

# SENATE BILL REPORT

## ESSB 5503

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As Passed Senate, March 14, 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:** Financial Institutions & Housing: 2/1/95, 2/24/95 [DPS].  
Passed Senate, 3/14/95, 47-0.

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### SENATE COMMITTEE ON FINANCIAL INSTITUTIONS & HOUSING

**Majority Report:** That Substitute Senate Bill No. 5503 be substituted therefor, and the substitute bill do pass.

Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Sellar and Sutherland.

**Staff:** David Cheal (786-7576); Traci Ratzliff (786-7452)

**Background:** Agriculture in Washington requires a large seasonal work force. Most of the crops are very labor-intensive, with huge peak demands at harvest. Some harvest periods are as short as 11 days. Labor needs vary from one region of the state to another. The Yakima valley has a progression of harvests that might attract migrant workers for a several month stay. The Wenatchee area has fewer crops with a large labor need at cherry harvest time.

While a growing percentage of the farm labor force has permanent homes in Washington, a significant number of workers come from out of state and travel from one harvest to another. Many full-time Washington resident farm workers do not have decent, permanent housing. The demand for farmworker housing far exceeds the available supply. A state-commissioned 1993 study placed the gap at 57,000 beds statewide. Using slightly different methods, the Department of Health determined a 119,000 bed shortage in 1994. This shortage produces unhealthy, degrading living conditions for farm workers. Growers have trouble attracting the stable, healthy, productive work force they need. Some efforts by growers to expand available on-farm housing have led to regulatory confusion and frustration or lawsuits. These sanctions, regardless of the merits, have had a chilling effect on the development of appropriate on-farm housing in recent years.

The problem of how to provide for both seasonal and permanent farm worker housing has proven intractable. In the past decade, several legislative and executive initiatives have failed to produce significant improvement, but perhaps have produced a consensus that the problem is long term and has several component parts that can be tackled individually. During the 1994 interim, the Labor and Commerce and Health and Human Services

Committees focused a study on the need for seasonal, on-farm, grower-developed, temporary worker housing. The study consisted of several field tours, and numerous discussions with growers, workers, and regulators, both in Washington and Oregon.

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

Temporary worker housing on rural worksites is declared a permitted use for zoning purposes, subject to existing height, setback, and road access requirements.

The Department of Health is given authority to inspect housing covered by the bill, and to obtain a warrant if permission cannot be obtained.

The Department of Community, Trade, and Economic Development is given authority to contract with private nonprofit entities to provide technical assistance to temporary worker housing developers. An appropriation of \$49,000 is made for that purpose.

The State Building Code Council is directed to develop a temporary worker housing building code, according to detailed guidelines.

The Department of Health is directed to develop recommendations for incentives for the development of additional temporary worker housing, a streamlined permitting process, appropriate building standards and a compliance strategy.

Board of Health regulations for temporary worker housing may not exceed standards contained in the Washington Industrial Safety and Health Act (WISHA). The board must review all existing temporary worker housing rules within 60 days of the effective date and modify or repeal any rules that exceed WISHA standards.

**Appropriation:** \$49,000.

**Fiscal Note:** Available.

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

**Testimony For:** Many farm workers are without shelter, or live in hazardous unhealthy places. The bill will stimulate additional housing for seasonal workers by providing incentives to growers to build it. Under current law, development of farm worker housing has stopped. While the bill modifies some housing standards, overall worker safety is protected and enhanced.

**Testimony Against:** The bill would allow housing for farm workers that is substandard, and that would be illegal for other residential uses. The standards in the bill are too stringent in some areas and too lax in others. All administration of farm worker housing should remain at the state level.

**Testified:** Leo Sax, WA Growers Clearinghouse, Hort. Assn.; Victoria Lincoln, Assoc. of Cities; Bruce Miyahara, Dept. of Health; Al D'Alessandro, Gene Colin, Office of Rural & Farmworker Housing; Juan Herrejon; Rebecca Smith, Evergreen Legal Services; Jeff

Johnson, WSLC, AFL-CIO; Michael Gempler, WA Growers League; Gilberto Alaniz; Jose Cueras, Sunnyside farmworker; Santiago Santos.

**House Amendment(s):** The appropriation of \$49,000 is removed. All agency rules adopted under this act must comply with the federal Migrant and Season Agricultural Protection Act.