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HOUSE BILL 1585

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State of Washington                      59th Legislature                      2005 Regular Session

By Representatives Nixon and O'Brien

Read first time 01/28/2005. Referred to Committee on Housing.

1            AN ACT Relating to standards for housing for persons who are  
2 temporarily homeless; amending RCW 70.114A.020 and 70.114A.085;  
3 creating a new section; 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, due to lack of  
6 a permanent address or other contact information, lack of skills and  
7 training, lack of reliable personal transportation, frequent health  
8 challenges, or other circumstances, homeless persons are vulnerable to  
9 exploitation as low-wage laborers. In 1995, the legislature recognized  
10 that the circumstances of another group of exploited low-wage laborers,  
11 migrant agricultural workers, necessitated the creation of standards  
12 for temporary worker housing to prevent those workers from being forced  
13 to obtain housing that is unsafe and unsanitary; those standards are  
14 reflected in chapter 70.114A RCW. The legislature finds that, due to  
15 their poverty, extreme need, and dire circumstances, similar  
16 exploitation of the labor of homeless persons also exists, and that,  
17 due to an inadequate supply of affordable housing and of space in  
18 permanent shelters for the homeless, they are likewise being forced to  
19 seek shelter in unsafe and unsanitary conditions. If migrant

1 farmworkers, who in many cases are not citizens of the United States  
2 and may not be in the United States legally, are worthy of the  
3 protection of the state to ensure that their housing is safe and  
4 sanitary, then our friends, neighbors, coworkers, and fellow citizens  
5 who find themselves temporarily homeless are even more worthy of that  
6 protection. Therefore, it is the intent of the legislature to  
7 encourage temporary housing for homeless persons to be safe and  
8 sanitary by establishing a clear and concise set of regulations for  
9 temporary housing and encampments for homeless persons, substantially  
10 equivalent to those provided for temporary worker housing.

11 **Sec. 2.** RCW 70.114A.020 and 1999 c 374 s 6 are each amended to  
12 read as follows:

13 The definitions in this section apply throughout this chapter.

14 (1) "Agricultural employee" means any person who renders personal  
15 services to, or under the direction of, an agricultural employer in  
16 connection with the employer's agricultural activity.

17 (2) "Agricultural employer" means any person engaged in  
18 agricultural activity, including the growing, producing, or harvesting  
19 of farm or nursery products, or engaged in the forestation or  
20 reforestation of lands, which includes but is not limited to the  
21 planting, transplanting, tubing, precommercial thinning, and thinning  
22 of trees and seedlings, the clearing, piling, and disposal of brush and  
23 slash, the harvest of Christmas trees, and other related activities.

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

25 (4) "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 (5) "Enforcement" and "enforcement actions" include the authority  
31 to levy and collect fines.

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

35 (7) "Occupant" means a temporary worker or a person who resides  
36 with a temporary worker at the housing site.

1 (8) "Operator" means a person holding legal title to the land on  
2 which temporary worker housing is located. However, if the legal title  
3 and the right to possession are in different persons, "operator" means  
4 a person having the lawful control or supervision over the temporary  
5 worker housing under a lease, temporary use permit, or other  
6 arrangement.

7 (9) "Temporary worker" means an agricultural employee employed  
8 intermittently and not residing year-round at the same site, or a  
9 homeless person.

10 (10) "Temporary worker housing" means a place, area, or piece of  
11 land where sleeping places or housing sites are provided by an  
12 agricultural employer for his or her agricultural employees or by  
13 another person, including a temporary worker housing operator, who is  
14 providing such accommodations for employees or for homeless persons,  
15 for temporary(~~(, seasonal)~~) occupancy.

16 **Sec. 3.** RCW 70.114A.085 and 1999 c 374 s 11 are each amended to  
17 read as follows:

18 The department shall prepare a report to the legislature on  
19 utilization of the temporary worker building code authorized by RCW  
20 70.114A.081. The report shall include the number of housing units,  
21 number of families or individuals housed, number of growers or  
22 operators obtaining permits, the geographic distribution of the  
23 permits, and recommendations of changes in the temporary worker  
24 building code necessary to avoid health and safety problems for the  
25 occupants. The report shall be transmitted to the (~~senate committee~~  
26 ~~on commerce, trade, housing and financial institutions and the house of~~  
27 ~~representatives committee on economic development, housing and trade by~~  
28 ~~December 15, 2000, and an update shall be transmitted every two years~~  
29 ~~thereafter~~) legislature electronically by December 15th in each even-  
30 numbered year.

31 NEW SECTION. **Sec. 4.** If any provision of this act or its  
32 application to any person or circumstance is held invalid, the  
33 remainder of the act or the application of the provision to other  
34 persons or circumstances is not affected.

1        NEW SECTION.   **Sec. 5.**   This act is necessary for the immediate  
2   preservation of the public peace, health, or safety, or support of the  
3   state government and its existing public institutions, and takes effect  
4   immediately.

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