

FINAL BILL REPORT

2SSB 6168

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Synopsis as Enacted

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).

Senate Committee on Agriculture & Environment

Senate Committee on Ways & Means

House Committee on Trade & Economic Development

House Committee on Appropriations

Background: There is a significant shortage of suitable housing in Washington for both permanent resident farm workers and migrant farm workers. In 1995 the Legislature addressed the issue of migrant farm worker housing by simplifying the regulatory structure, which included designating the Department of Health as the single state agency responsible for encouraging and developing temporary worker housing, and the primary agency to license and inspect temporary worker housing. In addition, the State Building Code Council was directed to develop a separate building code for temporary worker housing, according to certain guidelines, including designs that allow maximum affordability, consistent with providing decent, safe and sanitary housing. A technical advisory group was assembled by the council to develop the code. As directed, the advisory group used existing labor camp standards of the Washington Industrial Safety and Health Act (WISHA) as a baseline safety and health guide. The temporary worker building code was completed and delivered to the Legislature in December 1996.

Growers are not required to provide housing or housing-related facilities for any employees. If they do provide housing for temporary workers, they must obtain a license from the Department of Health. To obtain this license, certain standards must be met. Both the Department of Health and the Department of Labor and Industries have authority to inspect labor camps, and close them down if health and safety standards are not met, or if a license has not been obtained. The two departments cooperate in conducting inspections.

Temporary worker housing is defined in existing law as . . . a place, area, or piece of land where sleeping places or housing sites are provided by an employer for his or her employees or by another person, including a temporary worker housing operator, who is providing such accommodations for employees, for temporary, seasonal occupancy, and includes 'labor camps' [as defined].-

Summary: The Department of Health is directed to adopt by rule a temporary worker building code, in conformance with the housing standards of WISHA, and other guidelines in the act. It must be a separate code from the state version of the Uniform Building Code, and must be the exclusive code applied to the construction, alteration or repair of temporary

worker housing. However, until the rule is adopted, the current Uniform Building Code remains applicable.

The code must encourage the use of innovative designs and material that meet required performance standards. Standards for heating and insulation appropriate to the type of structure and length and season of occupancy are required. In addition to these guidelines, the department is directed to adopt a code that is substantially equivalent to the code developed by the State Building Code Council at the request of the Legislature.

Operators supplying less than five dwelling units or any combination of dwelling units and dormitories that house fewer than ten occupants may elect to build under the Uniform Building Code or the temporary worker building code. If they elect the latter, they must obtain an operating license from the Department of Health.

The Department of Labor and Industries is directed to adopt rules requiring electricity, and facilities for safe storage, and preparation of food in all temporary worker housing. The rules must be adopted by December 1, 1998.

Application of the new code to factory built housing, when appropriate, is provided for.

The licensing and enforcement authority of the Department of Health is clarified. The department may impose civil fines for operating temporary worker housing without a license. Any person constructing or altering temporary worker housing must first submit plans, pay a fee and obtain a permit from the Department of Health before construction or alteration begins. The department is directed to develop a fee schedule, following a study.

An advisory committee representing growers and farm workers is established to assist the Department of Community, Trade, and Economic Development in the review of grant and loan applications for the construction of housing for low-income farm workers.

Votes on Final Passage:

Senate	47	0
House	68	30 (House amended)
Senate		(Senate refused to concur)

Conference Committee

House	67	31
Senate	44	0

Effective: June 11, 1998