

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE SENATE BILL 5503**

54th Legislature  
1995 Regular Session

Passed by the Senate April 18, 1995  
YEAS 48 NAYS 0

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**President of the Senate**

Passed by the House April 11, 1995  
YEAS 94 NAYS 0

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**Speaker of the  
House of Representatives**

Approved

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5503** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

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**Governor of the State of Washington**

**Secretary of State  
State of Washington**

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**ENGROSSED SUBSTITUTE SENATE BILL 5503**

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AS AMENDED BY THE HOUSE

Passed Legislature - 1995 Regular Session

**State of Washington**

**54th Legislature**

**1995 Regular Session**

**By** Senate Committee on Financial Institutions & Housing (originally sponsored by Senators Prentice, Deccio, Pelz, Sellar and Fraser)

Read first time 02/28/95.

1 AN ACT Relating to health and safety regulation for temporary  
2 worker housing; amending RCW 70.54.110; adding a new chapter to Title  
3 70 RCW; 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 there is an  
6 inadequate supply of temporary and permanent housing for migrant and  
7 seasonal workers in this state. The legislature also finds that  
8 unclear, complex regulations related to the development, construction,  
9 and permitting of worker housing inhibit the development of this much  
10 needed housing. The legislature further finds that as a result, many  
11 workers are forced to obtain housing that is unsafe and unsanitary.

12 Therefore, it is the intent of the legislature to encourage the  
13 development of temporary and permanent housing for workers that is safe  
14 and sanitary by: Establishing a clear and concise set of regulations  
15 for temporary housing; establishing a streamlined permitting and  
16 administrative process that will be locally administered and encourage  
17 the development of such housing; and by providing technical assistance  
18 to organizations or individuals interested in the development of worker  
19 housing.

1        NEW SECTION.    **Sec. 2.**    The definitions in this section apply  
2 throughout this chapter.

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

4        (2) "Dwelling unit" means a shelter, building, or portion of a  
5 building, that may include cooking and eating facilities, that is:

6        (a) Provided and designated by the operator as either a sleeping  
7 area, living area, or both, for occupants; and

8        (b) Physically separated from other sleeping and common-use areas.

9        (3) "Facility" means a sleeping place, drinking water, toilet,  
10 sewage disposal, food handling installation, or other installations  
11 required for compliance with this chapter.

12        (4) "Occupant" means a temporary worker or a person who resides  
13 with a temporary worker at the housing site.

14        (5) "Operator" means a person holding legal title to the land on  
15 which temporary worker housing is located. However, if the legal title  
16 and the right to possession are in different persons, "operator" means  
17 a person having the lawful control or supervision over the temporary  
18 worker housing under a lease or other arrangement.

19        (6) "Temporary worker" means a person employed intermittently and  
20 not residing year-round at the same site.

21        (7) "Temporary worker housing" means a place, area, or piece of  
22 land where sleeping places or housing sites are provided by an employer  
23 for his or her employees or by another person, including a temporary  
24 worker housing operator, who is providing such accommodations for  
25 employees, for temporary, seasonal occupancy, and includes "labor  
26 camps" under RCW 70.54.110.

27        NEW SECTION.    **Sec. 3.**    This act applies to temporary worker housing  
28 that consists of five or more dwelling units, or any combination of  
29 dwelling units, dormitories, or spaces that house ten or more  
30 occupants.

31        NEW SECTION.    **Sec. 4.**    The department is designated the single  
32 state agency responsible for encouraging the development of additional  
33 temporary worker housing, and shall be responsible for coordinating the  
34 activities of the various state and local agencies to assure a  
35 seamless, nonduplicative system for the development and operation of  
36 temporary worker housing.

1        NEW SECTION.    **Sec. 5.** Temporary worker housing located on a rural  
2 worksite, and used for workers employed on the worksite, shall be  
3 considered a permitted use at the rural worksite for the purposes of  
4 zoning or other land use review processes, subject only to height,  
5 setback, and road access requirements of the underlying zone.

6        NEW SECTION.    **Sec. 6.** The secretary of the department or  
7 authorized representative may inspect housing covered by this act to  
8 enforce temporary worker housing rules adopted by the state board of  
9 health, or when the secretary or representative has reasonable cause to  
10 believe that a violation of temporary worker housing rules adopted by  
11 the state board of health is occurring or is being maintained. If the  
12 buildings or premises are occupied as a residence, a reasonable effort  
13 shall be made to obtain permission from the resident. If the premises  
14 or building is unoccupied, a reasonable effort shall be made to locate  
15 the owner or other person having charge or control of the building or  
16 premises and request entry. If consent for entry is not obtained, for  
17 whatever reason, the secretary or representative shall have recourse to  
18 every remedy provided by law to secure entry.

