

IMPLEMENTATION OF THE HELSINKI ACCORDS

MIGRANT FARMWORKERS IN THE UNITED STATES

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Migrant Farmworkers in the United States

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HAC

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For at least two generations the United States has pursued an agricultural policy designed to keep food costs for American families both plentiful and low in cost to the consumer. There can be little doubt that the policy is successful. Overall, food prices and the abundant supply have made our retail supermarkets the envy of the world.

While consumers enjoy significant advantages from this policy, as usual, someone has to pay. Without going into detail, it is apparent that the taxpayer subsidizes the growers in a variety of different way - marketing orders, low-cost water, farm-to-market roads, enormous research expenditures, and of course direct payments of various kinds to growers, ranging from direct price supports to payments for not growing certain crops.

We do not suggest that this policy is misguided or wrong, or that tax dollars should not be used to implement the policy. Virtually all taxpayers are beneficiaries and there is nothing inherently unequal about asking taxpayers to meet the bill.

THE REST OF THE COST

What we do suggest is that the taxpayers do not foot the entire bill. Two other groups bear a disproportionate share of the cost - small family farmers and, of particular interest to HAC, farm laborers, including hundreds of thousands of migrant workers.

While it is arguable, there is a considerable body of thought which believes that the various subsidies have at least contributed to the loss of thousands of family farms in this country. Those farm families have sacrificed their livelihoods to the implementation of the cheap and plentiful food policy. Perhaps it is inevitable, but the family farm is disappearing, replaced by the corporate farmer, better positioned to take advantage of the opportunities available to modern farm entrepreneurs.

But an even greater subsidy payment is made, year after year after year by the farm laborers who plant, cultivate and harvest the bountiful, low-cost food we take for granted. No one knows with any certainty just who or how many there are. The USDA publication, "Agriculture Statistics" has nearly three hundred pages on commodities - soybeans, tree fruits and nuts, dairy products, tobacco, etc. - but only four pages on hired farm labor. Another USDA report, "The Agricultural Work Force of 1987" (an annual publication now discontinued "for budgetary reasons") places the number of farmworkers at 2,463,000, but it includes neither the Special Agricultural Workers (SAW's) gaining legalization under the

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Immigration Reform and Control Act of 1986, an estimated 1.3 million, nor does it include many of the undocumented workers who are notoriously difficult to count. The official count is unlikely to contain the thousands of underage children of migrant families who also labor alongside their parents in the field in an effort to boost the family income. It is HAC's considered estimate that there are a minimum of 5,000,000 farmworkers working annually in the United States. The huge majority are migrant farmworkers, and most, according to the House Select Committee on Aging, are young married foreign-born males, over two-thirds of Hispanic origin.

How do these farmworkers subsidize our table foods? By accepting minimum and even sub-minimum wages. By traveling long distances in often unsafe vehicles to accept those low-paying jobs. By tolerating working conditions unsafe by any health standard. By living in abandoned chicken houses, exorbitantly expensive motel rooms, doubled up with two or three families in one room shacks, or living in orchards, dry stream beds or abandoned vehicles. By permitting their children as young as six to work in the fields with them. By indenturing themselves to farm labor contractors who all to often "short-weigh" "short-count" and consequently shortchange workers on pay and withheld taxes, while charging excessive fees for food, lodging, transportation and life's necessities. In short, hundreds of thousands of farmworkers subsidize our food by surrendering their dignity to the demands of survival.

The principal result of Edward R. Murrow's CBS broadcast of 30 years ago, "Harvest of Shame", detailing the misery and neglect of migrants has been an increased public awareness of the problems. But there has been but little tangible change. Five cabinet level departments - USDA, Labor, HHS, Justice, Education and the EPA have regulatory or program responsibilities for migrant farm laborers. Laws are on the books. Administrators we have. Amelioration of the deplorable working and living conditions has not yet occurred.

HAC is in no position to discuss the migrant health, education, headstart, or job training programs administered by those departments, but we do understand the desperate need for decent housing and the inadequate response. Further, it does seem apparent to us that inadequate living conditions must contribute materially to the precarious state of health so many migrants suffer. Lack of pure drinking water or even of water to bathe off field applied chemicals is commonplace.

HOUSING FOR MIGRANT FARM LABORERS

The most recent survey (in 1980) of the national need for migrant farmworker shelter indicated a shortage of nearly 800,000 units. More rigorous enforcement of health and sanitary standards since that time have meant the loss of even more private labor camp units, while the only federal farmlabor housing program has

financed, since 1980, fewer than 5,000 new units, virtually all of those in states with nearly year-round need for farm labor. The existing farmlabor housing program administered by the Farmers Home Administration (FmHA) in the U.S. Department of Agriculture, is wholly inadequate to the task.

