
17 farmworkers, and other interested parties shall be formed to assist the
18 department in the review and priority funding recommendations under
19 this section.

20 NEW SECTION. Sec. 9. RCW 70.114A.080 and 1995 c 220 s 8 are each
21 repealed."

22 **2SSB 6168** - CONF REPT
23 By Conference Committee

24 ADOPTED 3/12/98

25 On page 1, line 2 of the title, after "workers;" strike the
26 remainder of the title and insert "amending RCW 43.22.480 and
27 43.70.340; adding a new section to chapter 19.27 RCW; adding a new
28 section to chapter 70.114A RCW; adding a new section to chapter 49.17
29 RCW; adding new sections to chapter 43.70 RCW; adding a new section to
30 chapter 43.330 RCW; and repealing RCW 70.114A.080."

--- END ---