

HOUSE BILL REPORT

SSB 5668

As Reported By House Committee On:
Trade & Economic Development
Appropriations

Title: An act relating to temporary worker building codes.

Brief Description: Allowing the department of health to adopt a temporary worker housing code.

Sponsors: Senate Committee on Financial Institutions, Insurance & Housing (originally sponsored by Senators Prentice, Deccio, Sellar, Newhouse, Hale, Anderson and Winsley).

Brief History:

Committee Activity:

Trade & Economic Development: 3/24/97, 4/3/97 [DPA];
Appropriations: 4/5/97 [DPA(APP w/o TED)s].

HOUSE COMMITTEE ON TRADE & ECONOMIC DEVELOPMENT

Majority Report: Do pass as amended. Signed by 6 members: Representatives Van Luven, Chairman; Dunn, Vice Chairman; Sheldon, Assistant Ranking Minority Member; Alexander; Ballasiotes and McDonald.

Minority Report: Without recommendation. Signed by 2 members: Representatives Veloria, Ranking Minority Member; and Morris.

Staff: Kenny Pittman (786-7392).

Background: The construction of buildings or structures is governed by the requirements of the state Building Code. The state Building Code Council, within the Department of Community, Trade and Economic Development, is responsible for the development and revision of the state Building Code. The state Building Code consists of technical performance documents covering structural, mechanical, fire safety, and energy conservation standards. The state, through the Department of Labor and Industries adopts a separate electrical code. These standards guide the construction, alteration, or repair of residential and non-residential buildings or structures. It has been argued that these performance standards were designed for buildings or structures that are occupied on a permanent, and not on a temporary, basis.

In 1995, the Legislature directed several state agencies to work together to develop a Temporary Worker Housing Code. The new code would provide standards for the construction, alteration, or repair of housing that is occupied on a temporary basis and still meet basic health and safety requirements.

The state Building Code Council was directed to develop a temporary worker housing code by December 1, 1996. The Temporary Worker Housing Code must comply with the requirements of the Washington Industrial Safety and Health Act (WISHA) and rules adopted by the state Board of Health. The Temporary Worker Housing Code has been developed and delivered to the Legislature.

The Department of Health has general licensing authority for the operation of farmworker labor camps. The Department of Labor and Industries has the responsibility for enforcing the requirements of the WISHA as it relates to agricultural work places. The two departments worked together in the regulation of farmworker labor camps.

Summary of Amended Bill: The state Building Code Council, within the Department of Community, Trade and Economic Development, is directed to adopt a Temporary Worker Building Code by administrative rule. The Temporary Worker Building Code governs the construction, alteration, or repair of temporary worker housing.

The guidelines used to develop the Temporary Worker Housing Code must be used by the state Building Code Council to develop the initial Temporary Worker Building Code. The state Building Code Council's initial Temporary Worker Building Code must be substantially equivalent to the Temporary Worker Housing Code.

The Department of Health is responsible for the enforcement responsibilities of the Temporary Worker Housing Code. A provision is added to the state Building Code to clarify that the construction, alteration, or repair of temporary worker housing is not subject to the provisions of the state Building Code, but is governed by the provisions of the Temporary Worker Building Code. The Department of Health is authorized to establish a building permit fee schedule for temporary worker housing. The fee covers the costs of necessary plan reviews and on-site construction inspection to ensure compliance with the Temporary Worker Building Code.

Temporary worker housing— is defined as a shelter, place, area, or piece of land where sleeping places or housing sites are provided by an employer for his or her employees for temporary seasonal occupancy, for not more than six months in a 12 month period, at the employees' work site, and includes labor camps.

Amended Bill Compared to Substitute Bill: The amended bill removes references to the development of standards in the Temporary Worker Building Code for tents

and tent platforms. Temporary housing is defined as housing not to be occupied for more than six months in a 12 month period. Language is added in the intent section regarding the basic needs that the temporary housing must meet.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: We have a housing problem during the harvest periods. The supply of housing is not adequate to meet the need during the seasons when crops are harvested. Many farmworkers are sleeping in cars or along river banks. We need to do something to address the shortage of housing. The existing building codes make it too expensive for the grower to build the housing that is occupied for short periods of time. The proposed standards for temporary housing will reduce the cost and make it financially feasible for the grower to start providing housing for workers that meets basic health and safety needs.

Testimony Against: There has always been a shortage of housing for farmworkers. However, what is needed is permanent housing, not tents. The living conditions of farmworkers are a concern to health care providers. There are families with children that are living in tent camps. Agribusiness needs to be responsive to the housing needs of its seasonal workers. We can solve this problem if we work together.

Testified: Senator Prentice, prime sponsor (Pro); Senator Deccio, sponsor (Pro); Representative Parlette (Pro); Jeff Hughes and Natalie Gonzalez, Department of Health (Pro); Tim Nogler, State Building Code Council (Pro); Jon Warling, Washington State Farm Bureau (Pro); Chris Cheney, Washington Growers League (Pro); Gail Denton and Rocky Devon, State Building Code Council - Advisory Members (Pro); Kirk Mayer, Washington Growers Clearing House Association (Pro); Tomas Villanueva (Con); Guadalupe Gamboa and Bill Nicacio, United Farm Workers Union (Con); Jesus Rodriguez, Snohomish County Hispanic Network (Con); David Villalobos, Farmworker (Con); Margarita Tarango, Farmworker (Con); Daniel Pacheco, Lorena Cerrillo, Otto Soberanis, and Helen Ordonio, Sea-Mar Counseling (Con); Estela Ortega, El Centro de la Raza (Con); Roger Valdez and Rogelio Rivjas, Sea-Mar Community Health Center (Con); Bill Nicacio, Barrios Unidos (Con); Felicia Gonzalez, ECR Housing and Community Development (Con); and Esther Bateman and Gio Nava (Con).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass as amended by Committee on Appropriations and without amendment by Committee on Trade & Economic Development. Signed by 26 members: Representatives Huff, Chairman; Alexander, Vice Chairman; Clements, Vice Chairman; Wensman, Vice Chairman; H. Sommers, Ranking Minority Member; Doumit, Assistant Ranking Minority Member; Benson; Carlson; Cody; Cooke; Crouse; Dyer; Grant; Kessler; Lambert; Linville; Lisk; Mastin; McMorris; Parlette; Poulsen; Regala; D. Schmidt; Sehlin; Sheahan and Talcott.

Minority Report: Do not pass. Signed by 5 members: Representatives Gombosky, Assistant Ranking Minority Member; Chopp; Keiser; Kenney and Tokuda.

Staff: Beth Redfield (786-7130).

Summary of Recommendation of Committee on Appropriations Compared to Recommendation of Committee on Trade & Economic Development: The Department of Health is given the flexibility to approve tents and tent platforms as temporary worker housing.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: None.

Testimony Against: The language coming out of the Trade & Economic Development Committee prohibits the use of tents which meet OSHA and WISHA standards. The provisional licensing program established in 1995 permits the use of tents and would be put at risk without a change in language.

Testified: Kris Van Gorkom, Department of Health (concerns).