
SUBSTITUTE HOUSE BILL 2362

State of Washington

52nd Legislature

1992 Regular Session

By House Committee on Housing (originally sponsored by Representatives Prentice, Winsley, Nelson, Anderson, Grant, Locke, Jacobsen, Wineberry, Brekke and Leonard)

Read first time 02/07/92.

1 AN ACT Relating to housing for farmworkers; adding a new section to
2 chapter 19.27 RCW; adding a new chapter to Title 43 RCW; and making an
3 appropriation.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** (1) The legislature finds and declares
6 that:

7 (a) There continues to exist a serious shortage of safe, decent,
8 and sanitary dwelling accommodations for migrant or seasonal
9 farmworkers in the rural areas of the state. This shortage has
10 contributed, and shall continue to contribute, to the creation and
11 persistence of substandard living conditions which are detrimental to
12 the health, welfare, and prosperity of the residents of the state;

13 (b) Existing federal, state, local, and private resources have not
14 been adequate to remedy this shortage;

1 (c) The provision of either housing assistance grants or loans is
2 necessary to make full and complete utilization of currently available
3 resources for migrant or seasonal farmworker housing in the rural areas
4 of the state; and

5 (d) The provision of either housing assistance grants or loans to
6 local governments, public or private nonprofit organizations, and
7 eligible growers for housing for migrant and seasonal farmworkers in
8 rural areas of the state is exclusively for public and governmental
9 purposes for which public money may be spent.

10 (2) The legislature declares that the purpose of the farmworker
11 housing assistance act is to:

12 (a) Provide for financial and technical assistance to local
13 governments, public and private nonprofit organizations, and eligible
14 growers who will provide housing for migrant or seasonal farmworkers in
15 areas of the state where the need for housing clearly exists and such
16 housing is to be financed by federal, state, local, or private
17 resources;

18 (b) Develop and enhance maximum flexibility in the use of federal
19 assistance and funds in the provision of housing for migrant or
20 seasonal farmworkers; and

21 (c) Create a farmworker housing assistance trust fund to be used by
22 local governments, public and private nonprofit organizations, and
23 eligible growers that provide housing for migrant or seasonal
24 farmworkers.

25 NEW SECTION. **Sec. 2.** Unless the context clearly requires
26 otherwise, the definitions in this section apply throughout this
27 chapter.

28 (1) "Department" means the department of community development.

1 (2) "Director" means the director of the department of community
2 development.

3 (3) "Eligible grower" means a farm owner, family farm partnership,
4 family farm corporation, or an association of farmers.

5 (4) "Farmworker housing center" means a facility that, in addition
6 to housing, may provide facilities for day care, infant care, and
7 access to a variety of other social, employment, cultural, and
8 recreational programs for migrant or seasonal farmworkers that occupy
9 the housing.

10 (5) "Grower-provided housing" means housing provided or rented by
11 an eligible grower to low-income farmworkers.

12 (6) "Local government" means a county, city, town, or any
13 combination as coapplicants.

14 (7) "Very low-income farmworker" means a migrant or seasonal
15 farmworker household whose annual income is at or below fifty percent
16 of median income, adjusted for household size, for the county where the
17 farmworker housing is located.

18 (8) "Migrant farmworker" means a seasonal farmworker employed
19 within a specific locality other than the place of residence and who
20 does not reside within normal commuting distance of his or her place of
21 employment.

22 (9) "Nonprofit organization" means a public housing authority
23 created under chapter 35.82 RCW, a public nonprofit corporation created
24 by a local government, or a nonprofit corporation as defined in RCW
25 24.03.005 and as further defined by the department by rule.

26 (10) "Rehabilitation" means repairs or improvements to a dwelling
27 unit necessary to make it a decent, safe, and sanitary dwelling which
28 meets applicable federal, state, and local building, housing, and
29 health standards.

1 (11) "Seasonal farmworker" means a worker hired for work on any one
2 farm for less than a continuous one hundred fifty-day period in the
3 course of a year.

4 NEW SECTION. **Sec. 3.** There is created within the department
5 the farmworker housing assistance program to carry out the purposes of
6 this chapter. The program shall be developed and administered by the
7 department with advice and input from the low-income housing assistance
8 advisory committee established in RCW 43.185.110.

9 NEW SECTION. **Sec. 4.** There is created in the state treasury
10 an account to be known as the farmworker housing assistance trust fund.
11 The farmworker housing assistance trust fund shall include revenue from
12 the sources established by this chapter, appropriations by the
13 legislature, private contributions, repayment of loans, and all other
14 sources. Moneys in the fund may be spent only after appropriation.
15 Only the director or the director's designee may authorize expenditures
16 from the fund. Administrative and personnel costs incurred by the
17 department in implementing the provisions of this chapter may be paid
18 from the fund.

