
SECOND SUBSTITUTE SENATE BILL 6168

State of Washington

55th Legislature

1998 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Prentice, Rasmussen, Hale, Sellar, T. Sheldon, Wood, McAuliffe, Kohl, Anderson, Benton and Winsley; by request of Governor Locke)

Read first time 02/10/98.

1 AN ACT Relating to developing and funding housing for temporary
2 workers; amending RCW 43.22.480 and 43.70.340; adding a new section to
3 chapter 19.27 RCW; adding a new section to chapter 70.114A RCW; adding
4 a new section to chapter 49.17 RCW; adding new sections to chapter
5 43.70 RCW; and repealing RCW 70.114A.080.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 19.27 RCW
8 to read as follows:

9 (1) Temporary worker housing shall be constructed, altered, or
10 repaired as provided in chapter 70.114A RCW and chapter . . . , Laws of
11 1998 (this act). The construction, alteration, or repair of temporary
12 worker housing is not subject to the codes adopted under RCW 19.27.031,
13 except as provided by rule adopted under chapter 70.114A RCW or chapter
14 . . . , Laws of 1998 (this act).

15 (2) For the purpose of this section, "temporary worker housing" has
16 the same meaning as provided in RCW 70.114A.020.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 70.114A
18 RCW to read as follows:

1 (1) The department shall adopt by rule a temporary worker building
2 code in conformance with the temporary worker housing standards
3 developed under the Washington industrial safety and health act,
4 chapter 49.17 RCW, the rules adopted by the state board of health under
5 RCW 70.54.110, and the following guidelines:

6 (a) The temporary worker building code shall provide construction
7 standards for shelter and associated facilities that are safe, secure,
8 and capable of withstanding the stresses and loads associated with
9 their designated use, and to which they are likely to be subjected by
10 the elements;

11 (b) The temporary worker building code shall permit and facilitate
12 designs and formats that allow for maximum affordability, consistent
13 with the provision of decent, safe, and sanitary housing;

14 (c) In developing the temporary worker building code the department
15 of health shall consider:

16 (i) The need for dormitory type housing for groups of unrelated
17 individuals; and

18 (ii) The need for housing to accommodate families;

19 (d) The temporary worker building code shall incorporate the
20 opportunity for the use of construction alternatives and the use of new
21 technologies that meet the performance standards required by law;

22 (e) The temporary worker building code shall include standards for
23 heating and insulation appropriate to the type of structure and length
24 and season of occupancy; and

25 (f) The temporary worker building code shall include standards for
26 temporary worker housing that are to be used only during periods when
27 no auxiliary heat is required.

28 (2) In adopting the temporary worker building code, the department
29 shall make exceptions to the codes listed in RCW 19.27.031 and chapter
30 19.27A RCW, in keeping with the guidelines set forth in this section.
31 The initial temporary worker building code adopted by the department
32 shall be substantially equivalent with the temporary worker building
33 code developed by the state building code council as directed by
34 section 8, chapter 220, Laws of 1995.

35 (3) The temporary worker building code authorized and required by
36 this section shall be enforced by the department.

37 The department shall have the authority to allow minor variations
38 from the temporary worker building code that do not compromise the
39 health or safety of workers. Procedures for requesting variations and

1 guidelines for granting such requests shall be included in the rules
2 adopted under this section.

3 NEW SECTION. **Sec. 3.** A new section is added to chapter 49.17 RCW
4 to read as follows:

5 By December 1, 1998, the department of labor and industries shall
6 adopt rules requiring electricity in all temporary worker housing and
7 establishing minimum requirements to ensure the safe storage, handling,
8 and preparation of food in these camps, regardless of whether
9 individual or common cooking facilities are in use.

10 **Sec. 4.** RCW 43.22.480 and 1995 c 289 s 2 are each amended to read
11 as follows:

12 (1) The department shall adopt and enforce rules that protect the
13 health, safety, and property of the people of this state by assuring
14 that all factory built housing or factory built commercial structures
15 are structurally sound and that the plumbing, heating, electrical, and
16 other components thereof are reasonably safe. The rules shall be
17 reasonably consistent with recognized and accepted principles of safety
18 and structural soundness, and in adopting the rules the department
19 shall consider, so far as practicable, the standards and specifications
20 contained in the uniform building, plumbing, and mechanical codes,
21 including the barrier free code and the Washington energy code as
22 adopted by the state building code council pursuant to chapter 19.27A
23 RCW, and the national electrical code, including the state rules as
24 adopted pursuant to chapter 19.28 RCW and published by the national
25 fire protection association or, when applicable, the temporary worker
26 building code adopted under section 2 of this act.

27 (2) The department shall set a schedule of fees which will cover
28 the costs incurred by the department in the administration and
29 enforcement of RCW 43.22.450 through 43.22.490.