Funded at roughly \$27 million in FY 1992 (40% grants), the Section 514/516 farmlabor housing program simply cannot meet the need. Furthermore, the nature of the program financing virtually necessitates year-round occupancy of the units which are built, making it totally impractical in agricultural areas with a labor demand of only three or four months.

The National Affordable Housing Act of 1990 did establish a new Homeless/Migrant program which would permit interested local governments or nonprofits to apply to FmHA for 100 percent financing of shelters to be used for migrants during their residency in the community, and for homeless individuals and families in the off season. While \$10 million was authorized, nothing was appropriated. FmHA is attempting to utilize money from the 514/516 program to initiate the program, but the legislative requirements that an area have both migrants and homeless has made the program almost unworkable.

In short, there is no workable program to address the need for decent housing for migrant farmworkers in the agricultural communities which need such labor for a few months each year. There is not even an adequate program to provide decent housing for farmworkers in those areas which need their labor 8, 10 or 12 months of the year.

WHAT MUST BE DONE

The Housing Assistance Council has, over the past twenty years, made a series of suggestions addressing the housing plight of migrant workers. While this particular briefing is not the place to discuss those suggestions, HAC does wish to make the Commission aware of the problem, and recommend that a future briefing be devoted to the housing problems of migrant farmworkers. We would be happy to address the problems in detail at such a time.

HAC REPORT

Published by the Housing Assistance Council, Inc., a nonprofit organization dealing with rural low-income housing needs.

WHO WILL HOUSE FARMWORKERS?: AN UPDATE ON STATE AND FEDERAL PROGRAMS

INTRODUCTION

In 1986, the Housing Assistance Council (HAC) prepared a report entitled "Who Will House Farmworkers?: An Examination of State Programs."¹ That report highlighted the efforts of a few states in addressing the considerable housing problems of migrant and seasonal farmworkers. HAC chose to look at six states that were identified as having the "highest unmet need" in a nationwide study conducted by InterAmerica Associates for the Farmers Home Administration (FmHA) in 1980 (this study was never made available for distribution by FmHA), and six other states where some form of farmworker housing assistance was being pursued.²

HAC has continued monitoring state assistance. In a field where housing, health and income conditions are generally bleak, it is pleasing to report that there has been some progress in several states -- including one, Ohio, that was not included in the 1986 report -- in addressing farmworker housing needs.

What has contributed to the progress? In some states there has been an ongoing concern for farmworker housing needs; in others, both studies and the news media helped focus state attention on these needs. But, where the progress is most apparent -- Oregon, for example -- perceptions arising out of implementation of the Immigration and Reform Control Act of 1986 (IRCA) may have been the critical catalyst for change.³

IRCA (Public Law 99-603) created opportunities for persons heretofore living and working in the United States without legal papers to become legal "permanent" residents. A special legalization category was created specifically for agricultural workers: Special Agricultural Workers, or "SAWs," are farmworkers who were residing in the United States and could prove that they performed at least 90 "man-days" of seasonal agricultural services during the period beginning May 1, 1985 and ending 12 months later. Approximately 1.2 million individuals applied for SAW status and those who were found eligible have achieved permanent U.S. residency.

¹ This report is available for \$4.50 prepaid from the Housing Assistance Council, 1025 Vermont Ave., N.W., Suite 606, Washington, DC 20005, (202) 842-8600.

² These states are Texas, Michigan, North Carolina, Washington, Illinois, Florida, Oregon, New York, Colorado, Maryland, Virginia and California.

³ HAC has produced two papers on IRCA: "Immigration Law and Its Impact on Farmworker Housing", published in February 1989 (\$3.50), and "Immigration Law and Its Impact on Farmworker Housing: An Update," published in August 1989 (\$3.50). See footnote 1 for ordering information.

This response to the opportunity to become "legal" and to rid oneself of the considerable fears of being found and deported sent shivers up the collective spine of many in the agricultural industry that relied heavily on a primarily illegal work force. Many growers feared that farmworkers would abandon agriculture for better paying or more secure employment. Indeed, the strawberry crop in the Northwest came early in 1987 and there were too few workers to harvest it. Growers believed that many Mexican pickers were confused about the IRCA provisions and had refused to cross the border. To counteract this worker "shortage," growers heavily recruited workers in 1988. That year, the migrants arrived too early for the harvest, and in such great numbers that many were left with no work, no shelter, no income and no food.

Some growers and their associations concluded that an important way to attract and retain a stable work force would be to provide decent accommodations, although this was not a universal belief. Certainly in Oregon this perception led to a concerted effort to encourage state assistance in rehabilitating housing for farmworkers and in building new housing where it is needed. In other states, there was pressure from grower groups to amend or create new state housing law to enable these groups to receive state loans and/or grants for housing improvement or construction.

