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**SENATE BILL 5503**

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**State of Washington**

**54th Legislature**

**1995 Regular Session**

**By** Senators Prentice, Deccio, Pelz, Sellar and Fraser

Read first time 01/25/95. Referred to Committee on Financial Institutions & Housing.

1 AN ACT Relating to health and safety regulation for temporary  
2 worker housing; adding a new chapter to Title 70 RCW; repealing RCW  
3 43.70.330, 43.70.340, and 70.54.110; making an appropriation; and  
4 declaring an emergency.

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

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

13 Therefore, it is the intent of the legislature to encourage the  
14 development of temporary and permanent housing for workers that is safe  
15 and sanitary by: Establishing a clear and concise set of regulations  
16 for temporary housing; establishing a streamlined permitting process  
17 for those interested in developing such housing; and providing  
18 technical assistance to organizations or individuals interested in the  
19 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 installation,  
5 toilet installation, sewage disposal installation, food handling  
6 installation, or other installation required for compliance with the  
7 temporary worker housing rules.

8        (3) "Housing site" is a location upon which a sleeping place is  
9 situated.

10       (4) "Local public health administrator" means the administrator as  
11 set forth in chapter 70.05 RCW for the county or district in which  
12 temporary worker housing, or the larger portion of temporary worker  
13 housing, is located.

14       (5) "Operator" means a person holding legal title to the land on  
15 which temporary worker housing is located. However, if the legal title  
16 and the right to possession are in different persons, "operator" means  
17 a person having the lawful control or supervision over the temporary  
18 worker housing under a lease or other arrangement.

19       (6) "Potable water" means water meeting the bacteriological and  
20 other requirements specified in chapter 70.119A RCW and rules adopted  
21 under that chapter.

22       (7) "Refuse" includes waste materials such as paper, metal, and  
23 discarded items, as well as debris, litter, and trash.

24       (8) "Sanitary" means free from agents that may be injurious to  
25 health.

26       (9) "Sewage" means the water-carried human and animal wastes,  
27 including kitchen, bath, and laundry wastes from residences, buildings,  
28 industrial establishments, or other places, together with such ground  
29 water infiltration, surface waters, or industrial wastes as may be  
30 present.

31       (10) "Sleeping place" means a room, structure, shelter, tent,  
32 trailer house, vehicle, or other place where one or more persons are  
33 housed. "Sleeping place" is not limited to a place for sleeping only  
34 but includes the entire area where one or more persons are housed.

35       (11) "Temporary worker" means any person who works:

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

37       (b) For at least half-time per week, during a designated season,  
38 within the same industry sector, including agricultural production,

1 agricultural harvesting, plantation Christmas tree planting, and tree  
2 planting on timber land.

3 (12) "Temporary worker housing" means a place, area, or piece of  
4 land where sleeping places or housing sites are provided by an employer  
5 for his or her employees or by another person, including a temporary  
6 worker housing operator, who is providing such accommodations for  
7 employees.

8 (13) "Toilet room" means a room maintained within or on the  
9 premises of temporary worker housing, containing toilet facilities for  
10 use by employees and occupants of that temporary worker housing.

11 NEW SECTION. **Sec. 3.** (1) The department is designated the single  
12 state agency responsible for encouraging the development of additional  
13 temporary worker housing. The legislature intends that this chapter be  
14 administered through local health jurisdictions.

15 (2)(a) The department shall establish rules directing local public  
16 health jurisdictions to establish a single application and inspections  
17 procedure to be used by persons within their jurisdiction wishing to  
18 construct temporary worker housing. The procedure shall include a  
19 single project permit manager who coordinates all local and state  
20 permit applications, processes, inspections, and approvals including at  
21 least zoning, building code and permit applications, local health  
22 department requirements, fire district requirements, the department of  
23 labor and industries regulations, and the department of ecology  
24 jurisdictional issues.

25 (b) The department shall by rule delegate to local health  
26 jurisdictions the authority to establish fees for the single inspection  
27 or application procedure required under this section, in an amount  
28 sufficient to cover costs, and for the registration process under  
29 section 6 of this act, but in no case may the fees exceed two hundred  
30 dollars.

