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**SUBSTITUTE SENATE BILL 5503**

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**State of Washington**

**54th Legislature**

**1995 Regular Session**

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

Read first time 02/28/95.

1 AN ACT Relating to health and safety regulation for temporary  
2 worker housing; amending RCW 70.54.110; adding a new chapter to Title  
3 70 RCW; making an appropriation; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that there is an  
6 inadequate supply of temporary and permanent housing for migrant and  
7 seasonal workers in this state. The legislature also finds that  
8 unclear, complex regulations related to the development, construction,  
9 and permitting of worker housing inhibit the development of this much  
10 needed housing. The legislature further finds that as a result, many  
11 workers are forced to obtain housing that is unsafe and unsanitary.

12 Therefore, it is the intent of the legislature to encourage the  
13 development of temporary and permanent housing for workers that is safe  
14 and sanitary by: Establishing a clear and concise set of regulations  
15 for temporary housing; establishing a streamlined permitting and  
16 administrative process that will encourage the development of such  
17 housing; and by providing technical assistance to organizations or  
18 individuals interested in the development of worker housing.

1        NEW SECTION.    **Sec. 2.**    The definitions in this section apply  
2 throughout this chapter.

3        (1) "Department" means the department of health.

4        (2) "Facility" means a sleeping place, drinking water, toilet,  
5 sewage disposal, food handling installation, or other installations  
6 required for compliance with this chapter.

7        (3) "Operator" means a person holding legal title to the land on  
8 which temporary worker housing is located. However, if the legal title  
9 and the right to possession are in different persons, "operator" means  
10 a person having the lawful control or supervision over the temporary  
11 worker housing under a lease or other arrangement.

12        (4) "Temporary worker" means any person who works:

13        (a) For one or more employers during the calendar year; and

14        (b) For at least half-time per week, during a designated season,  
15 within the same industry sector, including agricultural production,  
16 agricultural harvesting, plantation Christmas tree planting, tree  
17 planting on timber land, and other reforestation work.

18        (5) "Temporary worker housing" means a place, area, or piece of  
19 land where sleeping places or housing sites are provided by an employer  
20 for his or her employees or by another person, including a temporary  
21 worker housing operator, who is providing such accommodations for  
22 employees, for temporary, seasonal occupancy, and includes "labor  
23 camps" under RCW 70.54.110.

24        NEW SECTION.    **Sec. 3.**    (1) The department is designated the single  
25 state agency responsible for encouraging the development of additional  
26 temporary worker housing, and shall be responsible for coordinating the  
27 activities of the various state and local agencies to assure a  
28 seamless, nonduplicative system for the development and operation of  
29 temporary worker housing.

30        NEW SECTION.    **Sec. 4.**    Temporary worker housing located on a rural  
31 worksite and used for workers employed on the worksite shall not be  
32 subject to local zoning or other land use review processes and is a  
33 permitted use at such site.

34        NEW SECTION.    **Sec. 5.**    The secretary of the department or  
35 authorized representative may enter into buildings or premises at any  
36 reasonable time to make an inspection to enforce temporary worker

1 housing rules adopted by the state board of health, or when the  
2 secretary or representative has reasonable cause to believe that a  
3 violation of temporary worker housing rules adopted by the state board  
4 of health is occurring or is being maintained. If the buildings or  
5 premises are occupied as a residence, a reasonable effort shall be made  
6 to obtain permission from the resident. If the premises or building is  
7 unoccupied, a reasonable effort shall be made to locate the owner or  
8 other person having charge or control of the building or premises and  
9 request entry. If entry is refused, the secretary or representative  
10 shall have recourse to every remedy provided by law to secure entry.

11 NEW SECTION. **Sec. 6.** The department of community, trade, and  
12 economic development shall contract with private, nonprofit  
13 corporations to provide technical assistance to any private individual  
14 or nonprofit organization wishing to construct temporary or permanent  
15 worker housing. The assistance may include information on state and  
16 local application and approval procedures, information or assistance in  
17 applying for federal, state, or local financial assistance, including  
18 tax incentives, information on cost-effective housing designs, or any  
19 other assistance the department of community, trade, and economic  
20 development may deem helpful in obtaining the active participation of  
21 private individuals or groups in constructing or operating temporary or  
22 permanent worker housing.

23 NEW SECTION. **Sec. 7.** The department shall submit a report to the  
24 legislature containing short-term and long-term recommendations for the  
25 development of an adequate supply and continuous improvement of  
26 temporary worker housing. The report shall include recommendations for  
27 optimum roles for state and local administration of temporary worker  
28 housing, including the desirability of a locally administered  
29 compliance system. The report shall identify incentives for the  
30 development of temporary worker housing, including but not limited to:

- 31 (1) Facility design options that are economical and appropriate for  
32 the worksite and length of seasonal employment but do not compromise  
33 health and safety of workers;
- 34 (2) Streamlined, single-service-point permit application and review  
35 process;
- 36 (3) Utilization of manufactured shelter units;
- 37 (4) Appropriate building standards;

- 1 (5) Financial incentives for operators;
- 2 (6) Community-financed temporary worker housing; and
- 3 (7) Shared housing arrangements among operators.

4 The report shall include recommendations for appropriate compliance  
5 strategies.

6 A preliminary report shall be submitted by December 1, 1995,  
7 together with any recommendations for legislation necessary to  
8 implement the findings and recommendations of the department at that  
9 point.

10 A final report, including recommendations for legislation, shall be  
11 submitted by December 1, 1996.

12 **Sec. 8.** RCW 70.54.110 and 1990 c 253 s 4 are each amended to read  
13 as follows:

14 The state board of health shall develop rules for labor camps,  
15 which shall (~~include as a minimum~~) not exceed the standards developed  
16 under the Washington industrial safety and health act in chapter 49.17  
17 RCW as relates to (~~sanitation and~~) temporary labor camps.

18 All new housing and new construction together with the land areas  
19 appurtenant thereto which shall be started on and after May 3, 1969,  
20 and is to be provided by employers, growers, management, or any other  
21 persons, for occupancy by workers or by workers and their dependents,  
22 in agriculture, shall comply with the rules and regulations of the  
23 state board of health pertaining to labor camps. Within sixty days  
24 following the effective date of this act, the board shall review all  
25 rules it has adopted under this section and modify or repeal any rules  
26 that exceed the standards developed under chapter 49.17 RCW.

27 NEW SECTION. **Sec. 9.** The sum of forty-nine thousand dollars, or  
28 as much thereof as may be necessary, is appropriated for the biennium  
29 ending June 30, 1997, from the general fund to the department of  
30 community, trade, and economic development for the purposes of section  
31 6 of this act.

32 NEW SECTION. **Sec. 10.** Sections 1 through 7 of this act shall  
33 constitute a new chapter in Title 70 RCW.

34 NEW SECTION. **Sec. 11.** If any provision of this act or its  
35 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other  
2 persons or circumstances is not affected.

3 NEW SECTION. **Sec. 12.** This act is necessary for the immediate  
4 preservation of the public peace, health, or safety, or support of the  
5 state government and its existing public institutions, and shall take  
6 effect immediately.

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