States continued to move into the area of farmworker housing during a time of stagnation in federal activity. In Fiscal Year 1986, the combined funds for FmHA's Sections 514/516 loan and grant funds for farmworker housing were about \$21.5 million, a level at which it generally stayed, with some variations, through FY'90. For FY'91, the combined figure rose to \$27.3 million, where it remains in the current fiscal year -- still slightly less than 40 percent of the FY'79 level.

FmHA has, however, maintained outreach and technical assistance efforts since 1986, spending about \$500,000 a year for experienced nonprofit housing technical assistance contractors to encourage new farm labor housing proposals in unserved areas where there is a strong need for farm labor housing. Under prior contracts, projects were built in New Jersey and Maryland for the first time, as well as in California and Texas. A southern Delmarva Peninsula project is presently awaiting sewer capacity and a Delaware project is under active review. Technical assistance contractors are also active in Oregon, Colorado, Texas, Louisiana, Iowa, Ohio and Pennsylvania, with Oklahoma, Indiana and Michigan target areas identified for future technical assistance.

New interest in the plight of farmworkers was reflected in the Cranston/Gonzalez National Affordable Housing Act of 1990 (NAHA) in an amendment to Section 516 creating a new 516(k) program for "migrant farmworkers and homeless individuals." Section 714 of the 1990 legislation authorizes both advances and grants for the acquisition, rehabilitation or new construction of housing primarily for farmworkers, but which may be made available in the off season for homeless individuals and their families. Operating expenses of up to 75 percent of the actual costs are also authorized, contributing to affordable rents.

NAHA provided authority for \$10 million in FY'91 and \$10.5 million in FY'92 for the 516(k) program, but no funds have been appropriated. FmHA has begun drafting regulations for implementing the program in case of supplemental appropriation in FY'92 or funding in FY'93. In the meantime, the agency administratively has set aside \$2 million in Section 516 grant funds to encourage migrant/homeless efforts under the existing 516 program.

Also on the federal table is NAHA authority to target some FmHA funding, as well as Small Cities Community Development Block Grant funding, to "colonias" along the United States/Mexico border. These settlements generally lack potable water and sanitation systems, and are inhabited primarily by Hispanic farmworkers who may or may not migrate. Section 709 of the 1990 legislation targets a portion of FmHA housing dollars to "underserved areas," with certain counties in which colonias are located receiving at least 5 percent of the set-aside.

Another new NAHA initiative with repercussions for farmworker housing is the requirement that every state develop a Comprehensive Housing Affordability Strategy (CHAS), a document assessing the state's housing needs, setting priorities, and establishing strategies and goals. In at least two states, Texas and Colorado, advocacy groups are working aggressively to focus attention in their respective state's CHAS on farmworker housing needs. The State of Colorado CHAS is expected to include a proposal for the development of two farmworker housing facilities annually. In Texas, farmworker families working through a newly formed nonprofit housing corporation provided testimony at a CHAS hearing calling for the inclusion and implementation of the Texas Colonias Housing Initiative. Presently the State of Texas is allocating about \$300 million of state water bonds to bring water and sewer to the colonias, and has designated \$3.6 million in the state's CHAS for the replacement of owner-occupied housing in the colonias.

These new initiatives at the federal level are welcome, but very limited. There remains a continuing and, some say, a growing concern for the quality, availability, and affordability of housing for agricultural workers. Into this void have marched a few valiant states, most notably Oregon, Washington, California, Virginia, Ohio and Florida. Growing concern is being raised in a few other states -- Colorado and Texas are examples -- and, regrettably, one state has retreated from its model program.

The following report on state activities in farmworker housing highlights new initiatives since 1986. No doubt it is not all-inclusive. If readers know of state programs or policies that are not included, HAC would like to hear from you. Please contact Susan Peck at (415) 381-1706, 1050 Redwood Highway, Mill Valley, CA 94941, or on HandsNet, HN0670.

VIRGINIA

Following Congressional and media attention to the plight of farmworkers on Virginia's eastern shore, the State began in 1986 to draft a set of recommendations for improving agricultural workers' housing conditions. In 1989, a state-funded program emerged called the **Migrant Housing Program**. The legislation appropriated about \$300,000, the state's housing agency provided another \$300,000, and energy grants of about \$100,000 were made available to the program for a total of \$700,000 in FY'90. This was the first and last year of program operation as the state faced considerable budget constraints.

The Migrant Housing Program provided both loans (3 percent interest over 15 years, serviced by the Virginia Housing Finance Agency) and matching grants for the rehabilitation or construction of housing for migrant farmworkers. In its only year of operation, 14 grants and loans were made to growers; although nonprofits and public agencies were eligible, none applied. One housing organization did assist growers with packaging their applications. The awards ranged from \$3,500 to \$250,000, the latter for a new construction development.

