

● MIGRANT HOUSING ACT OF NORTH CAROLINA

STATUTORY CITATION: N.C. Gen. Stat. §§ 95-222 – 95-229.4

RELATED REGULATIONS: 13 N.C. Admin. Code 16 .0101 – .0502

GENERAL SUMMARY: The Migrant Housing Act adopts certain federal housing standards and makes them applicable to virtually all migrant labor housing facilities in North Carolina. The law requires a state-issued certificate before such facilities may be occupied, and authorizes state inspections for the purpose of determining compliance.

SPECIFIC TERMS AND CONDITIONS

STANDARDS — With certain variations, the state has adopted the temporary labor camp standards established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Housing — General Employee Housing Standards*). In lieu of the OSHA provisions, however, migrant housing is subject to existing state rules governing (1) water quality and water sanitation, (2) collection, treatment and disposal of sewage, (3) heating systems, (4) fire safety, (5) food service, preparation and storage, and (6) bedding.

PRE-OCCUPANCY INSPECTIONS — Every person who owns or controls housing used as living quarters in North Carolina for workers required to be absent overnight from their permanent place of residence must request an inspection of the housing at least 45 days before it is occupied. In general, the facility may be occupied only if it has been certified by the state labor department or the U.S. Department of Labor to be in compliance with the standards adopted under this law. If the housing is fully compliant for two consecutive years, the owner or operator of the facility has the right to conduct its own pre-occupancy inspection, but the local health department must still inspect the water and sewage systems for compliance. In the year following a self-inspection, the state labor department must again conduct the pre-occupancy inspection.

POST-OCCUPANCY INSPECTIONS — After a migrant housing facility is occupied, inspections are normally allowable only if (1) workers and their families arrived before the anticipated occupancy date and were allowed to enter on a provisional basis, (2) the housing was subject to pre-occupancy inspection and found not to be in 100 percent compliance, (3) the operator has been assessed a civil penalty by the state labor department for violations during the previous year, or (4) a credible report of an alleged safety or health violation or hazard has been received from a government official or an individual with first-hand knowledge of the violation or hazard.

HOUSING DEEMED UNINHABITABLE — In the case of a migrant housing facility found to be uninhabitable but not reasonably expected to cause death or serious physical harm, any occupants thereof may be allowed to remain for a reasonable period, not to exceed 14 days, while the housing owner or operator attempts to locate alternative lodging for them. Any alternative housing must be provided at or below the cost the occupants were paying for the uninhabitable facility.

Occupied housing deemed uninhabitable and likely to cause death or serious injury cannot continue to be occupied, and the owner or operator must provide alternative housing at equal or lesser cost immediately.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Agricultural Safety and Health Bureau, Occupational Safety and Health Division, North Carolina Department of Labor, Raleigh, North Carolina 27603 (919-807-2926; toll-free 800-625-2267)*. This agency has primary responsibility for inspecting migrant housing facilities under the Act, and for issuing certifications authorizing occupancy. The Department also has authority to investigate and respond to reports of alleged violations.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *North Carolina Department of Environmental Quality, Raleigh, North Carolina 27603 (877-623-6748)*. This agency is explicitly responsible for enforcing the water and sanitation regulations applicable to migrant housing, through inspections conducted by the local health departments.