

CERTIFICATION OF ENROLLMENT  
**SECOND SUBSTITUTE SENATE BILL 6168**

Chapter 37, Laws of 1998

55th Legislature  
1998 Regular Session

HOUSING FOR TEMPORARY WORKERS

EFFECTIVE DATE: 6/11/98

Passed by the Senate March 12, 1998  
YEAS 44 NAYS 0

BRAD OWEN

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**President of the Senate**

Passed by the House March 11, 1998  
YEAS 67 NAYS 31

CLYDE BALLARD

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**Speaker of the  
House of Representatives**

Approved March 18, 1998

CERTIFICATE

I, Mike O Connell, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE SENATE BILL 6168** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MIKE O'CONNELL

\_\_\_\_\_  
**Secretary**

FILED

March 18, 1998 - 12:20 p.m.

GARY LOCKE

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**Governor of the State of Washington**

**Secretary of State  
State of Washington**

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**SECOND SUBSTITUTE SENATE BILL 6168**

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AS RECOMMENDED BY CONFERENCE COMMITTEE

Passed Legislature - 1998 Regular Session

**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; adding a new section to chapter 43.330 RCW; and repealing  
6 RCW 70.114A.080.

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

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

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

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

1 (3) This section is applicable to temporary worker housing as of  
2 the date of the final adoption of the temporary worker building code by  
3 the department of health under section 2 of this act.

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

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

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

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

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

21 (i) The need for dormitory type housing for groups of unrelated  
22 individuals; and

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

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

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

30 (f) The temporary worker building code shall include standards for  
31 temporary worker housing that are to be used only during periods when  
32 no auxiliary heat is required; and

33 (g) The temporary worker building code shall provide that persons  
34 operating temporary worker housing consisting of four or fewer dwelling  
35 units or combinations of dwelling units, dormitories, or spaces that  
36 house nine or fewer occupants may elect to comply with the provisions  
37 of the temporary worker building code, and that unless the election is  
38 made, such housing is subject to the codes adopted under RCW 19.27.031.

1 (2) In adopting the temporary worker building code, the department  
2 shall make exceptions to the codes listed in RCW 19.27.031 and chapter  
3 19.27A RCW, in keeping with the guidelines set forth in this section.  
4 The initial temporary worker building code adopted by the department  
5 shall be substantially equivalent with the temporary worker building  
6 code developed by the state building code council as directed by  
7 section 8, chapter 220, Laws of 1995.

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

10 The department shall have the authority to allow minor variations  
11 from the temporary worker building code that do not compromise the  
12 health or safety of workers. Procedures for requesting variations and  
13 guidelines for granting such requests shall be included in the rules  
14 adopted under this section.

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

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

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

24 (1) The department shall adopt and enforce rules that protect the  
25 health, safety, and property of the people of this state by assuring  
26 that all factory built housing or factory built commercial structures  
27 are structurally sound and that the plumbing, heating, electrical, and  
28 other components thereof are reasonably safe. The rules shall be  
29 reasonably consistent with recognized and accepted principles of safety  
30 and structural soundness, and in adopting the rules the department  
31 shall consider, so far as practicable, the standards and specifications  
32 contained in the uniform building, plumbing, and mechanical codes,  
33 including the barrier free code and the Washington energy code as  
34 adopted by the state building code council pursuant to chapter 19.27A  
35 RCW, and the national electrical code, including the state rules as  
36 adopted pursuant to chapter 19.28 RCW and published by the national

1 fire protection association or, when applicable, the temporary worker  
2 building code adopted under section 2 of this act.

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

6 (3) The director may adopt rules that provide for approval of a  
7 plan that is certified as meeting state requirements or the equivalent  
8 by a professional who is licensed or certified in a state whose  
9 licensure or certification requirements meet or exceed Washington  
10 requirements.

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

13 (1) Any person providing temporary worker housing consisting of  
14 five or more dwelling units, or any combination of dwelling units,  
15 dormitories, or spaces that house ten or more occupants, or any person  
16 providing temporary worker housing who makes the election to comply  
17 with the temporary worker building code under section 2(1)(g) of this  
18 act, shall secure an annual operating license prior to occupancy and  
19 shall pay a fee according to RCW 43.70.340. The license shall be  
20 conspicuously displayed on site.

