

HOUSE BILL REPORT

HB 2494

As Reported By House Committee On:
Trade & Economic Development

Title: An act relating to developing and funding housing for temporary workers.

Brief Description: Developing housing for temporary workers.

Sponsors: Representatives Kenney, Van Luven, O'Brien, Romero, Poulsen, Veloria, Dickerson, Chopp, Ogden, Kessler, Doumit, Gardner, Dyer, Butler, Costa, Linville, Murray, Cody, Morris, Tokuda, Wood, Conway and Anderson; by request of Governor Locke.

Brief History:

Committee Activity:

Trade & Economic Development: 1/22/98, 1/29/98 [DPS].

HOUSE COMMITTEE ON TRADE & ECONOMIC DEVELOPMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Van Luven, Chairman; Dunn, Vice Chairman; Veloria, Ranking Minority Member; Eickmeyer, Assistant Ranking Minority Member; Alexander; Ballasiotes; Mason; McDonald and Morris.

Staff: Kenny Pittman (786-7392).

Background: The construction of buildings or structures in Washington is governed by the requirements of the State Building Code. The State Building Code Council, within the Department of Community, Trade, and Economic Development, is responsible for the development and revision of the State Building Code. The State Building Code consists of technical performance standards covering structural, mechanical, fire, safety, and energy conservation standards. These standards guide the construction, alteration, or repair of residential and non-residential buildings or structures. It has been argued that these performance standards are designed for buildings or structures that are occupied on a permanent and not a temporary basis.

In 1995, the Legislature directed several state agencies to work together to develop a temporary worker housing code. The new code would provide performance standards for the construction, alteration, or repair of housing that is occupied on a temporary basis and still meet basic health and safety requirements.

The State Building Code Council was directed to develop a temporary worker housing code by December 1, 1996. The temporary worker housing code must comply with the requirements of the Washington Industrial Safety and Health Act (WISHA) and rules adopted by the state Board of Health. The temporary worker housing code has been developed and delivered to the Legislature. The resultant legislation was vetoed by the Governor in 1997. As part of the veto message, the Governor directed affected state agencies and interest groups to work together to develop standards for the construction, alteration, or repair of temporary worker housing.

The Department of Health has general licensing authority for the operation of farm worker labor camps. The Department of Labor and Industries has responsibility for enforcing the requirements of the WISHA as it relates to agricultural work places. The two departments are working together in the regulation of farm worker labor camps.

Summary of Substitute Bill: The Department of Health (DOH) is directed to adopt a temporary worker building code by administrative rule. The temporary worker building code governs the construction, alteration, or repair of temporary worker housing and the construction of factory built housing used for temporary worker housing.

The temporary worker building code must conform to the standards under the Washington Industrial Safety and Health Act (WISHA) and the rules adopted by the state Board of Health. The DOH's initial temporary worker building code must be substantially equivalent to the temporary worker building code developed by the State Building Code Council. The DOH is responsible for the enforcement responsibilities of the temporary worker building code.

By December 1, 1998, the Department of Labor and Industries must adopt rules requiring electricity in all temporary worker housing and establish standards to ensure safe storage, handling, and preparation of food.

A provision is added to the State Building Code to clarify that the construction, alteration, or repair of temporary worker housing is not subject to the requirements of the State Building Code, but is governed by the codes developed and adopted by the DOH.

The DOH is responsible for issuing an annual license for the occupancy of temporary worker housing. Procedures are established to either suspend or revoke the occupancy license for failure to comply with the requirements adopted by the DOH. The DOH may assess civil fines for failure or refusal to obtain a license prior to occupancy.

The DOH is authorized to establish a building permit fee schedule for the issuance of permits regarding the construction, alteration, or addition to temporary worker housing. The fee covers the costs of necessary plan review, construction inspections, on-site inspection to ensure compliance with the temporary worker housing code.

Two million dollars is appropriated annually to the housing trust fund for funding of housing for low-income farm workers. The housing financed through the housing trust fund must meet the minimum standards of the State Building Code.

The Department of Community, Trade, and Economic Development, in cooperation with the Departments of Health, Labor and Industries, and Social and Health Services, reviews and makes recommendations on requests for funding to the housing trust fund board. An advisory group consisting of growers, farm workers, and other interested parties is created to assist the interagency group.

Substitute Bill Compared to Original Bill: The substitute bill: (1) corrects references regarding the development of the temporary worker building code from the state Board of Health to the Department of Health; (2) removes the requirement that the Department of Health develop construction standards for temporary worker housing that is occupied during periods when heating is not needed; (3) requires the Department of Health to adopt rules regarding annual occupancy licensing of temporary worker housing; and (4) requires the Department of Health to adopt rules for construction inspection and occupancy permit process for temporary worker housing.

Appropriation: The sum of \$2 million annually is transferred from the general fund to the housing trust fund beginning in fiscal year 1999.

Fiscal Note: Available.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill represents a significant start to addressing the lack of adequate housing for temporary workers. The various interest groups have worked together to come up with this bill that will provide housing and improve the living conditions of farm workers. The flexible construction standards will allow the development of cost-effective housing that is occupied for shorter periods by the public and private sectors. The additional funding for low-income farm workers through the housing trust fund will leverage other funding sources for the development of the needed housing. This is an important and vital tool.

Testimony Against: None.

Testified: Representative Kenney, prime sponsor (pro); Brian Thane, Office of Rural and Farmworker Housing (pro); Daniel Romero (pro); Melody Salguero, Washington Association of Churches (pro); Kirk Mayer and Randy Smith, Washington Growers Clearinghouse (pro); Chris Cheney, Washington Growers League (pro); Julie Murray, Washington Farm Bureau (pro); Bruce Miyahara, Department of Health (pro); Tim Douglas, Department of Community, Trade, and Economic Development (pro); Gary

Moore, Department of Labor and Industries (pro); Jeff Johnson, Washington State Labor Council / AFL-CIO (pro); Manuel Romero, Commission on Hispanic Affairs (pro); Rogelio Riojas, SEA-MAR (pro); and Eric Paige, Washington State Catholic Conference (pro).