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**SENATE BILL 6168**

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**State of Washington**

**55th Legislature**

**1998 Regular Session**

**By** Senators Prentice, Rasmussen, Hale, Sellar, T. Sheldon, Wood, McAuliffe, Kohl, Anderson, Benton and Winsley; by request of Governor Locke

Read first time 01/12/98. Referred to Committee on Agriculture & Environment.

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 new sections to chapter 70.114A RCW; adding  
4 a new section to chapter 49.17 RCW; adding new sections to chapter  
5 43.70 RCW; and repealing RCW 70.114A.080.

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

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

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

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

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

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

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

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

14 (c) In developing the temporary worker building code the state  
15 board of health shall consider:

16 (i) The need for dormitory type housing for groups of unrelated  
17 individuals; and

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

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

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

25 (f) The temporary worker building code shall include standards for  
26 temporary worker housing that are to be used only during periods when  
27 no auxiliary heat is required.

28 (2) In adopting the temporary worker building code, the department  
29 shall make exceptions to the codes listed in RCW 19.27.031 and chapter  
30 19.27A RCW, in keeping with the guidelines set forth in this section.  
31 The initial temporary worker building code adopted by the department  
32 shall be substantially equivalent with the temporary worker building  
33 code developed by the state building code council as directed by  
34 section 8, chapter 220, Laws of 1995.

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

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

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

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

8 (1) The department shall adopt and enforce rules that protect the  
9 health, safety, and property of the people of this state by assuring  
10 that all factory built housing or factory built commercial structures  
11 are structurally sound and that the plumbing, heating, electrical, and  
12 other components thereof are reasonably safe. The rules shall be  
13 reasonably consistent with recognized and accepted principles of safety  
14 and structural soundness, and in adopting the rules the department  
15 shall consider, so far as practicable, the standards and specifications  
16 contained in the uniform building, plumbing, and mechanical codes,  
17 including the barrier free code and the Washington energy code as  
18 adopted by the state building code council pursuant to chapter 19.27A  
19 RCW, and the national electrical code, including the state rules as  
20 adopted pursuant to chapter 19.28 RCW and published by the national  
21 fire protection association or, when applicable, the temporary worker  
22 building code adopted under section 2 of this act.

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

26 (3) The director may adopt rules that provide for approval of a  
27 plan that is certified as meeting state requirements or the equivalent  
28 by a professional who is licensed or certified in a state whose  
29 licensure or certification requirements meet or exceed Washington  
30 requirements.

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

33 (1) Beginning in fiscal year 1999 and each fiscal year thereafter,  
34 the state treasurer shall transfer two million dollars from the general  
35 fund to the housing trust fund. The funds transferred under this  
36 section are provided solely to the department of community, trade, and  
37 economic development for the development of housing for low-income farm

1 workers. The department of community, trade, and economic development  
2 shall administer the funds in accordance with chapter 43.185 RCW.  
3 Funds may only be expended for projects that meet the minimum standards  
4 of the state building code.

5 (2) The department of community, trade, and economic development  
6 shall work in cooperation with the departments of health, labor and  
7 industries, and social and health services to review proposals and make  
8 recommendations to the funding approval board that oversees the  
9 distribution of the housing trust fund grants and loans. An advisory  
10 group representing growers, farm workers, and other interested parties  
11 shall be formed to assist the interagency group.

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

14 (1) Any person providing temporary worker housing as defined in RCW  
15 70.114A.020 shall secure an annual operating license prior to occupancy  
16 and shall pay a fee according to RCW 43.70.340. The license shall be  
17 conspicuously displayed on site.

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

23 (3) The department may assess a civil fine in accordance with RCW  
24 43.70.095 for failure or refusal to obtain a license prior to occupancy  
25 of temporary worker housing. The department may refund all or part of  
26 the civil fine collected once the operator obtains a valid operating  
27 license.

28 (4) The department may adopt rules as necessary to assure  
29 compliance with this section.

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

32 NEW SECTION. **Sec. 7.** A new section is added to chapter 43.70 RCW  
33 to read as follows:

34 This section applies to operators of temporary worker housing as  
35 defined in RCW 70.114A.020 who are providing temporary worker housing  
36 on farm.

1 (1) Any person who constructs, alters, or makes an addition to  
2 temporary worker housing shall:

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

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

9 (c) Submit a plan review and permit fee to the department of health  
10 pursuant to section 6 of this act.

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

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

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

19 **Sec. 8.** RCW 43.70.340 and 1990 c 253 s 3 are each amended to read  
20 as follows:

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

31 (2) There is imposed a fee on each operating license issued by the  
32 department ~~((of health))~~ to every operator of ~~((a labor camp))~~  
33 temporary worker housing that is regulated by the state board of  
34 health. The fee paid under this subsection shall include ~~((all~~  
35 ~~necessary inspection of the units to ensure compliance with))~~ the cost  
36 of administering a license as well as enforcing applicable state board  
37 of health rules on ~~((labor camps.~~

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

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

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

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

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

13       (b) On-site inspections; and

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

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

17       (5) The term of the operating license and the application  
18 procedures shall be established, by rule, by the department ((of  
19 health)).

20       NEW SECTION. Sec. 9. RCW 70.114A.080 and 1995 c 220 s 8 are each  
21 repealed.

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