19        NEW SECTION.    **Sec. 7.** The department of community, trade, and  
20 economic development shall contract with private, nonprofit  
21 corporations to provide technical assistance to any private individual  
22 or nonprofit organization wishing to construct temporary or permanent  
23 worker housing. The assistance may include information on state and  
24 local application and approval procedures, information or assistance in  
25 applying for federal, state, or local financial assistance, including  
26 tax incentives, information on cost-effective housing designs, or any  
27 other assistance the department of community, trade, and economic  
28 development may deem helpful in obtaining the active participation of  
29 private individuals or groups in constructing or operating temporary or  
30 permanent worker housing.

31        NEW SECTION.    **Sec. 8.** By December 1, 1996, the state building code  
32 council shall develop a temporary worker housing code, in conformance  
33 with the temporary worker housing standards developed under the  
34 Washington industrial safety and health act, chapter 49.17 RCW, the  
35 rules adopted by the state board of health under RCW 70.54.110, and the  
36 following guidelines:

1 (1) The code shall provide construction standards for shelter and  
2 associated facilities that are safe, secure, and capable of  
3 withstanding the stresses and loads associated with their designated  
4 use, and to which they are likely to be subjected by the elements.

5 (2) The code shall permit and facilitate designs and formats that  
6 allow for maximum affordability, consistent with the provision of  
7 decent, safe, and sanitary housing.

8 (3) In developing the code the council shall consider: (a) The  
9 need for dormitory type housing for groups of unrelated individuals;  
10 and (b) the need for housing to accommodate families.

11 (4) The code shall include construction standards for a variety of  
12 formats, including, but not limited to: (a) Tents and tent platforms;  
13 and (b) hard-shell, single exterior wall structures.

14 (5) The code shall include standards for temporary worker housing  
15 that is to be used only during periods when no auxiliary heat is  
16 required.

17 In developing the temporary worker housing code, it is the intent  
18 of the legislature that the building code council make exceptions to  
19 the codes listed in RCW 19.27.031, and chapter 19.27A RCW, in keeping  
20 with the guidelines set forth in this section.

21 The building code council shall appoint a technical advisory  
22 committee to assist in the development of the temporary worker housing  
23 code, which shall include representatives of industries that most  
24 frequently supply temporary housing to their employees.

25 NEW SECTION. **Sec. 9.** The department shall submit a report to the  
26 legislature containing short-term and long-term recommendations for the  
27 development of an adequate supply and continuous improvement of  
28 temporary worker housing. The report shall include recommendations for  
29 optimum roles for state and local administration of temporary worker  
30 housing, including strategies for the development of a locally  
31 administered application, permitting, and compliance system. The  
32 report shall identify incentives for the development of temporary  
33 worker housing, including but not limited to:

34 (1) Facility design options that are economical and appropriate for  
35 the worksite and length of seasonal employment but do not compromise  
36 health and safety of workers;

37 (2) Streamlined, single-service-point permit application and review  
38 process;

- 1 (3) Utilization of manufactured shelter units;
- 2 (4) Appropriate building standards;
- 3 (5) Financial incentives for operators;
- 4 (6) Community-financed temporary worker housing; and
- 5 (7) Shared housing arrangements among operators.

6 The report shall include recommendations for appropriate compliance  
7 strategies.

8 A preliminary report shall be submitted by December 1, 1995,  
9 together with any recommendations for legislation necessary to  
10 implement the findings and recommendations of the department at that  
11 point.

12 A final report, including recommendations for legislation, shall be  
13 submitted by December 1, 1996.

14 NEW SECTION. **Sec. 10.** Any rules adopted under this act pertaining  
15 to an employer who is subject to the migrant and seasonal agricultural  
16 worker protection act (96 Stat. 2583; 29 U.S.C. Sec. 1801 et seq.),  
17 must comply with the housing provisions of that federal act.

18 **Sec. 11.** RCW 70.54.110 and 1990 c 253 s 4 are each amended to read  
19 as follows:

20 The state board of health shall develop rules for labor camps,  
21 which shall (~~include as a minimum~~) not exceed the standards developed  
22 under the Washington industrial safety and health act in chapter 49.17  
23 RCW as relates to (~~sanitation and~~) temporary labor camps.

24 All new housing and new construction together with the land areas  
25 appurtenant thereto which shall be started on and after May 3, 1969,  
26 and is to be provided by employers, growers, management, or any other  
27 persons, for occupancy by workers or by workers and their dependents,  
28 in agriculture, shall comply with the rules and regulations of the  
29 state board of health pertaining to labor camps. Within sixty days  
30 following the effective date of this act, the board shall review all  
31 rules it has adopted under this section and modify or repeal any rules  
32 that exceed the standards developed under chapter 49.17 RCW.

33 NEW SECTION. **Sec. 12.** Sections 1 through 10 of this act shall  
34 constitute a new chapter in Title 70 RCW.

1        NEW SECTION.    **Sec. 13.**    If any provision of this act or its  
2 application to any person or circumstance is held invalid, the  
3 remainder of the act or the application of the provision to other  
4 persons or circumstances is not affected.

5        NEW SECTION.    **Sec. 14.**    This act is necessary for the immediate  
6 preservation of the public peace, health, or safety, or support of the  
7 state government and its existing public institutions, and shall take  
8 effect immediately.

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