

2 SSB 5503 - S AMD - 198
3 By Senators Prentice and Deccio

4 ADOPTED 3/14/95

5 Strike everything after the enacting clause and insert the
6 following:

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

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

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

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

25 (2) "Dwelling unit" means a shelter, building, or portion of a
26 building, that may include cooking and eating facilities, that is:

27 (a) Provided and designated by the operator as either a sleeping
28 area, living area, or both, for occupants; and

29 (b) Physically separated from other sleeping and common-use areas.

30 (3) "Facility" means a sleeping place, drinking water, toilet,
31 sewage disposal, food handling installation, or other installations
32 required for compliance with this chapter.

33 (4) "Occupant" means a temporary worker or a person who resides
34 with a temporary worker at the housing site.

35 (5) "Operator" means a person holding legal title to the land on

1 which temporary worker housing is located. However, if the legal title
2 and the right to possession are in different persons, "operator" means
3 a person having the lawful control or supervision over the temporary
4 worker housing under a lease or other arrangement.

5 (6) "Temporary worker" means a person employed intermittently and
6 not residing year-round at the same site.

7 (7) "Temporary worker housing" means a place, area, or piece of
8 land where sleeping places or housing sites are provided by an employer
9 for his or her employees or by another person, including a temporary
10 worker housing operator, who is providing such accommodations for
11 employees, for temporary, seasonal occupancy, and includes "labor
12 camps" under RCW 70.54.110.

13 NEW SECTION. **Sec. 3.** This act applies to temporary worker housing
14 that consists of five or more dwelling units, or any combination of
15 dwelling units, dormitories, or spaces that house ten or more
16 occupants.

17 NEW SECTION. **Sec. 4.** The department is designated the single
18 state agency responsible for encouraging the development of additional
19 temporary worker housing, and shall be responsible for coordinating the
20 activities of the various state and local agencies to assure a
21 seamless, nonduplicative system for the development and operation of
22 temporary worker housing.

23 NEW SECTION. **Sec. 5.** Temporary worker housing located on a rural
24 worksite, and used for workers employed on the worksite, shall be
25 considered a permitted use at the rural worksite for the purposes of
26 zoning or other land use review processes, subject only to height,
27 setback, and road access requirements of the underlying zone.

28 NEW SECTION. **Sec. 6.** The secretary of the department or
29 authorized representative may inspect housing covered by this act to
30 enforce temporary worker housing rules adopted by the state board of
31 health, or when the secretary or representative has reasonable cause to
32 believe that a violation of temporary worker housing rules adopted by
33 the state board of health is occurring or is being maintained. If the
34 buildings or premises are occupied as a residence, a reasonable effort
35 shall be made to obtain permission from the resident. If the premises

1 or building is unoccupied, a reasonable effort shall be made to locate
2 the owner or other person having charge or control of the building or
3 premises and request entry. If consent for entry is not obtained, for
4 whatever reason, the secretary or representative shall have recourse to
5 every remedy provided by law to secure entry.

6 NEW SECTION. **Sec. 7.** The department of community, trade, and
7 economic development shall contract with private, nonprofit
8 corporations to provide technical assistance to any private individual
9 or nonprofit organization wishing to construct temporary or permanent
10 worker housing. The assistance may include information on state and
11 local application and approval procedures, information or assistance in
12 applying for federal, state, or local financial assistance, including
13 tax incentives, information on cost-effective housing designs, or any
14 other assistance the department of community, trade, and economic
15 development may deem helpful in obtaining the active participation of
16 private individuals or groups in constructing or operating temporary or
17 permanent worker housing.

18 NEW SECTION. **Sec. 8.** By December 1, 1996, the state building code
19 council shall develop a temporary worker housing code, in conformance
20 with the temporary worker housing standards developed under the
21 Washington industrial safety and health act, chapter 49.17 RCW, the
22 rules adopted by the state board of health under RCW 70.54.110, and the
23 following guidelines:

24 (1) The code shall provide construction standards for shelter and
25 associated facilities that are safe, secure, and capable of
26 withstanding the stresses and loads associated with their designated
27 use, and to which they are likely to be subjected by the elements.

28 (2) The code shall permit and facilitate designs and formats that
29 allow for maximum affordability, consistent with the provision of
30 decent, safe, and sanitary housing.

31 (3) In developing the code the council shall consider: (a) The
32 need for dormitory type housing for groups of unrelated individuals;
33 and (b) the need for housing to accommodate families.

34 (4) The code shall include construction standards for a variety of
35 formats, including, but not limited to: (a) Tents and tent platforms;
36 and (b) hard-shell, single exterior wall structures.

37 (5) The code shall include standards for temporary worker housing

1 that is to be used only during periods when no auxiliary heat is
2 required.

3 In developing the temporary worker housing code, it is the intent
4 of the legislature that the building code council make exceptions to
5 the codes listed in RCW 19.27.031, and chapter 19.27A RCW, in keeping
6 with the guidelines set forth in this section.

7 The building code council shall appoint a technical advisory
8 committee to assist in the development of the temporary worker housing
9 code, which shall include representatives of industries that most
10 frequently supply temporary housing to their employees.

11 NEW SECTION. **Sec. 9.** The department shall submit a report to the
12 legislature containing short-term and long-term recommendations for the
13 development of an adequate supply and continuous improvement of
14 temporary worker housing. The report shall include recommendations for
15 optimum roles for state and local administration of temporary worker
16 housing, including strategies for the development of a locally
17 administered application, permitting, and compliance system. The
18 report shall identify incentives for the development of temporary
19 worker housing, including but not limited to:

20 (1) Facility design options that are economical and appropriate for
21 the worksite and length of seasonal employment but do not compromise
22 health and safety of workers;

23 (2) Streamlined, single-service-point permit application and review
24 process;

25 (3) Utilization of manufactured shelter units;

26 (4) Appropriate building standards;

27 (5) Financial incentives for operators;

28 (6) Community-financed temporary worker housing; and

29 (7) Shared housing arrangements among operators.

30 The report shall include recommendations for appropriate compliance
31 strategies.

32 A preliminary report shall be submitted by December 1, 1995,
33 together with any recommendations for legislation necessary to
34 implement the findings and recommendations of the department at that
35 point.

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

1 **Sec. 10.** RCW 70.54.110 and 1990 c 253 s 4 are each amended to read
2 as follows:

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

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

16 NEW SECTION. **Sec. 11.** The sum of forty-nine thousand dollars, or
17 as much thereof as may be necessary, is appropriated for the biennium
18 ending June 30, 1997, from the general fund to the department of
19 community, trade, and economic development for the purposes of section
20 7 of this act.

21 NEW SECTION. **Sec. 12.** Sections 1 through 9 of this act shall
22 constitute a new chapter in Title 70 RCW.

23 NEW SECTION. **Sec. 13.** If any provision of this act or its
24 application to any person or circumstance is held invalid, the
25 remainder of the act or the application of the provision to other
26 persons or circumstances is not affected.

27 NEW SECTION. **Sec. 14.** This act is necessary for the immediate
28 preservation of the public peace, health, or safety, or support of the
29 state government and its existing public institutions, and shall take
30 effect immediately."

--- END ---