

Florida

● PUBLIC HEALTH LAWS (*ACCESS TO MIGRANT HOUSING*)

STATUTORY CITATION: Fla. Stat. § 381.00897

GENERAL SUMMARY: The provisions in the state public health laws that regulate migrant labor camps and residential migrant housing in Florida include explicit language regarding access rights.

SPECIFIC TERMS AND CONDITIONS

RIGHT OF ACCESS BY INVITED GUESTS — A resident of a migrant labor camp or residential migrant housing (both defined in the preceding entry) may decide who may visit him or her in the resident's private living quarters. No one may prohibit an invited guest from entering or leaving a resident's private living quarters, by erecting any sort of physical barrier or by use of force, violence or threats. An invited guest must, however, leave the private living quarters upon the reasonable request of a resident residing within the same living quarters.

RIGHT OF ACCESS BY OTHERS — No one may prohibit other authorized visitors from entering or leaving the common areas of a migrant housing facility, by erecting any sort of physical barrier or by use of force, violence or threats. However, owners and operators of migrant housing facilities may adopt reasonable rules regulating hours of access, as long as they permit at least 4 hours of access each day during non-working hours Monday through Saturday, and between 12 noon and 8:00 p.m. on Sunday.

OTHER RULES — Migrant housing owners or operators may adopt other rules regulating access, but only if they are reasonably related to the purpose of promoting the safety, welfare or security of the residents, visitors, or the owner or operator's business. However, rules relating to access are not enforceable unless they have been posted at the housing facility, with a copy submitted to the Florida Department of Health.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – A person who has been denied access to a migrant labor camp or residential migrant housing in apparent violation of these provisions may file a complaint in the appropriate court in the county where the housing is located, using a private attorney or public legal service provider.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Illinois

● **CRIMINAL CODE OF 2012 (CRIMINAL TRESPASS)**

STATUTORY CITATION: 720 Ill. Comp. Stat. § 5/21-3

GENERAL SUMMARY: The Criminal Code provides that anyone who enters upon the land of another after receiving prior notice from the owner or occupant that such entry is forbidden, or who remains on the property after receiving notice from the owner or occupant to depart, is guilty of criminal trespass. An exception, however, is made in the case of migrant workers and the guests of migrant workers who are housed on private property in connection with their employment.

SPECIFIC TERMS AND CONDITIONS: A migrant farmworker or anyone else who lives on private property with permission of the owner, or any agent of the owner having authority to hire workers and assign them living quarters, is entitled to free access to the premises without regard to the criminal trespass provisions. Likewise, the criminal trespass law does not apply to anyone invited by a migrant worker living on such land to visit the worker at the place where the worker is living.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – The state's criminal laws are enforced by state and local law enforcement agencies and public prosecutors.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

PRIVATE CIVIL ACTION — Any worker who has been denied free access to his or her living quarters on private property, or whose guests have been denied such access, should contact a private attorney or a public legal service provider.

Maryland

● ATTORNEY GENERAL OPINION NO. 82-024

STATUTORY CITATION: 67 Opp. Atty. Gen. Md. 64

GENERAL SUMMARY: Opinion No. 82-024, issued by the state attorney general in July 1982, clarifies the right of migrant workers in Maryland to receive visitors in their living quarters, subject only to reasonable rules necessary to protect business and security interests.

SPECIFIC TERMS AND CONDITIONS: Agricultural producers in Maryland may not exclude from migrant labor camps under their control or ownership representatives of public or private agencies which provide services to migrant workers, nor may they bar anyone else who is invited onto the premises by a resident. If a worker informs the camp owner or operator that he or she is expecting a visitor, the owner or operator may not inquire as to the purpose of the visit; in any other case, the owner or operator may require visitors to identify themselves and state the general purpose of their visit. Representatives of government agencies or private farmworker service providers may enter a camp, seek out workers, and remain in the camp for as long as any resident is utilizing their services, without the presence of the camp owner or operator.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *None.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

PRIVATE CIVIL ACTION — The right of access and visitation at migrant labor housing facilities is enforceable through the courts. Any worker who is denied communication with anyone at his or her place of residence in Maryland should consult with a private attorney or public legal service provider.