Budgetary rather than political or other considerations ended the program. The Department of Housing and Community Development, which administered the program, has ensured that migrant housing developments are eligible applications of the finance agency's multi-family rental loan program; some energy grant funds also may still be applied to these developments.

OHIO

The State of Ohio entered the migrant housing assistance field in the latter half of the 1980's when a state legislative representative was approached by several farmers with funding needs to upgrade housing for migrant workers. In its fourth funding cycle, the **Agricultural Labor Camp Improvement Program** provides matching grants to the owners and operators of migrant housing for the upgrade of such housing, new construction, and infrastructure development. Each year, the program attempts to fund some new migrant labor camp development in new areas.

The program was started within the state's Department of Health, but now is administered by the Office of Housing and Community Development of the Ohio Department of Development. Created in 1987, its first funding cycle was in 1988 with a \$250,000 appropriation, followed in 1989 with \$250,000, in 1990 with \$125,000, and in 1991 with \$250,000. The budget for 1992 again will be \$250,000. A small amount of the annual appropriation is used by the state for administrative costs. Funds to the applicant are provided on a scheduled basis, with 10 percent in the predevelopment stage, 70 percent during construction, and 20 percent at the conclusion of construction. All state funds

must be returned if the migrant labor camp is not officially licensed by the Department of Health.

During the first three years, the program has funded 43 projects, including 11 new migrant labor camps. Water and sewer has been provided to several camps, along with shower/bath facilities and streets and sidewalks. With funding assured for 1992, it appears that the State of Ohio has made a continuing commitment to improving the housing conditions of its migrant farm labor population.

FLORIDA

Among the more active states in providing assistance in the development of housing for farmworkers, the State of Florida has provided for set-asides in several of its programs specifically for farmworker housing. Among these programs is the **State Apartment Incentive Loan Program (SAIL)**, created in 1988 with an initial appropriation of \$14.4 million. The program provides both first and second mortgages for the construction or substantial rehabilitation of rental housing affordable to very low-income tenants (those earning 50 percent or less of area median income).

Ten percent of the SAIL funds annually are set aside for farmworker housing, with the remaining funds split equally between family and elderly housing. Any set-aside not used within the first six months of a funding cycle is reallocated to the overall program. Although there is an annual appropriation to the program, the funds are invested and interest earnings as well as repayments now comprise part of the \$8.8 million currently available.

First mortgages are available to nonprofit and public entities, but SAIL funds also are available as second mortgages to eligible sponsors who use tax-exempt or taxable bond financing for the first mortgage, if at least 20 percent of the units in the project are provided to very low income households. The interest rate on this second mortgage for farmworker housing is 1 percent, and interest may be deferred if an annual analysis of cash flow indicates an insufficiency in repayment ability.

In Immokalee, Florida, a SAIL loan of \$400,000 has been made to help support the development of a 40-unit, two- and three-bedroom development primarily for farmworkers (for the SAIL program, 80 percent of the units must be for farmworkers). A first mortgage on the development is in the amount of \$1.6 million. Another farmworker housing development is pending approval under the SAIL program. The Florida Housing Finance Agency is responsible for loan administration.

The **Housing Predevelopment Assistance Fund** also includes a set-aside for farmworker housing. This program was initially created for farmworker housing assistance, but expanded to include other beneficiaries, and preference now is given to applicants who

link their predevelopment funds with the SAIL program. The set-aside for farmworker housing is 40 percent. Funds may be used for administrative expenses, market and feasibility studies, consulting fees, initial operating expenses and development activities. Loans are made at 3 percent for a three-year term. This program is administered by the Florida Department of Community Affairs.

MINNESOTA

In late 1990, the Minnesota Housing Finance Agency (MHFA) began making grants for the **Migrant Labor Housing Demonstration Program**, an attempt to improve the housing conditions of migrant workers in a more cost-effective way than housing migrants in costly hotels and motels at public expense. An \$100,000 appropriation was approved by the state legislature in 1989 for the construction, acquisition and rehabilitation of housing for migrants.

MHFA contracted with the Migrant Issues Project, a private nonprofit organization, to administer the program, including responsibility for accepting applications and approving projects. Sixteen thousand dollars of the overall appropriation was used for this purpose. The remaining funds were made available in the form of grants, with the initial requirement that these funds be matched on a 3:1 basis, and with a \$5,000 cap on each project. Owners must agree to operate the housing for migrants for a period of five years.

Although five projects have been approved, the MHFA was not satisfied that there was sufficient interest on the part of farmers. This fall, the Agency changed its regulations to allow for a 1:1 match, and increased the per project grant amount to \$10,000. An evaluation of farmer interest will not be relevant until next spring or later when agricultural work resumes.

