

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 5503

Chapter 220, Laws of 1995

54th Legislature
1995 Regular Session

TEMPORARY WORKER HOUSING--HEALTH AND SAFETY REGULATION

EFFECTIVE DATE: 5/3/95

Passed by the Senate April 18, 1995
YEAS 48 NAYS 0

JOEL PRITCHARD

President of the Senate

Passed by the House April 11, 1995
YEAS 94 NAYS 0

CLYDE BALLARD

**Speaker of the
House of Representatives**

Approved May 3, 1995

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5503** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MARTY BROWN

Secretary

FILED

May 3, 1995 - 11:46 a.m.

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5503

AS AMENDED BY THE HOUSE

Passed Legislature - 1995 Regular Session

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; 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 be locally administered and encourage
17 the development of such housing; and by providing technical assistance
18 to organizations or individuals interested in the development of worker
19 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) "Dwelling unit" means a shelter, building, or portion of a
5 building, that may include cooking and eating facilities, that is:

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

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

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

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

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

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

27 NEW SECTION. **Sec. 3.** This act applies to temporary worker housing
28 that consists of five or more dwelling units, or any combination of
29 dwelling units, dormitories, or spaces that house ten or more
30 occupants.

31 NEW SECTION. **Sec. 4.** The department is designated the single
32 state agency responsible for encouraging the development of additional
33 temporary worker housing, and shall be responsible for coordinating the
34 activities of the various state and local agencies to assure a
35 seamless, nonduplicative system for the development and operation of
36 temporary worker housing.

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

6 NEW SECTION. **Sec. 6.** The secretary of the department or
7 authorized representative may inspect housing covered by this act to
8 enforce temporary worker housing rules adopted by the state board of
9 health, or when the secretary or representative has reasonable cause to
10 believe that a violation of temporary worker housing rules adopted by
11 the state board of health is occurring or is being maintained. If the
12 buildings or premises are occupied as a residence, a reasonable effort
13 shall be made to obtain permission from the resident. If the premises
14 or building is unoccupied, a reasonable effort shall be made to locate
15 the owner or other person having charge or control of the building or
16 premises and request entry. If consent for entry is not obtained, for
17 whatever reason, the secretary or representative shall have recourse to
18 every remedy provided by law to secure entry.

19 NEW SECTION. **Sec. 7.** The department of community, trade, and
20 economic development shall contract with private, nonprofit
21 corporations to provide technical assistance to any private individual
22 or nonprofit organization wishing to construct temporary or permanent
23 worker housing. The assistance may include information on state and
24 local application and approval procedures, information or assistance in
25 applying for federal, state, or local financial assistance, including
26 tax incentives, information on cost-effective housing designs, or any
27 other assistance the department of community, trade, and economic
28 development may deem helpful in obtaining the active participation of
29 private individuals or groups in constructing or operating temporary or
30 permanent worker housing.

31 NEW SECTION. **Sec. 8.** By December 1, 1996, the state building code
32 council shall develop a temporary worker housing code, in conformance
33 with the temporary worker housing standards developed under the
34 Washington industrial safety and health act, chapter 49.17 RCW, the
35 rules adopted by the state board of health under RCW 70.54.110, and the
36 following guidelines:

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

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

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

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

14 (5) The code shall include standards for temporary worker housing
15 that is to be used only during periods when no auxiliary heat is
16 required.

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

21 The building code council shall appoint a technical advisory
22 committee to assist in the development of the temporary worker housing
23 code, which shall include representatives of industries that most
24 frequently supply temporary housing to their employees.

25 NEW SECTION. **Sec. 9.** The department shall submit a report to the
26 legislature containing short-term and long-term recommendations for the
27 development of an adequate supply and continuous improvement of
28 temporary worker housing. The report shall include recommendations for
29 optimum roles for state and local administration of temporary worker
30 housing, including strategies for the development of a locally
31 administered application, permitting, and compliance system. The
32 report shall identify incentives for the development of temporary
33 worker housing, including but not limited to:

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

37 (2) Streamlined, single-service-point permit application and review
38 process;

- 1 (3) Utilization of manufactured shelter units;
- 2 (4) Appropriate building standards;
- 3 (5) Financial incentives for operators;
- 4 (6) Community-financed temporary worker housing; and
- 5 (7) Shared housing arrangements among operators.

6 The report shall include recommendations for appropriate compliance
7 strategies.

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

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

14 NEW SECTION. **Sec. 10.** Any rules adopted under this act pertaining
15 to an employer who is subject to the migrant and seasonal agricultural
16 worker protection act (96 Stat. 2583; 29 U.S.C. Sec. 1801 et seq.),
17 must comply with the housing provisions of that federal act.

18 **Sec. 11.** RCW 70.54.110 and 1990 c 253 s 4 are each amended to read
19 as follows:

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

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

33 NEW SECTION. **Sec. 12.** Sections 1 through 10 of this act shall
34 constitute a new chapter in Title 70 RCW.

1 NEW SECTION. **Sec. 13.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

5 NEW SECTION. **Sec. 14.** This act is necessary for the immediate
6 preservation of the public peace, health, or safety, or support of the
7 state government and its existing public institutions, and shall take
8 effect immediately.

 Passed the Senate April 18, 1995.

 Passed the House April 11, 1995.

 Approved by the Governor May 3, 1995.

 Filed in Office of Secretary of State May 3, 1995.