Massachusetts

● PUBLIC HEALTH LAWS (*ACCESS TO FARM LABOR CAMPS*)

STATUTORY CITATION: Mass. Gen. Laws Ch. 111, § 128H

RELATED REGULATIONS: 105 Mass. Code Regs. 420.000

GENERAL SUMMARY: In addition to the health and sanitation requirements applicable to farm labor camps, Chapter 111 of the state statutes includes a provision which guarantees residents' rights to access and visitation at those facilities.

SPECIFIC TERMS AND CONDITIONS: During the period of employment, every migrant farmworker who shares living quarters with the employer or resides on the employer's property has the right to enter and leave the premises at will. Likewise, workers occupying housing other than the employer's own residence may exercise reasonable rights of visitation in their living quarters outside regular working hours. In either case, the certificate of occupancy issued by the state enforcement agency for such a labor housing facility must include a notification of these rights, in English and Spanish.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Community Sanitation Program, Bureau of Environmental Health, Massachusetts Department of Public Health, Boston, Massachusetts 02108 (617-624-5757).* Any migrant worker who is living in a farm labor camp or other housing furnished by the employer and who is denied access, or whose guests are denied access, to such housing may file a complaint with the Department. The Department, in turn, is authorized to petition the superior court to restrain or enjoin such a violation.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – The state sanitation code, including the farm labor camp access provisions, may be enforced by local boards of health.

Oregon

● CIVIL RIGHTS LAWS (*EMPLOYER-CONTROLLED HOUSING*)

STATUTORY CITATION: Or. Rev. Stat. §§ 659A.250 – 659A.262

GENERAL SUMMARY: The state civil rights laws include provisions that (1) prohibit the restriction of access to employee housing controlled by employers, (2) limit the enforceability of employer rules governing the use and occupancy of employee housing, and (3) prohibit eviction or discrimination against an employee for exercising any rights granted by these provisions, which protect agricultural and non-agricultural employees without distinction.

SPECIFIC TERMS AND CONDITIONS

ACCESS RIGHTS — It is illegal for an employer to restrict access by government officials, medical doctors, education providers, or health care officials, or by the invited guests of a resident, to any housing owned, rented or controlled by an employer where employees are residing. The term "access" does not include the right to enter an individual employee's residence unless a member of the household consents to such entry, nor does it include the right of a visitor to use services provided by the employer for the exclusive use of employees. Invited persons must announce their presence on the premises upon request, and visitors who represent a government agency, service provider or religious organization must provide credentials identifying themselves as such. Invited guests are not entitled to enter work areas.

EMPLOYER-IMPOSED RULES — Rules adopted by an employer to regulate the use and occupancy of employee housing (including hours of access) are enforceable against the employee only if the rules (1) relate reasonably closely to the purpose of promoting the safety or welfare of residents or visitors, (2) preserve the employer's property from abuse, (3) apply fairly to all employees on the premises, and (4) are sufficiently explicit in directing or limiting the employees' conduct as to fairly inform them of what must be done to comply. Any such rules must be conspicuously posted at least 3 days prior to enforcement.

EVICTON OR DISCRIMINATION — It is unlawful for an employer to evict from any employer-provided housing, or to fire, suspend or discriminate against in any other manner, an employee or member of an employee's household, because such resident (1) has reported or complained concerning violations of the above provisions, or (2) has communicated with anyone who has access rights to the housing facility or invited anyone to residential areas.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Civil Rights Division, Oregon Bureau of Labor and Industries, Portland, Oregon 97232 (971-673-0764)*. Violation of the employer-controlled housing provisions of the state civil rights laws subjects the violator to the same civil and criminal remedies and penalties prescribed for an unlawful employment practice under the same statute (*see entry, Oregon—Civil Rights—Fair Employment Practices*). Any employee living in employer-provided housing who has been denied visitation at the housing site, or any authorized visitor who has been denied access, may file a complaint with the Bureau within one year after the alleged violation.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

PRIVATE CIVIL ACTION — If the Bureau of Labor and Industries fails to file formal charges or otherwise resolve a worker's complaint within one year after the complaint is filed, the worker may file suit against the employer involved at any time within 90 days thereafter, using a private attorney or a public legal services program. The worker also has the option of taking private legal action against the violator without first filing an administrative complaint with the Bureau, but any such suit must commence no later than one year after the violation occurred.

