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SENATE BILL 6087

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State of Washington

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By Senators Prentice, Winsley, Moyer, Talmadge and Pelz

Read first time 01/13/94. Referred to Committee on Health & Human Services.

1 AN ACT Relating to farmworker housing; amending RCW 43.70.330,  
2 43.70.340, and 70.54.110; and adding new sections to chapter 70.54 RCW.

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

4 NEW SECTION. **Sec. 1.** Unless the context clearly requires  
5 otherwise, the definitions in this section apply throughout sections 2  
6 and 3 of this act.

7 (1) "Agricultural employee" has the same meaning as is given that  
8 term in RCW 19.30.010(5).

9 (2) "Department" means the Washington state department of health.

10 (3) "Farmworker housing" means all facilities for housing  
11 agricultural workers, regardless of size, provided by the operator on  
12 a year-round or seasonal basis, including individual sites or spaces  
13 for worker-supplied housing, bathing, foodhandling, handwashing,  
14 laundry, and toilet facilities, dwelling units, and dormitories.  
15 "Farmworker housing" does not include housing regularly provided on a  
16 commercial basis to the general public, that is provided to  
17 agricultural workers on the same terms and conditions as it is provided  
18 to the general public.

1 (4) "Farmworker housing site" means farmworker housing facilities  
2 that are located at the same address.

3 (5) "Level I violations" means, at a minimum, violations of board  
4 of health rules that deprive workers of either water or potable water,  
5 or both, heat during times of year where artificial heating is  
6 required, electricity, proper sewage disposal, functioning bathrooms,  
7 or the presence of conditions imminently hazardous to health. The  
8 department shall have authority to establish additional level I  
9 violations.

10 (6) "License" means a permit issued on an annual basis to the  
11 operator of farmworker housing by the department of health. Each  
12 license shall be valid only through December 31 of the year in which it  
13 is issued.

14 (7) "Operator" means the owner, grower, employer, manager, or any  
15 other person who owns or controls farmworker housing. "Operator" does  
16 not include public or private nonprofit agencies who own or manage  
17 farmworker housing that is publicly financed and monitored.

18 NEW SECTION. **Sec. 2.** Whenever it is appropriate to make an  
19 inspection to enforce the provisions of this chapter or rules adopted  
20 pursuant to this chapter, the department's authorized representatives  
21 may enter farmworker housing at all reasonable times. If the farmworker  
22 housing is occupied, the representative shall first make a reasonable  
23 effort to locate the tenant and request entry. If an operator refuses  
24 entry to an occupied or unoccupied camp, the application for a license  
25 shall be deemed withdrawn, or any current license revoked.

26 NEW SECTION. **Sec. 3.** (1) No operator of a farmworker housing site  
27 shall house agricultural employees without first obtaining a license  
28 from the department. Each operator of farmworker housing shall apply  
29 for a license to operate each farmworker housing site each year forty-  
30 five days prior to occupancy. In the case of farmworker housing  
31 occupied on a year-round basis, application shall be made forty-five  
32 days prior to expiration of an existing license.

33 (2) Each operator shall certify on the application form, that the  
34 farmworker housing site will be kept fit for human habitation and will  
35 be maintained in full compliance with all applicable statutes, codes,  
36 ordinances, and rules, including rules of the state board of health.

1 (3) Each operator shall certify on the application form, that he or  
2 she has tested the water at the farmworker housing site and that it has  
3 been found by a department-certified laboratory to satisfy the  
4 requirements of chapter 246-290 WAC. The operator shall further  
5 certify that, if required, he or she has registered as a purveyor of  
6 water pursuant to chapter 246-290 WAC. Proof of satisfactory results  
7 of a bacteriological water quality test shall accompany the  
8 application.

9 (4) If the department finds that an operator has allowed his or her  
10 farmworker housing site to be occupied by agricultural workers without  
11 obtaining a license, the department shall assess civil money penalties  
12 in an amount equal to the license fee plus one thousand dollars. If  
13 the department finds a second violation over the course of a five-year  
14 period, it shall assess civil monetary penalties in an amount not less  
15 than the license fee plus two thousand dollars.

16 (5) Further licensing procedures may be established by the  
17 department by rule.

18 **Sec. 4.** RCW 43.70.330 and 1990 c 253 s 2 are each amended to read  
19 as follows:

20 (1) The department of health shall be the primary inspector of  
21 ~~((labor camps and))~~ farmworker housing for the state of Washington(~~(+  
22 PROVIDED, That the department of labor and industries shall be the  
23 inspector for all farmworker housing not covered by the authority of  
24 the state board of health))~~).

25 (2) The department of health, the department of labor and  
26 industries, the department of community, trade, and economic  
27 development, the state board of health, and the employment security  
28 department shall develop an interagency agreement defining the rules  
29 and responsibilities for the inspection of farmworker housing. This  
30 agreement shall recognize the department of health as the primary  
31 inspector of labor camps for the state, and shall further be designed  
32 to provide a central information center for public information and  
33 education regarding farmworker housing. The agencies shall provide the  
34 legislature with a report on the results of this agreement by January  
35 1, 1991.