Thus far five projects have been approved and funded. These include the purchase of a used mobile home, rehabilitation of several other mobile homes, and rehabilitation of small outbuildings to make them habitable. The program requires that full electrical and plumbing service be installed within the living structure, including both hot and cold running water.

MHFA expects to evaluate the program during 1992, and to determine whether it should be extended beyond its August 31, 1992 expiration date.

WASHINGTON

As this state's interest and involvement in low-income housing developed in recent years, so did its support for farmworker housing improvement. In recent years, the state has funded technical assistance/packaging services provided to localities, public housing authorities and growers through several grants to the Office of Rural and Farmworker

Housing (ORFH) located in Yakima, Washington. A private nonprofit organization, ORFH has emerged as the chief facilitator of farmworker housing development in the state.

The Washington State Department of Agriculture first awarded ORFH a grant in the amount of \$32,550 to help build the capacity of local groups to own and operate farmworker housing, as well as to leverage FmHA Section 514/516 construction funds. This grant, and one that followed (the second grant was about \$16,000 and the Department required matching funds, which ORFH was able to produce), were part of the state's **Rural Rehabilitation Corporation** funds from the federal government, which most states use for 4-H and other similar programs. (See "Who Will House Farmworkers?: An Examination of State Programs" section on Oregon for background.)

With the passage of a Housing Trust Fund in 1986, the State of Washington created the **Housing Resource Team (HRT)**, which utilized general fund monies for a variety of housing related purposes, including development as well as technical assistance. Under HRT the Office of Rural and Farmworker Housing received \$360,000, or \$90,000 per project, to package farmworker housing developments funded by FmHA. This type of funding no longer exists, as the HRT program has been transformed into the **Housing Assistance Program (HAP)**, which may only be used for bricks and mortar lending. The administering agency, the Department of Community Development, is interested, however, in finding some way in which to provide "unrestricted" funds for continuing the technical assistance/packaging component of ORFH's program. The HAP does contain a provision that 30 percent of its \$34 million fund will be used in rural areas of the state, and the program is targeted to very low-income persons; both of these provisions favor construction lending for farmworker housing development.

Legislation in 1990 required the Department of Community Development to make available prototypes of farmworker housing developments. The Department contracted with ORFH to prepare a manual of these prototypes, which soon will be available for distribution. ORFH searched throughout the country to obtain prototype plans, which are included in the manual.

The same 1990 bill also called for establishing a "clear program for the regulation and inspection of farmworker housing that has impeded the construction and renovation of housing units." It establishes that the state Department of Health is the primary inspector of labor camps and other farmworker housing (the Department of Labor and Industries is to inspect farmworker housing not covered by the health department's authority), and requires the development of minimum standards for labor camps. Regulations are expected to be adopted soon that will utilize federal Occupational Safety and Health Administration (OSHA) standards as the official minimum standard for state inspections.

Senate Bill 6780 (Chapter 253) further authorizes counties to make their land available for seasonal or migrant farmworker housing on a lease basis, for a term not to exceed 75

years, to public housing authorities or nonprofit corporations. Counties are not required to provide for periodic rental adjustments, but may fix annual rents at a level that takes into consideration the social purpose for which the housing is being used.

NEW JERSEY

Like the state of Washington, New Jersey is providing technical assistance funding for the improvement of farmworker and rural housing. Through the Department of Community Affairs' **Housing/Technical Assistance Program**, Rural Opportunities, Inc. (ROI) provided technical assistance in development a market study for a FmHA Section 514/516 project in Vineland, and is providing additional assistance to rural housing development corporations, community action agencies and Habitat for Humanity. ROI, based in New York (a FmHA farm labor housing technical assistance contractor), but with staff located in New Jersey, is the only rural recipient of the state's TA funding.

When ROI first became a FmHA farm labor housing contractor, it commissioned a study of migrant camp conditions in New Jersey. The study was performed by the Center for Policy Research at Rutgers University in New Jersey which, in addition to analyzing census data, did on-site research at labor camps. It was this study that encouraged the state to focus at least some of its technical assistance resources on farmworker housing, and in rural communities.

PENNSYLVANIA

Rural Opportunities, Inc. also has staff in Pennsylvania, where it has participated in three grants from the Pennsylvania Department of Community Affairs for the rehabilitation of farmer-owned farm labor housing in Adams and Berks Counties. Funded through the **Housing and Community Development Program**, these grants, \$100,000 each, provide up to two-thirds of the cost of rehabilitating units, with the farmer/owner covering the remaining cost. The grant becomes a repayable loan should the units fail to rent to farmworkers during the first five years following rehabilitation. Eligible grantees are counties, municipalities and redevelopment authorities. In the case of the Adams and Berks County grants, a housing authority or redevelopment agency formed a partnership with ROI to administer the local program and oversee the rehabilitation.