Pennsylvania

● SEASONAL FARM LABOR ACT (*FARM LABOR CAMP ACCESS AND ENTRY*)

STATUTORY CITATION: 43 Pa. Stat. §§ 1301.401 – 1301.403

GENERAL SUMMARY: In addition to authorizing substantive standards to assure safe and decent farmworker housing in the state, the Seasonal Farm Labor Act confers certain tenancy and access rights on residents and visitors at camps regulated under the Act.

SPECIFIC TERMS AND CONDITIONS

TENANCY RIGHTS — A seasonal farmworker who resides in any structure or property which is owned, leased or operated by an employer or farm labor contractor, and which is occupied for at least 6 months in a calendar year, has all the rights and recourse to law as if the worker were a tenant in possession. This includes, among other protections, the right to 3 days' notice prior to eviction, or 2 weeks' notice if the worker lives on the property with one or more dependents. Tenancy rights apply for as long as the worker resides at the facility, whether or not rent is charged.

ACCESS RIGHTS — It is illegal for anyone to deny or limit entry to or egress from the premises of a seasonal farm labor camp by any of the following persons:

- (1) A guest of an occupant of the camp.
- (2) A person working under the auspices of a private organization whose primary interest in entering the premises is the health, safety, welfare or dignity of seasonal farmworkers.
- (3) A representative of a federal, state or local government agency who, if requested, presents proper identification to the owner of the camp and whose agency has notified the owner at some time during the current season concerning the agency's purpose and the identity of its agent or agents.
- (4) An individual, group or public agency whose primary purpose is to provide a service to the owner of the camp rather than to the camp's occupants.

Reasonable access by such persons to the grounds of a labor camp may not be prohibited, interfered with or limited in any way, whether by erecting or maintaining a physical barrier, by using physical force or violence, by posting a written notice, or by issuing a verbal order.

SPECIAL NOTES OR ADVISORIES

RETALIATION — Interference with, harassment of, eviction of, or termination of the employment of any seasonal farmworker for having filed a civil or criminal complaint under the Seasonal Farm Labor Act is deemed a separate violation of the Act, punishable as a criminal offense.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Farm Labor Camp Housing Program, Bureau of Food Safety and Laboratory Services, Pennsylvania Department of Agriculture, Harrisburg, Pennsylvania 17110 (717-787-4315).* Any resident of a farm labor camp who has been unlawfully evicted or denied visitation by a guest or other authorized visitor, or any authorized person who has been denied entry to a camp, may file a complaint with the Department, which may take civil and criminal action against the camp owner if a violation of the tenancy and access provisions is confirmed.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Wisconsin

● MIGRANT LABOR LAW (*ACCESS, ENTRY, AND TENANCY*)

STATUTORY CITATION: Wis. Stat. §§ 103.925 – 103.926

GENERAL SUMMARY: Wisconsin's migrant labor law includes, among other provisions, certain assurances regarding farmworker housing rights.

SPECIFIC TERMS AND CONDITIONS

ACCESS AND ENTRY — Migrant agricultural workers have the right to decide who may visit them at their residence, and no one may prohibit or interfere with access to or egress from the residence of any such worker, either by the use of a fence or other physical barrier, by posting of any sign or notice, or by the use or threat of force or violence. Any fence erected around a migrant labor camp must have one or more gateways, and posting of land adjacent to a camp is not permitted unless access to the camp is clearly marked.

VACATING RESIDENCE — After a migrant worker's employment has been terminated, an employer may not require the worker to vacate residence at a migrant labor camp operated by the employer until the worker has received final payment of wages in full.

SPECIAL NOTES OR ADVISORIES

RETALIATION — An employer or labor contractor may not discharge, discipline or discriminate in any manner against a migrant worker because the worker has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions. A worker who has been subjected to unlawful retaliation may file suit against the employer or contractor involved, who, in addition to any other damages, may be liable to the worker for reinstatement and accumulated back wages.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Migrant Law Enforcement Section, Employment and Training Division, Wisconsin Department of Workforce Development, Madison, Wisconsin 53707 (608-266-0002)*. Any migrant worker who has been denied visitation by guests at his or her residence, or any person who has been invited to a worker's residence and has been refused entry, may file a complaint with the Department, which is authorized to investigate the complaint and take action to assure compliance.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

PRIVATE CIVIL ACTION — Without regard to any administrative action by the Department, a migrant worker aggrieved by a violation of the migrant labor law by an employer or migrant labor contractor has a right to bring suit against the violator in civil court, using a private attorney or public legal service provider.