36 (3) The department shall inspect each farmworker housing site  
37 yearly prior to issuing a license and within the forty-five day time  
38 limit set by section 3(1) of this act. The department shall conduct an

1 inspection during occupancy of not less than twenty-five percent of  
2 licensed farmworker housing yearly pursuant to guidelines it  
3 establishes.

4 (4) The department shall not issue licenses to an operator of a  
5 farmworker housing site where inspection has found a violation of the  
6 board of health's rules. The department shall, in these cases, issue  
7 a notice to comply. A license may not be issued until the department  
8 has received satisfactory proof that the farmworker housing is in  
9 compliance with the board of health's rules. In all cases where the  
10 department's initial inspection finds a level I violation of board of  
11 health rules, a second inspection shall be made.

12 (5) If the department inspects a licensed farmworker housing site  
13 and finds violations of the board's rules, it shall issue a notice to  
14 the operator with a compliance schedule according to the following  
15 timetable:

16 (a) Not more than twenty-four hours, where the defective condition  
17 deprives the agricultural worker of hot or cold water, heat, or  
18 electricity, or is imminently hazardous to health;

19 (b) Not more than seventy-two hours, where the defective condition  
20 deprives the agricultural worker of a major gas, electrical, or  
21 plumbing fixture supplied by the operator or is hazardous to health;  
22 and

23 (c) Not more than fourteen days in all other cases.

24 (6) In addition to other criminal and civil penalties established  
25 by law, the department shall have authority to assess civil monetary  
26 penalties for violations of the board of health's rules that remain  
27 uncorrected after notice and a compliance schedule has been set up.  
28 These shall be one hundred dollars per day for each day of level I  
29 violations. The department may establish other penalty schedules for  
30 other violations.

31 (7) The department shall revoke the license of operators for  
32 uncorrected level I violations of the rules. The department shall also  
33 have authority to revoke the license of an operator for other  
34 uncorrected violations of the rules. When the department has revoked  
35 an operator's license, the operator shall be responsible for locating  
36 and paying for substitute housing for its agricultural workers through  
37 the end of the period for which they are employed.

38 (8) The department shall also have authority to waive civil  
39 monetary penalties upon proof that the operator has repaired the

1 violations. Where necessary, the department shall refer agricultural  
2 employers to financing sources for repair or rehabilitation of labor  
3 camps.

4 **Sec. 5.** RCW 43.70.340 and 1990 c 253 s 3 are each amended to read  
5 as follows:

6 (1) The farmworker housing inspection fund is established in the  
7 custody of the state treasury. The department of health shall deposit  
8 all funds received under subsection (2) of this section and from the  
9 legislature to administer a ~~((labor camp))~~ farmworker housing  
10 inspection program conducted by the department of health. Disbursement  
11 from the fund shall be on authorization of the secretary of health or  
12 the secretary's designee. The fund is subject to the allotment  
13 procedure provided under chapter 43.88 RCW, but no appropriation is  
14 required for disbursements.

15 (2) There is imposed a fee on each operating license issued by the  
16 department of health to every operator of a ~~((labor camp that is~~  
17 ~~regulated by the state board of health))~~ farmworker housing site. The  
18 fee paid under this subsection shall include all necessary inspection  
19 of the units to ensure compliance with applicable state board of health  
20 rules on ~~((labor camps))~~ farmworker housing.

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

23 ~~(b) Seventy five dollars shall be charged for each labor camp~~  
24 ~~containing more than six units.))~~

25 (3) The ~~((term of the operating license and the application~~  
26 ~~procedures shall be established, by rule, by the department of health))~~  
27 department may, periodically by rule, increase the fees charged for  
28 inspections to comply with subsection (2) of this section.

29 The fee shall be not less than one hundred dollars per farmworker  
30 housing site containing six or less units, and not less than one  
31 hundred seventy-five dollars for each farmworker housing site  
32 containing six to ten units or dormitories housing up to twenty-five  
33 people. For farmworker housing sites with more than ten units or  
34 housing more than twenty-five people, the fee shall be not less than  
35 two hundred twenty-five dollars.

36 **Sec. 6.** RCW 70.54.110 and 1990 c 253 s 4 are each amended to read  
37 as follows:

1       The state board of health shall develop rules for (~~labor camps~~)  
2 farmworker housing, which shall include as a minimum the standards  
3 developed under the Washington industrial safety and health act in  
4 chapter 49.17 RCW as relates to sanitation and temporary (~~labor~~  
5 ~~camps~~) farmworker housing.

6       (~~All new housing and new construction together with the land areas~~  
7 ~~appurtenant thereto which shall be started on and after May 3, 1969,~~  
8 ~~and is to be provided by employers, growers, management, or any other~~  
9 ~~persons, for occupancy by workers or by workers and their dependents,~~  
10 ~~in agriculture, shall comply with the rules and regulations of the~~  
11 ~~state board of health pertaining to labor camps.))~~

12       NEW SECTION.   **Sec. 7.**   Sections 1 through 3 of this act are each  
13 added to chapter 70.54 RCW.

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