31 (3) The department in conjunction with the local health  
32 jurisdictions shall develop a compliance monitoring program to be used  
33 by the local jurisdictions in enforcing this chapter under section 7 of  
34 this act.

35 (4) Rules adopted under this chapter shall be in compliance with  
36 chapter 49.17 RCW, the Washington industrial safety and health act.

1        NEW SECTION.    **Sec. 4.**    (1) The standards contained in this chapter  
2 and in rules adopted to implement this chapter apply to:

3        (a) Any type of facility established or to be established,  
4 operated, or maintained for housing workers with or without families  
5 whether or not fees are paid or collected or the housing is free;

6        (b) Temporary worksite or near worksite housing for temporary  
7 workers;

8        (c) Tents and tent platforms, frame construction housing, trailers,  
9 and prefabricated or manufactured structures;

10       (d) Housing that is given to, rented by, leased to, or otherwise  
11 provided to employees for use while employed and provided by the  
12 employer, a representative of the employer, or a camp operator;

13       (e) All temporary worker housing sites owned, operated, or allowed  
14 to be operated on property owned by any state or municipal authority.

15       (2) The purpose of these standards is to prescribe minimum health  
16 and safety requirements for establishing, operating, and maintaining  
17 temporary worker housing.

18       (3) Temporary worker housing operations of four or fewer dwelling  
19 units are exempt from this chapter. "Dwelling unit," as used in this  
20 subsection, means living quarters designed for a single family or for  
21 an individual.

22       NEW SECTION.    **Sec. 5.**    (1) It is a violation of this chapter to  
23 operate a temporary worker housing operation without a valid  
24 certificate issued under this section and without a current  
25 registration issued under section 6 of this act.

26       (2) A temporary worker housing operator shall apply to the local  
27 health jurisdiction for an operator's certificate. The local health  
28 jurisdiction shall inspect an applicant's operation under the protocol  
29 established in section 3 of this act. Applicants shall pay a fee set  
30 by the local jurisdiction to cover the direct costs of inspection and  
31 certification. The local health jurisdiction shall issue an operator's  
32 certificate to applicants who pass the inspection and who have paid the  
33 fee.

34       (3) The certificate issued under this section is valid for five  
35 years.

36       NEW SECTION.    **Sec. 6.**    A temporary worker housing operator shall  
37 register with the local health jurisdiction at least forty-five days

1 prior to the first opening of the temporary worker housing operations  
2 for the year. Registration shall include the name and location of the  
3 operation, name of the operator, number of housing units, number of  
4 maximum occupant capacity, and anticipated periods of occupancy. Each  
5 operator shall pay a nominal fee, to be set by the local health  
6 jurisdiction, to cover the cost of registration. The local health  
7 jurisdiction shall issue each eligible operator an annual occupancy  
8 certificate, which the operator shall conspicuously display on the  
9 operations site.

10 NEW SECTION. **Sec. 7.** (1) It is unlawful to operate a temporary  
11 worker housing operation that is not in compliance with this chapter.

12 (2) Operators are subject to one inspection every five years, which  
13 shall occur during the certification process under section 5 of this  
14 act, and are subject to additional inspections as needed to assure  
15 compliance with this chapter.

16 (3)(a) Additional inspections may be undertaken by the local health  
17 jurisdiction without notice to the operator if the local health  
18 jurisdiction has received complaints regarding the health and  
19 sanitation status of the operation.

20 (b) The inspector shall notify the operator in writing that an  
21 inspection occurred, the date the inspection occurred, and shall state  
22 whether the operation is in compliance with this chapter and rules  
23 adopted under this chapter. If the operator is found to not be in  
24 compliance, the inspector shall specifically state the components of  
25 the operation that are not in compliance and how the operator is to  
26 correct the violations.

27 (c) Except as provided in section 8 of this act, an operator has  
28 thirty days to correct violations reported under (b) of this  
29 subsection. An operator that fails to correct the violations shall  
30 receive in writing a reminder that the operation is not in compliance  
31 with this chapter. The operator has an additional fifteen days to  
32 correct the violations. If the operator does not comply by the end of  
33 the second period, the certificate and registration shall be  
34 immediately revoked.

