

## ● TEMPORARY WORKER HOUSING LAW

*STATUTORY CITATION:* Wash. Rev. Code §§ 70.114A.010 – 70.114A.901

*RELATED REGULATIONS:* Wash. Admin. Code Chs. 246-358 and 246-359

*GENERAL SUMMARY:* Chapter 70.114A of the public health and safety statutes authorizes the state health department to develop regulations governing temporary worker housing in Washington, and to work with the state labor department to establish a streamlined administrative process for inspection and licensing of such facilities. The law applies to temporary worker housing — agricultural and otherwise — that consists of 5 or more dwelling units, or any combination of dwelling units that house 10 or more occupants.

*SPECIFIC TERMS AND CONDITIONS:* Using the rulemaking authority referred to above, the state health department has adopted detailed rules regulating temporary worker housing facilities, briefly outlined here.

**LICENSING** — In general, the owner or operator of a temporary worker housing facility must apply to the state health department for a license before the facility is occupied each year. Before a license is issued, the facility must be inspected or the operator must submit and receive approval of a self-survey.

*Exception* — Camps for workers employed in the harvest of cherries must be inspected before occupancy. A license to operate a cherry harvest camp is limited to one week before the start of the harvest through one week after the harvest concludes. Cherry harvest camps are the only form of housing in which tents may be used to house temporary workers.

**MAXIMUM OCCUPANT CAPACITY** — The regulations limit the capacity of housing facilities, based on (1) existing floor space in habitable rooms used for sleeping, and (2) the number of toilet, handwashing, bathing, food-handling and laundry facilities actually available.

**HOUSING STANDARDS** — Among many other licensing conditions that temporary worker housing must meet are these:

**Site** — The housing site must be adequately drained, at least 200 feet from pools of standing water, and large enough to prevent overcrowding of structures.

**Water Supply** — The water supply and distribution system must be constructed and maintained in accordance with state regulations. In general, there must be hot and cold running water in each central bathing, laundry, cooking or food-handling facility at all times, and all family units must be provided with hot and cold running water under pressure.

**Sewage Disposal** — All sewage and waste water must be drained into an approved public or on-site disposal system.

**Electricity and Lighting** — The dwelling units must have electric service, and rooms must be properly equipped with light fixtures and electrical outlets. Living areas and service rooms must be adequately lighted.

**Building Construction** — Dwelling units and common facilities must protect against the elements and comply with state and local building codes. There must be locking mechanisms on all exterior doors, bedroom doors, and toilet and shower doors (if provided). Buildings must be maintained in good repair and sanitary condition. Housing must comply with prescribed minimum requirements on floor space and ceiling height.

**Safety Devices** — There must be a functioning, properly installed carbon monoxide alarm in each dwelling unit with a sleeping area. Likewise, there must be a properly installed and working smoke alarm in each sleeping and cooking area. Fire extinguishers are required in dwelling units where occupants sleep if the unit does not have a second means of emergency escape.

**Laundry Facilities** — The housing operator must provide at least one laundry tray or tub, or one mechanical washing machine, for every 30 occupants. There must also be adequate facilities for drying clothes.

**Toilet Facilities** — There must be flush toilets (or chemical toilets, if approved by the health department) in numbers adequate for the maximum capacity of the housing; pit toilets or privies are not allowed. In general, shared facilities must have at least one toilet for every 15 occupants. Toilets must be located within 200 feet of the door of each sleeping room. Toilet rooms must be adequately ventilated and screened and maintained in clean and sanitary condition.

**Handwashing and Bathing Facilities** — The housing operator must provide handwashing and bathing facilities in numbers adequate for the maximum capacity of the housing. In general, shared facilities must have at least one wash basin for every 6 occupants and one showerhead for every 10.

**Cooking and Food-Handling Facilities** — There must be cooking, food storage and eating facilities in each individual unit, or common food handling facilities that meet prescribed specifications. Among other requirements, in each

## Washington / Housing / General Employee Housing Standards

---

individual unit or common facility there must be an operable cook stove or hotplate, and mechanical refrigeration capable of maintaining a temperature of 40 degrees F. or below.

**Sleeping Facilities** — The operator must provide adequate numbers of beds, cots or bunks, furnished with clean mattresses in good condition. Beds must be located and spaced as prescribed in the regulations. For each occupant housed in a common sleeping facility, there must be a suitable enclosed storage space that is lockable and accessible to the occupant.

**First Aid and Safety** — The use, storage or mixing of flammable, volatile or toxic substances other than those intended for household use is prohibited in the housing area. First aid equipment must be provided by the housing operator and kept readily accessible to residents.

**Refuse Disposal** — The operator must follow local sanitation codes for removing and disposing of trash. Trash and garbage must be stored in fly-tight, rodent-proof, cleanable containers, or in single-use containers. There must be at least one trash container per dwelling unit, located within 100 feet of each unit. Containers must be emptied when full, but no less often than twice each week.

**Pest Control** — Appropriate measures must be taken to control rodents and insects.

**Disease Prevention and Control** — The housing operator is required to immediately report to the local health department (1) the name and address of any occupant known to have or suspected of having a communicable disease, and (2) any case of suspected food poisoning or other unusual health incident or situation.

### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** — *Temporary Worker Housing Program, Office of Environmental Health and Safety, Washington State Department of Health, Olympia, Washington 98504 (360-236-3330)*. This agency is responsible for inspection and licensing of temporary worker housing facilities in Washington. On its own or in response to a report of an alleged violation, the Department may inspect any facility subject to these provisions and take action to have the facility's operator correct a confirmed violation. Failure to correct a violation may result in a civil fine or modification, suspension or revocation of the facility's license. Civil fines are also prescribed for failure or refusal to obtain a temporary worker housing license prior to occupancy.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** — *Division of Occupational Safety and Health, Washington State Department of Labor and Industries, Olympia, Washington 98504 (360-902-5494; toll-free 800-423-7233)*. Temporary worker housing facilities are also subject to inspection by this agency, which enforces very similar health and safety standards.