The state's program, which provided \$14,710,000 in funding during the 1988-1989 funding cycle, may be used for predevelopment costs, rehabilitation, new construction and site improvements. ROI is considering expanding its state-assisted efforts in both migrant housing and new construction, with the state possibly covering management expenses during the off season in an FmHA-financed 514/516 development.

CALIFORNIA

Although California continues to provide the most comprehensive programs for farmworker housing enforcement and development, funding for development efforts has diminished over the past nine years. Some progress still is being made in improving farmworker housing conditions using state resources, and enforcement of health and safety provisions of state law continue to be strengthened.

Legislation passed in 1986 mandated the Department of Housing and Community Development (HCD) to hold four hearings in various parts of the state to determine the need for migrant farmworker housing and to determine the appropriate roles for the State and the private sector in the provision of housing for migrant farmworkers. In 1988, the Department issued its report to the Legislature entitled "Migrant Farmworker Housing in California." This report summarized the testimony of hundreds of farmworkers and their representatives, attempted to identify need, including some discussion of the impact of IRCA on need, and set forth recommendations from the hearings and the state's response. Although the state's follow-through on recommendations has been slow, it generally has supported the legislative initiatives of farmworker advocates.

Increased funding for the **Office of Migrant Services** migrant housing centers, and for the **Farmworker Housing Grant Fund** (see "Who Will House Farmworkers?..." section on California for descriptions) were among the many recommendations, and an increase of \$10 million was accomplished in the migrant center program through voter approval of a major housing bond measure in 1988. Unfortunately, then-Governor Deukmejian eliminated funding for the Farmworker Housing Grant Fund on the grounds that the bond measure raised money for farmworker housing, although the bonds funded only the migrant housing centers. After the 1989 Loma Prieta earthquake, the legislature temporarily and modestly revived the Farmworker Housing Grant Fund to repair earthquake damage to farmworker housing.

The bond measure funds languished at the Department of Housing and Community Development, mainly due to a regulation that required a 75 percent match by the local sponsor; this has been revised to a 25 percent match and several applications now are pending.

Disaster struck the farmworker community again in December 1990, when freezing temperatures killed orange trees, leaving thousands of farmworkers without employment. The freeze also damaged pipes in several migrant housing centers, which the state needed to repair in time for the spring re-opening of the camps. Legislation was approved to authorize repair of the camps with reimbursement coming later from Federal Emergency Management Agency funds.

Known for its comprehensive legal structure with regard to employee housing enforce-

ment, the state strengthened this structure in the 1991 legislative session. One bill, AB 2164, considerably increased the penalty fees for not having a permit to operate a labor camp to 10 times the prescribed fee for a second or subsequent violation. Moreover, it allowed the Department of Housing and Community Development to assess a civil penalty for each violation of state law, thereby creating a new misdemeanor.

AB 923 extended **Employee Housing Act** protection to all labor camps regardless of whether they are temporary or permanent, and allowed a tenant who has been evicted in retaliation for a complaint up to six months to exercise his or her right to protest the eviction in court. More interesting, however, is the provision of AB 923 that allows a court to sentence a repeated violator of state law to be placed in house confinement within the labor camp.

Finally, AB 1816 (all three bills were authored by Assemblyman Polanco) requires annual reporting to HCD on local enforcement efforts, and creates a new felony for persons who in violating Employee Housing Act provisions cause personal injury to any person.

One other bill passed in the 1991 session (SB 1095) exempts the new construction, reconstruction, or rehabilitation of agricultural migrant worker housing from school facilities fees locally assessed.

OREGON

The impact -- or perceived impact -- of IRCA was keenly felt in the State of Oregon, where growers pressed both the state's housing agency and the legislature for assistance in developing housing to attract farmworkers. In 1988, the State Housing Council, then an advisory body, issued its **Recommendations Regarding Farm Labor Housing**, including numerous proposals to increase and improve the supply of housing for farmworkers. Among the proposals was funding for technical assistance, seed money and technology development for farm labor housing, which the Legislature had directed the OHA to pursue in 1987.

Primary implementation of this proposal came with State Housing Agency funding in 1988 for the newly formed statewide nonprofit housing corporation called Casa of Oregon, located in Newberg, Oregon. This organization provides general technical assistance and in-depth development assistance to community development corporations, growers and public agencies, provides information on innovative building techniques as well as state housing resources, does home ownership counseling, and owns, manages and coordinates social services for several properties.