30 (3) The director may adopt rules that provide for approval of a
31 plan that is certified as meeting state requirements or the equivalent
32 by a professional who is licensed or certified in a state whose
33 licensure or certification requirements meet or exceed Washington
34 requirements.

35 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.70 RCW
36 to read as follows:

1 (1) Any person providing temporary worker housing as defined in
2 chapter 70.114A RCW shall secure an annual operating license prior to
3 occupancy and shall pay a fee according to RCW 43.70.340. The license
4 shall be conspicuously displayed on site.

5 (2) Licenses issued under this chapter may be suspended or revoked
6 upon the failure or refusal of the person providing temporary worker
7 housing to comply with the provisions of RCW 70.54.110, or of any rules
8 adopted under this section by the department. All such proceedings
9 shall be governed by the provisions of chapter 34.05 RCW.

10 (3) The department may assess a civil fine in accordance with RCW
11 43.70.095 for failure or refusal to obtain a license prior to occupancy
12 of temporary worker housing. The department may refund all or part of
13 the civil fine collected once the operator obtains a valid operating
14 license.

15 (4) Civil fines under this section shall not exceed twice the cost
16 of the license plus the cost of the initial on-site inspection for the
17 first violation of this section, and shall not exceed ten times the
18 cost of the license plus the cost of the initial on-site inspection for
19 second and subsequent violations within any five-year period. The
20 department may adopt rules as necessary to assure compliance with this
21 section.

22 (5) For the purpose of this section, "temporary worker housing" has
23 the same meaning as provided in chapter 70.114A RCW.

24 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.70 RCW
25 to read as follows:

26 This section applies to operators of temporary worker housing as
27 defined in chapter 70.114A RCW who are providing temporary worker
28 housing on farm.

29 (1) Any person who constructs, alters, or makes an addition to
30 temporary worker housing shall:

31 (a) Submit plans and specifications for the alteration, addition,
32 or new construction of this housing prior to beginning any alteration,
33 addition, or new construction on this housing;

34 (b) Apply for and obtain a temporary worker housing building permit
35 from the department prior to construction or alteration of this
36 housing; and

37 (c) Submit a plan review and permit fee to the department of health
38 pursuant to section 5 of this act.

1 (2) The department shall adopt rules as necessary, for the
2 application procedures for the temporary worker housing plan review and
3 permit process.

4 (3) Any alteration of a manufactured structure to be used for
5 temporary worker housing remains subject to chapter 43.22 RCW, and the
6 rules adopted under chapter 43.22 RCW.

7 (4) For the purpose of this section, "temporary worker housing" has
8 the same meaning as provided in chapter 70.114A RCW.

9 **Sec. 7.** RCW 43.70.340 and 1990 c 253 s 3 are each amended to read
10 as follows:

11 (1) The ~~((farmworker housing inspection))~~ temporary worker housing
12 fund is established in the custody of the state treasury. The
13 department ~~((of health))~~ shall deposit all funds received under
14 subsections (2) and (3) of this section and from the legislature to
15 administer a ~~((labor camp))~~ temporary worker housing permitting,
16 licensing, and inspection program conducted by the department ~~((of~~
17 ~~health))~~. Disbursement from the fund shall be on authorization of the
18 secretary of health or the secretary's designee. The fund is subject
19 to the allotment procedure provided under chapter 43.88 RCW, but no
20 appropriation is required for disbursements.

21 (2) There is imposed a fee on each operating license issued by the
22 department ~~((of health))~~ to every operator of ~~((a labor camp))~~
23 temporary worker housing that is regulated by the state board of
24 health. ~~((The fee paid under this subsection shall include all~~
25 ~~necessary inspection of the units to ensure compliance with))~~ In
26 establishing the fee to be paid under this subsection the department
27 shall consider the cost of administering a license as well as enforcing
28 applicable state board of health rules on ~~((labor camps.~~

29 ~~(a) Fifty dollars shall be charged for each labor camp containing~~
30 ~~six or less units.~~

31 ~~(b) Seventy five dollars shall be charged for each labor camp~~
32 ~~containing more than six units))~~ temporary worker housing.

33 (3) There is imposed a fee on each temporary worker housing
34 building permit issued by the department to every operator of farm
35 temporary worker housing as required by section 5 of this act. The fee
36 shall include the cost of administering a permit as well as enforcing
37 the department's temporary worker building code as adopted under
38 section 2 of this act.

1 (4) The department shall conduct a fee study for:
2 (a) A temporary worker housing operator's license;
3 (b) On-site inspections; and
4 (c) A plan review and building permit for new construction.

5 After completion of the study, the department shall adopt these
6 fees by rule by no later than December 31, 1998.

7 (5) The term of the operating license and the application
8 procedures shall be established, by rule, by the department ((of
9 health)).

10 NEW SECTION. Sec. 8. RCW 70.114A.080 and 1995 c 220 s 8 are each
11 repealed.

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