

# HOUSE BILL REPORT

## 2SSB 6168

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**As Reported By House Committee On:**  
Trade & Economic Development  
Appropriations

**Title:** An act relating to developing and funding housing for temporary workers.

**Brief Description:** Developing housing for temporary workers.

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators Prentice, Rasmussen, Hale, Sellar, T. Sheldon, Wood, McAuliffe, Kohl, Anderson, Benton and Winsley; by request of Governor Locke).

**Brief History:**

**Committee Activity:**

Trade & Economic Development: 2/23/98, 2/26/98 [DPA];  
Appropriations: 2/28/98 [DP(w/o TED amd)s].

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### HOUSE COMMITTEE ON TRADE & ECONOMIC DEVELOPMENT

**Majority Report:** Do pass as amended. Signed by 7 members: Representatives Van Loven, Chairman; Dunn, Ranking Minority Member; Veloria, Ranking Minority Member; Alexander; Ballasiotes; Mason and McDonald.

**Minority Report:** Do not pass. Signed by 2 members: Representatives Eickmeyer, Assistant Ranking Minority Member; and Morris.

**Staff:** Kenny Pittman (786-7392).

**Background:** The construction of buildings or structures in Washington is governed by the requirements of the State Building Code. The State Building Code Council, within the Department of Community, Trade, and Economic Development (DCTED), is responsible for the development and revision of the State Building Code. The State Building Code consists of technical performance standards covering structural, mechanical, fire, safety, and energy conservation standards. These standards guide the construction, alteration, or repair of residential and non-residential buildings or structures. It has been argued that these performance standards are designed for buildings or structures that are occupied on a permanent and not a temporary basis.

In 1995, the Legislature directed several state agencies to work together to develop a temporary worker housing code. The new code would provide performance standards for the construction, alteration, or repair of housing that is occupied on a temporary basis and still meet basic health and safety requirements.

The State Building Code Council was directed to develop a temporary worker housing code by December 1, 1996. The temporary worker housing code must comply with the requirements of the Washington Industrial Safety and Health Act (WISHA) and rules adopted by the state Board of Health. The temporary worker housing code has been developed and delivered to the Legislature. The resultant legislation was vetoed by the Governor in 1997. As part of the veto message, the Governor directed affected state agencies and interest groups to work together to develop standards for the construction, alteration, or repair of temporary worker housing.

The Department of Health (DOH) has general licensing authority for the operation of farm worker labor camps. The Department of Labor and Industries has responsibility for enforcing the requirements of the WISHA as it relates to agricultural work places. The two departments are working together in the regulation of farm worker labor camps.

**Summary of Amended Bill:** The Department of Health (DOH) is directed to adopt a temporary worker building code, by administrative rule, that conforms to the standards of the Washington Industrial Safety and Health Act (WISHA) and rules adopted by the state Board of Health. The temporary worker building code is designed to govern the construction, alteration, or repair of temporary worker housing and the construction of factory built housing used for temporary worker housing.

The temporary worker building code must provide standards for the use of innovative designs and materials, heating and insulation appropriate to the type of structure and length and season of occupancy, and minor variations provided health and safety standards are not compromised. The DOH's initial temporary worker building code must be substantially equivalent to the temporary worker building code developed by the State Building Code Council. The DOH is responsible for the enforcement responsibilities of the temporary worker building code.

By December 1, 1998, the Department of Labor and Industries must adopt rules requiring electricity in all temporary worker housing and establish standards to ensure safe storage, handling, and preparation of food.

The standards of the temporary worker building code may be used for the construction of factory built housing that is used solely for temporary workers.

A provision is added to the State Building Code to clarify that the construction, alteration, or repair of temporary worker housing is not subject to the requirements of

the State Building Code, but is governed by the codes developed and adopted by the DOH.

The DOH is responsible for issuing an annual license for the occupancy of temporary worker housing. Procedures are established to either suspend or revoke the occupancy license for failure to comply with the requirements adopted by the DOH. The DOH may assess civil fines for failure or refusal to obtain a license prior to occupancy. The civil fines may not exceed \$7,000 for the first violation and \$70,000 for second and subsequent violations within any five-year period.

The DOH is authorized to establish a building permit fee schedule for the issuance of permits regarding the construction, alteration, or addition to temporary worker housing. The fee covers the costs of necessary plan review and on-site inspection to ensure compliance with the temporary worker housing code.

A farm worker housing finance program is established within the Department of Community, Trade, and Economic Development. The DCTED must provide financial assistance to organizations eligible to receive assistance through the housing trust fund, to assist in the development, maintenance, and operation of housing for low-income farm workers. The DCTED works with the departments of Health, Labor and Industries, and Social and Health Services to review proposals and make recommendations for funding approvals. There is created an advisory group consisting of growers, farm workers, and other interested parties to provide input on proposals.