35 NEW SECTION. **Sec. 8.** Corrective action must be undertaken by the  
36 operator after receipt of an oral or written complaint by a temporary  
37 worker, except where circumstances are beyond the operator's control:

1 (1) Within twenty-four hours, where the defective condition  
2 deprives the tenant of hot or cold water, heat, or electricity, or is  
3 immediately hazardous to life; and

4 (2) Within thirty days for all other essential health and safety  
5 conditions.

6 NEW SECTION. **Sec. 9.** (1) The grounds of a temporary worker  
7 housing facility shall be maintained in a clean, sanitary condition,  
8 free from wastewater, sewage, garbage, refuse, overgrown grass, weeds,  
9 or brush.

10 (2) All temporary worker housing shall be located on well-drained  
11 ground and the sites shall be graded, ditched, or rendered free from  
12 depressions in which water can stand.

13 (3) Facilities shall not be located within two hundred feet of  
14 swamps, pools, or sink holes.

15 (4) Action shall be taken to prevent or control the breeding of  
16 pests such as insects or rodents in the immediate camp area and within  
17 a two hundred foot perimeter of the facility.

18 (5) The operator of a temporary worker housing facility shall be  
19 responsible for daily maintenance and operation. Prior to occupancy,  
20 an operator shall develop a facility management plan on forms provided  
21 by the local health jurisdiction designed to acquaint residents with  
22 services and facilities that will be provided and their  
23 responsibilities with respect to the maintenance and operation of the  
24 facility. This plan shall be submitted with the facility certification  
25 described in section 5 of this act.

26 (6) All toxic materials such as pesticides, fertilizers, paints,  
27 and solvents used in connection with the commercial operation shall be  
28 stored in a safe place accessible only to authorized employees. No  
29 empty containers of such material may be left in the immediate living  
30 area or disposed of in such a manner as to endanger the occupants.

31 (7) All housing units in a temporary worker housing facility shall  
32 be provided with electrical service, which shall comply with the  
33 Washington electrical code, except as modified by this chapter. This  
34 service shall consist of at least one working wall or ceiling light  
35 fixture and at least two wall-type electrical outlets in each sleeping  
36 place.

37 (8) Toilet rooms, lavatories, shower or bathing rooms, laundry  
38 rooms, hallways, stairways, corridors and walkways, or other hazardous

1 dark areas shall be provided with sufficient lighting to allow safe use  
2 at night.

3 NEW SECTION. **Sec. 10.** (1) An ample supply of safe and potable  
4 water shall be provided in every temporary worker housing facility for  
5 drinking, hand washing, bathing, and domestic purposes. Water for  
6 drinking and domestic purposes shall be available within a reasonable  
7 distance of each sleeping place. An ample supply means a minimum of  
8 thirty-five gallons of water per day per occupant.

9 (2) The department of health shall adopt rules which establish  
10 purity standards, testing procedures, acceptable distribution  
11 facilities, and contamination prevention requirements. These rules  
12 shall also establish standards and practices for the provision and use  
13 of nonpotable water, and for the proper separation of potable and  
14 nonpotable water supplies.

15 NEW SECTION. **Sec. 11.** (1) Toilets shall be maintained in good  
16 repair and in a clean and sanitary condition. They shall be supplied  
17 in an adequate number, be constructed so as to provide privacy, and  
18 shall be easily accessible from sleeping places. The department shall  
19 adopt rules with respect to supplies and equipment, construction  
20 details, sanitation, ventilation, substitution of urinals for some  
21 toilets, and toilet/facility occupant ratios. If privies are used,  
22 they shall conform to rules of the department with regard to their  
23 construction and location. They shall be maintained in a clean and  
24 sanitary condition.

25 (2) Laundry, handwashing, and bathing facilities shall be provided  
26 and maintained in a clean, sanitary condition. An adequate supply of  
27 hot and cold water under pressure shall be available for all common-use  
28 handwashing, bathing, and laundry facilities.