19 NEW SECTION. **Sec. 5.** (1) Using moneys specifically
20 appropriated for such purposes, the department shall finance in whole
21 or in part projects that will provide housing for very low-income
22 farmworkers.

23 (2) Activities eligible for assistance are limited to:

24 (a) Rent or operating subsidies in new construction or
25 rehabilitated farmworker housing centers or housing units for very low-
26 income farmworkers;

1 (b) Mortgage subsidies for new construction or rehabilitation of
2 farmworker housing centers or multifamily units for very low-income
3 farmworkers; and

4 (c) Rehabilitation of grower-provided housing that is affordable
5 for very low-income farmworkers.

6 NEW SECTION. **Sec. 6.** (1) Organizations that may receive loan
7 or grant assistance from the department under this chapter are local
8 governments and public and private nonprofit organizations.

9 (2) Eligible growers may only receive loan assistance from the
10 department under section 5(2)(c) of this act to be used solely for the
11 rehabilitation of grower-provided housing that is affordable for very
12 low-income farmworkers or very low-income farmworkers and their
13 families.

14 NEW SECTION. **Sec. 7.** (1) During each calendar year in which
15 funds are available for use by the department for the farmworker
16 housing assistance program, the department shall announce to all known
17 interested parties, and through major media throughout the state, a
18 grant and loan application period of at least ninety days' duration.
19 This announcement shall be made as often as the director deems
20 appropriate for proper utilization of resources. The department shall
21 then promptly grant as many applications as will utilize available
22 funds less appropriate administrative costs of the department.

23 (2) The department shall develop, with advice and input from the
24 low-income housing assistance advisory committee established in RCW
25 43.185.110, criteria to evaluate applications for assistance under this
26 chapter.

1 NEW SECTION. **Sec. 8.** The department shall adopt policies to
2 ensure that the state's interest will be protected upon either the sale
3 or change of use of projects financed in whole or in part under this
4 chapter. These policies may include, but are not limited to: (1)
5 Requiring a share of the appreciation in the project in proportion to
6 the state's contribution to the project; (2) requiring a lump-sum
7 repayment of the loan or grant upon the sale or change of use of the
8 project; or (3) requiring a deferred payment of principal or principal
9 and interest on loans after a specified time period.

10 NEW SECTION. **Sec. 9.** The director shall monitor the
11 activities of recipients of grants and loans under this chapter to
12 determine compliance with the terms and conditions set forth in the
13 application or stated by the department in connection with the grant or
14 loan.

15 NEW SECTION. **Sec. 10.** The department shall have the authority
16 to adopt rules pursuant to chapter 34.05 RCW regarding the grant and
17 loan process, and the substance of eligible projects, consistent with
18 this chapter.

19 NEW SECTION. **Sec. 11.** This chapter may be known and cited as
20 the farmworker housing assistance act.

21 NEW SECTION. **Sec. 12.** If any part of this act is found to be
22 in conflict with federal requirements that are a prescribed condition
23 to the allocation of federal funds to the state, the conflicting part
24 of this act is inoperative solely to the extent of the conflict and
25 with respect to the agencies directly affected, and this finding does
26 not affect the operation of the remainder of this act in its

1 application to the agencies concerned. The rules under this act shall
2 meet federal requirements that are a necessary condition to the receipt
3 of federal funds by the state.

4 NEW SECTION. **Sec. 13.** If any provision of this act or its
5 application to any person or circumstance is held invalid, the
6 remainder of the act or the application of the provision to other
7 persons or circumstances is not affected.

8 NEW SECTION. **Sec. 14.** A new section is added to chapter 19.27 RCW
9 to read as follows:

10 (1) Effective July 1, 1993, the legislative authority of any city
11 or county may adopt an ordinance or resolution authorizing the use of
12 seasonal farmworker housing construction and thermal performance
13 standards as established by the council. The ordinance or resolution
14 authorizing such standards shall include the following conditions:

15 (a) The building or structure is occupied on a seasonal basis, but
16 no more than six months per year;

17 (b) The building or structure is occupied solely by seasonal or
18 migrant farmworkers and their families in connection with their
19 employment; and

20 (c) The building or structure poses no threat to human life,
21 health, or safety.

22 (2) By July 1, 1993, the council, in consultation with the
23 department of health, shall adopt by rule, guidelines for cities and
24 counties adopting seasonal farmworker housing construction and thermal
25 performance standards under subsection (1) of this section.

26 NEW SECTION. **Sec. 15.** Sections 1 through 13 of this act shall
27 constitute a new chapter in Title 43 RCW.

1 NEW SECTION. **Sec. 16.** The sum of five hundred thousand
2 dollars, or as much thereof as may be necessary, is appropriated for
3 the biennium ending June 30, 1993, from the general fund to the
4 farmworker housing assistance trust fund for the purposes of this act.