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

26 (3) The department may assess a civil fine in accordance with RCW  
27 43.70.095 for failure or refusal to obtain a license prior to occupancy  
28 of temporary worker housing. The department may refund all or part of  
29 the civil fine collected once the operator obtains a valid operating  
30 license.

31 (4) Civil fines under this section shall not exceed twice the cost  
32 of the license plus the cost of the initial on-site inspection for the  
33 first violation of this section, and shall not exceed ten times the  
34 cost of the license plus the cost of the initial on-site inspection for  
35 second and subsequent violations within any five-year period. The  
36 department may adopt rules as necessary to assure compliance with this  
37 section.

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

3        (1) Any person who constructs, alters, or makes an addition to  
4 temporary worker housing consisting of five or more dwelling units, or  
5 any combination of dwelling units, dormitories, or spaces that house  
6 ten or more occupants, or any person who constructs, alters, or makes  
7 an addition to temporary worker housing who elects to comply with the  
8 temporary worker building code under section 2(1)(g) of this act,  
9 shall:

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

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

16        (c) Submit a plan review and permit fee to the department of health  
17 pursuant to RCW 43.70.340.

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

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

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

26        (1) The ~~((farmworker housing inspection))~~ temporary worker housing  
27 fund is established in the custody of the state treasury.    The  
28 department ~~((of health))~~ shall deposit all funds received under  
29 subsections (2) and (3) of this section and from the legislature to  
30 administer a ~~((labor camp))~~ temporary worker housing permitting,  
31 licensing, and inspection program conducted by the department ~~((of~~  
32 ~~health))~~.    Disbursement from the fund shall be on authorization of the  
33 secretary of health or the secretary's designee.    The fund is subject  
34 to the allotment procedure provided under chapter 43.88 RCW, but no  
35 appropriation is required for disbursements.

36        (2) There is imposed a fee on each operating license issued by the  
37 department ~~((of health))~~ to every operator of ~~((a labor camp))~~  
38 temporary worker housing that is regulated by the state board of

1 health. (~~The fee paid under this subsection shall include all~~  
2 ~~necessary inspection of the units to ensure compliance with~~) In  
3 establishing the fee to be paid under this subsection the department  
4 shall consider the cost of administering a license as well as enforcing  
5 applicable state board of health rules on (~~labor camps.~~

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

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

10 (3) There is imposed a fee on each temporary worker housing  
11 building permit issued by the department to every operator of temporary  
12 worker housing as required by section 6 of this act. The fee shall  
13 include the cost of administering a permit as well as enforcing the  
14 department's temporary worker building code as adopted under section 2  
15 of this act.

16 (4) The department shall conduct a fee study for:

17 (a) A temporary worker housing operator's license;

18 (b) On-site inspections; and

19 (c) A plan review and building permit for new construction.

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

22 (5) The term of the operating license and the application  
23 procedures shall be established, by rule, by the department (~~of~~  
24 ~~health~~)).

25 NEW SECTION. Sec. 8. A new section is added to chapter 43.330 RCW  
26 to read as follows:

27 (1) The department shall work with the advisory group established  
28 in subsection (2) of this section to review proposals and make  
29 prioritized funding recommendations to the department or funding  
30 approval board that oversees the distribution of housing trust fund  
31 grants and loans to be used for the development, maintenance, and  
32 operation of housing for low-income farmworkers.

33 (2) A farmworker housing advisory group representing growers,  
34 farmworkers, and other interested parties shall be formed to assist the  
35 department in the review and priority funding recommendations under  
36 this section.

1        NEW SECTION.    **Sec. 9.**    RCW 70.114A.080 and 1995 c 220 s 8 are each  
2 repealed.

Passed the Senate March 12, 1998.

Passed the House March 11, 1998.

Approved by the Governor March 18, 1998.

Filed in Office of Secretary of State March 18, 1998.