29 Laundry and drying facilities to serve the needs of the occupants  
30 shall be conveniently accessible within the facility when public  
31 laundry and drying facilities are not available within five miles of  
32 the camp site. Mechanical washers or laundry tubs may be utilized when  
33 laundry facilities are required within a facility. Clothes lines or  
34 other drying facilities shall be provided. Coin-operated mechanical  
35 washers and dryers may be used provided they are made available at a  
36 reasonable cost.

1 Adequate handwashing and drying facilities shall be provided. They  
2 shall be located within or adjacent to all toilet facilities. The use  
3 of common towels is prohibited.

4 Bathing facilities shall be provided with floor drains and floors  
5 that slope to the drain.

6 The department shall adopt rules with respect to construction  
7 details and the facility/occupant ratio for laundry, handwashing, and  
8 bathing facilities.

9 (3) All plumbing in a temporary worker housing facility shall  
10 conform to state law and rules adopted to implement state law, except  
11 as otherwise provided in this chapter.

12 NEW SECTION. **Sec. 12.** All refuse and garbage in a temporary  
13 worker housing facility shall be stored in durable containers so  
14 designed as to be capable of excluding water, flies, and rodents.  
15 Refuse and garbage containers and facilities shall be maintained in  
16 good repair, in a clean and sanitary condition, and in adequate number  
17 to meet the needs of the occupants. Containers shall be readily  
18 accessible to all occupants. All garbage and refuse shall be removed  
19 at least once a week.

20 The department shall adopt rules with respect to construction  
21 details of garbage and refuse facilities, container/occupant ratios,  
22 and disposal procedures.

23 NEW SECTION. **Sec. 13.** (1) All sleeping places in a temporary  
24 worker housing facility shall be maintained in a safe and sanitary  
25 condition, in good repair structurally, shall provide shelter against  
26 the elements, and exclude ground water, surface water, rodents, and  
27 insects.

28 (2) The walls and roof of permanently constructed sleeping places  
29 shall be tight and solid. Floors shall be constructed of rigid and  
30 durable material, and shall be of a smooth and cleanable finish. If  
31 tents are provided as sleeping places they shall have floors  
32 constructed of wood, asphalt, or concrete. Floors shall be of tight  
33 construction.

34 (3) Sleeping places that are occupied between October through May  
35 shall have heating equipment capable of maintaining a temperature of at  
36 least sixty-eight degrees Fahrenheit, and installed and maintained in



1 accordance with applicable state and local fire, building, and  
2 electrical regulations.

3 (4) If tents are used for sleeping places, the tent body and  
4 screens shall be sound. The tents shall be treated with an effective  
5 waterproofing material as often as necessary to maintain a waterproof  
6 condition. The tents shall be adequately screened to effectively keep  
7 out flies and mosquitos. Tents shall not be used for housing between  
8 the months of November through March.

9 (5) Beds, bunks, or cots shall be provided for each occupant and  
10 suitable storage facilities such as lockers or closets shall be  
11 provided for each occupant or family unit.

12 (6) Mattresses shall be clean, in good repair, and free of insects  
13 and animal parasites. After each period of occupancy, all mattresses  
14 shall be treated with an effective insecticide or fumigated and stored  
15 in a clean, dry place.

16 (7) Space used for combined cooking, eating, and sleeping purposes  
17 shall contain not less than one hundred square feet per occupant,  
18 except that adjustments may be made for partitioned spaces used by  
19 members of one nuclear family, or where double bunk beds are used.  
20 Triple bunk beds are prohibited.

21 (8) Space used for sleeping purposes only shall contain at least  
22 fifty square feet of floor space per occupant, whether or not double  
23 bunk beds are used, except that adjustments may be made for partitioned  
24 sleeping spaces used by members of one nuclear family.

25 (9) Ceilings shall be at least seven feet over at least fifty  
26 percent of the floor area, with no point less than five feet. Ceiling  
27 height in manufactured homes must be at least six feet eight inches,  
28 and in recreational vehicles, at least six feet four inches.

29 (10) Separate private areas for sleeping shall be provided for each  
30 gender, if not members of the same nuclear family, or for each nuclear  
31 family.

32 (11) Except where ventilation is provided by mechanical means, each  
33 habitable room in a shelter shall have openable windows or skylight  
34 openings directly to the out-of-doors.

