

HOUSE BILL REPORT

ESSB 5503

As Passed House - Amended:

April 11, 1995

Title: An act relating to health and safety regulation for temporary worker housing.

Brief Description: Streamlining temporary worker housing safety and health regulations.

Sponsors: Senate Committee on Financial Institutions & Housing (originally sponsored by Senators Prentice, Deccio, Pelz, Sellar and Fraser).

Brief History:

Committee Activity:

Agriculture & Ecology: 3/27/95 [DP];
Appropriations: 3/30/95, 4/3/95 [DPA].

Floor Activity:

Amended.
Passed House: 4/11/95, 94-0.

HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

Majority Report: Do pass. Signed by 17 members: Representatives Chandler, Chairman; Koster, Vice Chairman; McMorris, Vice Chairman; Mastin, Ranking Minority Member; Chappell, Assistant Ranking Minority Member; Boldt; Clements; Delvin; R. Fisher; Honeyford; Johnson; Kremen; Poulsen; Regala; Robertson; Rust and Schoesler.

Staff: Bill Lynch (786-7092).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass as amended. Signed by 30 members: Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Brumsickle; Carlson; Chappell; Cooke; Crouse; Dellwo; G. Fisher; Foreman; Grant; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

Staff: Jim Lux (786-7152).

Background: Many crops in Washington are labor-intensive. A significant number of workers travel from one harvest to another. The demand for farmworker housing far exceeds the available supply. Growers have trouble attracting a stable work force due to the shortage of housing.

Summary of Bill: The Department of Health is designated as the single state agency responsible for encouraging the development of temporary worker housing.

Board of Health regulations for temporary worker housing may not exceed the standards contained in the Washington Industrial Safety and Health Act (WISHA). Any rules adopted must comply with the federal Migrant and Seasonal Agricultural Worker Protection Act. The board must review all existing temporary housing rules within sixty days of the effective date and modify or repeal any rules that exceed the WISHA standards.

The Department of Health is authorized to inspect temporary worker housing to enforce regulations adopted by the State Board of Health pertaining to temporary worker housing. The Department must make a reasonable effort to obtain permission before entering buildings or premises occupied as a residence.

Temporary worker housing located on a rural worksite, and used for workers employed on the worksite, is considered a permitted use at the rural worksite for the purposes of zoning or other land use review processes, subject only to height, setback, and road access requirements of the underlying zone.

The Department of Community, Trade, and Economic Development is directed to contract with private nonprofit corporations to provide technical assistance to any private individual or nonprofit organization wishing to construct temporary or permanent worker housing.

The State Building Code Council is directed to develop a temporary worker housing code. The code must include construction standards for a variety of formats including tents and tent platforms, and hard-shell single exterior wall structures. The code must permit and facilitate designs and formats that allow for maximum affordability and that are consistent with the provision of decent, safe, and sanitary housing. The code must include standards for temporary worker housing that will be used only during periods when no auxiliary heat is required. The State Building Code Council is directed to appoint a technical advisory committee to assist in the development of this code.

The Department of Health is required to submit a report to the Legislature containing recommendations for the development of additional and improved temporary worker housing. The report must identify incentives for the development of such housing and

include recommendations for appropriate compliance strategies. A preliminary report must be submitted by December 1, 1995. A final report must be submitted by December 1, 1996. Recommendations for legislation necessary to implement the findings must accompany the reports.

Appropriation: None.

Fiscal Note: Available on original bill. New fiscal note requested on March 27, 1995.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: (Agriculture & Ecology) This is an important first step to deal with temporary housing. This measure is focused on stimulating more housing rather than regulating existing housing. This is a transition process, and it is important to have clear standards for growers so that they can plan their housing needs. This will result in technical assistance being provided up front so that problems can be avoided. The current framework involving multiple agencies has stifled the development of housing. Not having to comply with the State Energy Code will significantly reduce the cost of housing.

(Appropriations) There is a shortage of seasonal worker housing in this state. Current regulations are too complex and restrictive and need to be simplified to increase available housing. Incentives need to be provided to encourage the development of additional seasonal worker housing. The Department of Health is committed to reviewing and simplifying existing rules and regulations to increase available temporary seasonal housing. The department is also supportive of conducting a study to analyze and recommend longer term solutions to both temporary and permanent seasonal worker housing.

Testimony Against: (Agriculture & Ecology) None.

(Appropriations) None.

Testified: (Agriculture & Ecology) Senator Prentice (prime sponsor); Bruce Miyahara, Department of Health (pro); Larry Ward, Washington State Building Code Council (pro); and Chris Cheney, Washington Growers League (pro), and Mike Ryherd, Washington Low-Income Housing Congress (pro).

(Appropriations) Senator Margarita Prentice, prime sponsor; and Kris Van Gorkom, Department of Health.