**Amended Bill Compared to Second Substitute Bill:** The amended bill: (a) makes civil fines consistent with limitations imposed under the Washington Industrial Safety and Health Act (WISHA) for similar violations; (b) clarifies that the cost of the operating license must consider the administrative cost of the Department of Health to operate the program; and (c) establishes a farm worker housing finance program within the Department of Community, Trade, and Economic Development.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Amended Bill:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** The bill provides an incentive so that growers can construct housing for temporary workers. The development of proposed construction code will reduce the cost of housing that is only occupied for specified periods. The need for year-round housing is a separate issue and should not be confused with this issue.

**Testimony Against:** The current bill does not go far enough. We need more than just on-farm housing to address this problem. The \$2 million that was part of the original bill would be used to develop community-based housing for low-income farm workers. If we are looking at a true public/private partnership then the funding must be restored. The proposed civil fines are too low. They must be consistent with the existing civil fine structure for similar violations. These items must be addressed to make the bill a true partnership.

**Testified:** Representative Linda Parlette (pro); Kirk Mayer, Washington Growers Clearing House (pro); Julie Murry, Farm Bureau (pro); Bruce Miyahara, Department of Health (pro with concerns); Manuel Romero, Washington State Hispanic Affairs Council (pro with major concerns); Eric Paige, Washington State Catholic Conference (pro with major concerns); Sherry Appleton, Coalition for a Jewish Voice (pro with major concerns); Nancy Pacharzina (pro with reservation); Representative Phyllis Kenney (major concerns); Rogelio Riojas, Sea Mar (con); Jesus Rodriguez (con); Adrian Moroles (con); Daniel Pacheio, Sea Mar Counseling (con); Gloria Rodriguez, Washington Association of Community & Migrant Health Centers (con); and Majken Ryherd Keira, Washington Low-Income Housing Congress (major concerns).

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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** Do pass without amendment by Committee on Trade & Economic Development. Signed by 22 members: Representatives Huff, Chairman; Alexander, Vice Chairman; Clements, Vice Chairman; Wensman, Vice Chairman; H. Sommers, Ranking Minority Member; Benson; Carlson; Cooke; Crouse; Dyer; Grant; Kessler; Lambert; Linville; Lisk; Mastin; McMorris; Parlette; D. Schmidt; Sehlin; Sheahan and Talcott.

**Minority Report:** Do not pass. Signed by 9 members: Representatives Doumit, Assistant Ranking Minority Member; Gombosky, Assistant Ranking Minority Member; Chopp; Cody; Keiser; Kenney; Poulsen; Regala and Tokuda.

**Staff:** Joe Hauth (786-7271).

**Summary of Recommendation of Committee on Appropriations Compared to Recommendation of Committee on Trade & Economic Development:** The Department of Health (DOH) must adopt a temporary worker building code, by administrative rule, that conforms to the standards of the Washington Industrial Safety and Health Act (WISHA) and rules adopted by the state Board of Health. The temporary worker building code is designed to govern the construction, alteration, or repair of temporary worker housing and the construction of factory built housing used for temporary worker housing.

The temporary worker building code must provide standards for the use of innovative designs and materials, heating and insulation appropriate to the type of structure and length and season of occupancy, and minor variations provided health and safety standards are not compromised. The DOH's initial temporary worker building code must be substantially equivalent to the temporary worker building code developed by the State Building Code Council. The DOH is responsible for enforcing responsibilities of the temporary worker building code.

By December 1, 1998, the Department of Labor and Industries must adopt rules requiring electricity in all temporary worker housing and establish standards to ensure safe food storage, handling, and preparation.

The temporary worker building code standards may be used for constructing factory-built housing that is used solely for temporary workers.

A provision is added to the State Building Code to clarify that the construction, alteration, or repair of temporary worker housing is not subject to the requirements of the State Building Code, but is governed by the code developed and adopted by the DOH.

The DOH is responsible for issuing an annual license for the occupancy of temporary worker housing. Procedures are established to either suspend or revoke the occupancy license for failure to comply with the requirements adopted by the DOH. The DOH may assess civil fines for failure or refusal to obtain a license prior to occupancy. The civil fines may not exceed twice the cost of the required occupancy license and the on-site inspection for the first violation, or 10 times the cost of the required occupancy license and the on-site inspection for second and subsequent violations within a five-year period.

The DOH is authorized to establish a building permit fee schedule for the issuance of permits regarding the construction, alteration, or addition to temporary worker housing. The fee covers the costs of necessary plan review and on-site inspection to ensure compliance with the temporary worker housing code. The DOH must conduct a fee study for the temporary workers housing operator's license, on-site inspections, plan review and building permits. The department must adopt the fees by rule no later than December 31, 1998.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** The House amendments could put the bill at risk. The Senate language is supported. Additional funding is needed from new dedicated sources. Temporary

workers are not temporary people. Dedicated housing for temporary, low-income farm workers should be provided.

**Testimony Against:** None.

**Testified:** Chris Cheney, Washington Growers League and Hop Growers of Washington; Manuel Romero, HCAA; Eric Paige, Washington State Catholic Conference; Gloria Rodriguez, Washington Association of Community and Migrant Health Services; and Jeff Johnson, WSLC, AFL-CIO and Community-based Housing.