The 1988 report, as well as independent study of legislative leaders, led to several bills creating new state resources and information on farmworker housing. Senate Bill 756 required the Oregon Housing Agency (now the Oregon Housing and Community Services

Department) to conduct a survey of all farm labor housing in the state to determine its number, condition and location. The agency contracted with Casa of Oregon to carry out this mandate, and the study was published in January 1991. **Oregon Farm Labor Housing Survey** is the result of four months of field work during the peak harvest season of April 15 through August 11. It identifies 3,119 housing units provided by employers, and 1,469 units of "off-camp" housing, primarily rentals. All units are rated on their condition. The survey provides a model for in-season surveying of farmworker housing conditions, a rare exercise anywhere in the nation.

In 1989, the Oregon Legislature created the **Oregon Farmworker Housing State Income Tax Credit**, establishing tax credits both for the providers of newly constructed or rehabilitated housing for farmworkers, and for commercial lenders making loans to assist in the construction or rehabilitation of housing for farmworkers. The housing must meet Oregon OSHA standards, and must be registered with a state regulatory agency.

The credit for individuals and corporations is 50 percent of the cost of construction or rehabilitation, taken in equal installments over five years, meaning that the state actually reimburses the tax filer half the cost of the housing. The cost of buying land and/or existing housing does not qualify for the tax credit. One investor has now developed three houses for farmworkers and turned over management of the property to Casa of Oregon. The tenants have a lease-purchase option on the units, which will eventually lead to homeownership on their part.

For lenders, the tax credit is equal to 50 percent of the interest earned on loans associated with the construction or rehabilitation of farmworker housing, and is available for the lesser of the term of the loan or 10 years. There is a cap on the interest rate that may be charged. Two Oregon banks have participated in the tax credit program thus far.

For participants in the program, there is no state application process, only a check-off in the appropriate box on the Oregon state income tax return. Bureaucracy is kept to a minimum, with good results in housing production.

Other state law also created the **Oregon Rural Rehabilitation Loan Fund**, administered by the Oregon Housing and Community Services Department, providing development loans for farmworker housing and related facilities. Both new construction and the purchase and rehabilitation of existing farm labor housing are allowed. Maximum loans are \$100,000, with repayment over a 10-year period at an interest rate of 1 percent for nonprofits and 3 percent for other borrowers. A borrower must show that he/she is unable to provide the financing from personal or conventional resources. The state has a \$400,000 fund for this program.

It should also be mentioned that Casa of Oregon, the Office of Rural and Farmworker Housing (Washington), and the Idaho Migrant Council succeeded in 1991 in obtaining a

grant from the Northwest Area Foundation to create a tri-state, revolving loan fund for the purchase of land and related predevelopment costs of developing and rehabilitating farmworker housing.

APPENDIX A STATE CONTACTS

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Celebrating 25 Years of Service to Rural Housing

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FYT

COLLECTION AND ANALYSIS OF DATA ON THE HOUSING CONDITIONS OF MIGRANT AND SEASONAL FARMWORKERS

Research Plan

Migrant and seasonal farmworkers are among the poorest and worst-housed groups in the United States. Only limited information has been collected on farmworker demographics and working conditions, and even less on the housing in which they live. Housing developers who serve the farmworker population have little information on farmworker housing needs, complicating efforts to access state and federal funds for farmworker housing. Other advocates, such as healthcare and education specialists, have noted the strong link between housing, health and educational attainment. More detailed information concerning farmworker housing conditions is necessary in order to effectively target housing resources to the areas of greatest need. This study will accomplish the collection of farmworker housing data in one migrant stream, create a database for the consolidation and retrieval of this data, and provide a preliminary analysis of the information collected. The partnerships and methodology refined in this project will provide a model for collecting farmworker housing data in other regions of the country.

Background

There are about 2.5 million farmworkers in the United States, and an estimated 1.6 million migrant and seasonal farmworkers. Of these, perhaps 600,000 are migrant farmworkers. Many of them support families, and those who migrate need housing in more than one place during the course of each year. Farmworker incomes in general are extremely low: half earn less than poverty level. Migrant workers' incomes are even lower, their median income each year from 1989 through 1991 was \$5,000. Their limited disposable income means that subsidized housing is the one of the most important ways to assure decent, affordable living conditions.

Additionally, many growers at one time provided housing for their migrant workers. Growers, however, are becoming more reluctant to build new housing and maintain existing housing on their properties. In California, one of the states with the greatest numbers of migrant and seasonal farmworkers, growers have been providing fewer farmworker housing spaces over the last thirty years. In 1968, there were about 5,000 grower-provided housing units in California, but by 1988 there were less than 1,100. Rising construction and maintenance costs, as well as the cost of meeting state, local and federal codes, are reasons cited by growers for limiting their

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provision of housing.