35 (12) The department shall adopt rules with respect to space  
36 requirements, design and construction details which affect health and  
37 safety, emergency exit and other safety considerations, and ventilation  
38 and heating equipment specifications.

1        NEW SECTION.    **Sec. 14.**    Fire-extinguishing equipment shall be  
2 provided in a readily accessible place, not more than one hundred feet  
3 from each housing unit.

4        All sleeping places shall be constructed and maintained in  
5 accordance with the applicable local and state fire and safety laws and  
6 rules.

7        The state fire marshal shall adopt rules with respect to fire-  
8 extinguishing devices, emergency exit specifications, and other items  
9 necessary to provide occupant safety.

10       NEW SECTION.    **Sec. 15.**    (1) In a temporary worker housing facility  
11 where food or meals are prepared or served by the operator, a  
12 concessionaire, or in a common-use facility by the occupants, the  
13 facilities and procedures for preparation and serving shall comply with  
14 chapter 69.04 RCW, and standards established by the department by rule.

15        (2) Except where adequate central eating and kitchen facilities are  
16 provided, a separate area shall be provided in each sleeping place,  
17 with or without partition, for use as a kitchen and eating place and be  
18 provided with the following equipment:

19        (a) A mechanical refrigerator, which must be capable of maintaining  
20 food at no more than forty-five degrees Fahrenheit;

21        (b) A stove or hot plate which is of adequate size to serve the  
22 intended number of occupants and, if located within eighteen inches of  
23 a wall, that wall must be made of or finished with smooth, cleanable,  
24 nonabsorbent, grease-resistant, and fire-resistant material;

25        (c) Food storage shelves and a food preparation area, which must be  
26 constructed of or finished with smooth, nonabsorbent, cleanable  
27 material; and

28        (d) A table and chairs or equivalent seating and eating  
29 arrangements to accommodate the number of occupants living in the  
30 sleeping place. The refrigerator and stove or hot plate shall be  
31 maintained in working condition. These facilities shall be clean prior  
32 to each occupancy.

33       NEW SECTION.    **Sec. 16.**    Adequate provision shall be made for first  
34 aid equipment and emergency medical treatment. An emergency medical  
35 plan shall be developed and submitted with the certification described  
36 in section 5 of this act.

1 The department of health shall adopt rules that set forth the  
2 minimum requirements for equipment and facilities and an emergency  
3 medical plan necessary to meet the intent and direction of this  
4 section.

5 NEW SECTION. **Sec. 17.** The standards established by this chapter  
6 for the construction, operation, and maintenance of temporary worker  
7 housing facilities are controlling as to that type of housing, as  
8 defined in this chapter, and to the extent of any conflict with the  
9 uniform building code, chapter 19.27 RCW, this chapter shall prevail.

10 NEW SECTION. **Sec. 18.** This chapter shall not be construed to  
11 authorize the adoption of any administrative rule that establishes a  
12 standard more burdensome on the operator than the equivalent federal  
13 standard.

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

25 NEW SECTION. **Sec. 20.** The sum of forty-nine thousand dollars, or  
26 as much thereof as may be necessary, is appropriated for the biennium  
27 ending June 30, 1997, from the general fund to the department of health  
28 for the purposes of section 19 of this act.

29 NEW SECTION. **Sec. 21.** Sections 1 through 19 of this act shall  
30 constitute a new chapter in Title 70 RCW.

31 NEW SECTION. **Sec. 22.** The following acts or parts of acts are  
32 each repealed:

33 (1) RCW 43.70.330 and 1990 c 253 s 2;

1 (2) RCW 43.70.340 and 1990 c 253 s 3; and  
2 (3) RCW 70.54.110 and 1990 c 253 s 4 & 1969 ex.s. c 231 s 1.

3 NEW SECTION. **Sec. 23.** If any provision of this act or its  
4 application to any person or circumstance is held invalid, the  
5 remainder of the act or the application of the provision to other  
6 persons or circumstances is not affected.

7 NEW SECTION. **Sec. 24.** This act is necessary for the immediate  
8 preservation of the public peace, health, or safety, or support of the  
9 state government and its existing public institutions, and shall take  
10 effect immediately.

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