

SENATE BILL REPORT

SB 6168

As Reported By Senate Committee On:
Agriculture & Environment, January 27, 1998
Ways & Means, February 10, 1998

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

Brief Description: Developing housing for temporary workers.

Sponsors: Senators Prentice, Rasmussen, Hale, Sellar, T. Sheldon, Wood, McAuliffe, Kohl, Anderson, Benton and Winsley; by request of Governor Locke.

Brief History:

Committee Activity: Agriculture & Environment: 1/14/98, 1/27/98 [DPS-WM].
Ways & Means: 2/5/98, 2/10/98 [DP2S].

SENATE COMMITTEE ON AGRICULTURE & ENVIRONMENT

Majority Report: That Substitute Senate Bill No. 6168 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Morton, Chair; Swecker, Vice Chair; Fraser, McAuliffe, Newhouse, Oke and Rasmussen.

Staff: David Cheal (786-7576)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Second Substitute Senate Bill No. 6168 be substituted therefor, and the second substitute bill do pass.

Signed by Senators West, Chair; Strannigan, Vice Chair; Bauer, Brown, Hochstatter, Kohl, Long, Loveland, McDonald, Rossi, Schow, B. Sheldon, Snyder, Spanel, Swecker, Thibaudeau and Winsley.

Staff: Maura Sullivan (786-7431)

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 of Second Substitute Bill: 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 bill. 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.

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. Minor variations are allowed provided health and safety are not compromised.

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 treasurer is directed to deposit \$2 million from the general fund to the Housing Trust Fund each fiscal year, beginning in fiscal year 1999, for the development of permanent housing for low income farm workers. The funds are distributed to applicants, who must be government or nonprofit housing developers, by the same method as other Housing Trust Fund money, but with the assistance of an advisory group and an interagency group.

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.

Second Substitute Compared to Substitute Bill: The annual \$2 million appropriation from the general fund to the housing trust fund is removed.

Substitute Bill Compared to Original Bill: The substitute bill includes a provision allowing for minor variations from the new temporary worker housing building code, provided the health and safety of workers is not compromised.

A limitation is imposed on civil fines that can be levied for failure to obtain a license for operating temporary worker housing. The limits are up to twice the cost of the license for a first offense and up to ten times the cost of the license for second and subsequent offenses.

The department is given more discretion in setting licensing fees. Minor technical corrections are made.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For (Agriculture & Environment): An appropriate building code will encourage growers to provide housing and related facilities for temporary seasonal workers. The bill contains important safeguards for worker health and safety. Many migrant farm workers have no shelter or sanitary facilities and this is an important first step to remedy that public health crisis.

The appropriation reflects the importance of increasing the supply of permanent low-income farm worker housing as well as temporary worker housing.

Testimony Against (Agriculture & Environment): None.

Testified (Agriculture & Environment): PRO: Senator Prentice, prime sponsor; Bruce Miyahara, Dept. of Health; Gary Moore, L&I; Tim Douglas, CTED; Kirk Douglas; Richard Thomason; Brad Barnes, WA Horticulture Association; Rogelio Riuja, SEA-MAR Community Health Center; Manuel Romero, WA State Commission of Hispanic Affairs; Mike Gempler, WA Growers League.

Testimony For (Ways & Means): This bill offers a package of tools to address on-farm and community based housing. Financing is a significant hurdle in developing farm worker housing. It is helpful to keep the money flexible to provide for both capital and technical assistance. There are alternative ways to develop the funding portion.

Testimony Against (Ways & Means): There should only be one code for housing, the existing state version of the Uniform Building Code. It should be left to the local governments to develop codes based on the local need.

Testified (Ways & Means): PRO: Senator Prentice, prime sponsor; Bruce Miyahara, Department of Health; Chris Cheney, Washington Growers League; Brien Thane, Rural and Farmworker Housing; John LaRocque, CTED; CON: Don McDonald.