Only a few national studies have addressed the needs of the farmworker community, and most have not collected information pertaining to housing conditions. The only major study focused exclusively on farmworker housing conditions was the national Farmworker Housing Study prepared in 1980. The study was never published, and its information is now out of date. The National Agricultural Workers Survey (NAWS) is performed by the U.S. Department of Labor, and focuses on documenting farmworker working conditions. Only three questions concerning housing are included in the NAWS, none of which addresses quality, cost or crowding issues. Other studies, such as the Current Population Survey, the Hired Farmworker Reports by the Economic Research Service and the Farm Labor Reports by the National Agricultural Statistics Service, do not include questions pertaining to housing conditions, and have limited samples or other data limitations.² While the living conditions of farmworkers and their families have been documented in journalistic formats, there is very little hard data available to understand the particular housing needs of farmworkers.

The purpose of this study is to collect data on farmworker housing conditions through the East Coast migrant stream. The following questions should be addressed through analysis of the data collected:

- △ What are the typical housing structure types occupied by farmworkers and their families?
- △ What proportion of farmworkers live in grower-owned housing and what proportion find their housing in the private rental market?
- △ What are the most prevalent health, safety and structural problems found in farmworker-occupied housing?
- △ What proportion of farmworker housing units lack full appliances and sanitary facilities? How many units typically share such appliances and facilities?
- △ What is the degree of overcrowding in farmworker housing?
- △ What proportion of farmworkers have housing cost burden?

¹California State Legislature, *Farmworker Housing: A Background Staff Paper for the Interim Hearing of the Senate Committee on Housing and Land Use*, October 23, 1995, 2.

²Housing Assistance Council, *Fitting the Pieces Together: An Examination of Data Sources Related to Farmworker Housing*, February 1996.

Methodology

The Housing Assistance Council (HAC) will work in partnership with Farmworker Health Services, Inc. (FHSI), to collect farmworker housing data in selected counties throughout the east coast migrant stream. FHSI is a healthcare outreach organization whose field staff work closely with migrant and seasonal farmworkers living at grower-owned camps and in private rental housing. FHSI staff are attached to local migrant health clinics and are bilingual. FHSI staff have unique access to the migrant community through their healthcare outreach efforts.

FHSI staff will do assessments of migrant camps and private rental units occupied by farmworkers. This task will be done as a supplement to healthcare outreach work that takes FHSI into farmworker homes and migrant camps. Many FHSI field staff collect housing-related information as part of their documentation of healthcare needs, but FHSI staff are not required to keep their records in a systematic fashion.

The assessment instrument was developed in cooperation with HAC, and field tested in Summer 1996. HAC will be responsible for training FHSI staff in use of the field instrument, and be available for ongoing support. Additionally, HAC will collect the field instruments from FHSI staff and input the information into a database constructed to contain and tabulate the information. HAC's primary role under this research plan will be to analyze the data collected by FHSI field staff.

The field instrument is primarily a guide for observational evaluation of housing quality. Structure type, location, exterior and interior quality assessments and numbers of rooms and appliances are the central data items included in the field instrument. A limited number of supplementary survey questions are included in order to obtain a data sample concerning housing cost and number of residents in units.

In addition to data from the field instrument, FHSI staff will plot the location of units where farmworkers reside in the counties under study. These maps will be collected by HAC at the end of the winter season and in mid-September.

During the winter season, 15 FHSI staff will do assessments of farmworker housing units in 14 Florida counties. Each FHSI staff person will complete an average of five assessments per week, for a period of ten weeks. This will produce a winter season sample of approximately 750 sites for database entry. Once FHSI staff move upstream for the summer and fall growing seasons, a selection of counties will be surveyed through the mid-Atlantic and Northeast regions. Response rates will be held at a similar level, five assessments completed per week, but the total number of surveys will vary from that collected in Florida based upon the number of FHSI staff active upstream and the length of the survey period. It is likely that a larger number of surveys will be collected upstream, by virtue of a greater length of time in which to do assessments. It is hoped that approximately 1500 surveys may be completed in total for the mid-Atlantic and Northeast regions.

The assessment tool was developed and pilot tested with funding from the Ford Foundation. FHSI staff will be reimbursed for their expenses from non-federal accounts. FHSI is responsible for data collection, while HAC's responsibilities include training, technical assistance, and data analysis. No HAC staff will participate in survey work, while the data analysis performed by HAC will be forwarded to FHSI for use in improving healthcare outreach services. Given this arrangement, it is anticipated that the data collection will not require OMB respondent burden review.

Upon completion of data collection, HAC will prepare a summary of findings from the data. Included will be a description of methodology and preliminary analyses of significant trends or patterns observed in the data sample.

Successful completion of this project will contribute significantly to an understanding of the housing needs of migrant and seasonal farmworkers. It is anticipated that the data collection may be expanded to the Midwest and West Coast migrant streams through partnerships with outreach organizations operating in those regions.

Deliverables

Deliverables from HAC will include this research plan and a draft final report which is subject to HUD review and comment.