

SENATE BILL No. 1162

February 28, 2002, Introduced by Senators GARCIA, MC MANUS and SIKKEMA and referred to the Committee on Farming, Agribusiness and Food Systems.

A bill to protect and promote the public health by licensing and regulating migratory labor housing sites; to prescribe the powers and duties of certain state agencies and departments; to create the migratory labor housing grant fund; to provide for the disposition of funds; to provide for the promulgation of rules; to provide for remedies and penalties; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "migratory labor housing licensing and grants act".

3 Sec. 2. (1) As used in this act:

4 (a) "Constructing" means the remodeling, improving, con-
5 struction, or reconstruction of existing housing, facilities,
6 shelters, or living units which are incidental or appurtenant for
7 migratory laborers or the construction of new housing,

1 facilities, shelters, or living units which are incidental or
2 appurtenant for migratory laborers.

3 (b) "Department" means the Michigan department of
4 agriculture.

5 (c) "Director" means the director of the Michigan department
6 of agriculture or his or her designee.

7 (d) "Family" means grandparents, mother, father, spouse,
8 children, and grandchildren of the owner.

9 (e) "Fund" means the migratory labor housing grant fund.

10 (f) "Migratory laborer" means a person working or available
11 for work in agricultural activities and related food processing,
12 who moves seasonally 1 or more times from 1 place to another from
13 within or without the state for the purpose of such employment or
14 availability or who is employed in the growing of mushrooms.

15 (g) "Migratory labor housing site" or "site" means a tract
16 of land and all tents, vehicles, buildings, or other structures
17 on the land, part of which is established, occupied, or used as a
18 shelter or living unit for 5 or more migratory laborers engaged
19 in agricultural activities, including, but not limited to,
20 related food processing.

21 (h) "Person" means an individual, partnership, cooperative,
22 association, private corporation, personal representative,
23 receiver, trustee, assignee, or any other legal entity.

24 (i) "Rental housing" means any rental unit inspected and
25 regulated by the local governmental agency where the rental unit
26 is located.

1 (j) "Shelter" or "living unit" means a building or part of a
2 building, a structure, a tent, a vehicle, or a trailer that is
3 used for sleeping or as a residence at a migratory labor housing
4 site.

5 (k) "Site operator" means a person who owns, establishes,
6 operates, conducts, manages, or maintains a migratory labor hous-
7 ing site or who causes or permits the occupancy or use of a
8 migratory labor housing site whether or not rent is charged for
9 housing and facilities.

10 Sec. 11. (1) A person shall not operate a migratory labor
11 housing site or cause to be operated or allow a migratory labor
12 housing site to be occupied and used as a migratory labor housing
13 site, without a license issued under this act. The migratory
14 labor housing site shall be operated only while the license
15 remains in effect. The site operator shall post the license or
16 the license placard issued by the department in a conspicuous
17 place in the migratory labor housing site to which it applies.
18 The license or license placard shall remain posted during the
19 entire time the migratory labor housing site is operated.

20 (2) A person shall not construct or alter for occupancy or
21 use a migratory labor housing site or any portion or facility of
22 the site, or convert a property for use or occupancy as a migra-
23 tory labor housing site, unless the person gives the department
24 written notice of the intent to do so at least 45 days before
25 beginning the construction, enlargement, or conversion. The
26 notice shall give the name of the city, village, or township in
27 which the property is located, the location of the property

1 within that area, a brief description of the proposed
2 construction, enlargement, or conversion, the name and mailing
3 address of the person giving the notice, and the person's tele-
4 phone number, if any.

5 (3) A shelter or living unit that is occupied solely by the
6 owner or the owner's family is not part of the migratory labor
7 housing site and is not required to be inspected or licensed as
8 required under this act.

9 (4) Rental housing that is occupied by 5 or more migratory
10 laborers is not required to be inspected or licensed as required
11 under this act.

12 Sec. 13. (1) A person desiring to operate a migratory labor
13 housing site in this state shall file an application with the
14 department and complete all forms as prescribed by the
15 department.

16 (2) The application shall include:

17 (a) The full name and address of the applicant. If the
18 applicant is a corporation, partnership, firm, or association,
19 the name and address of the principal officers or partners shall
20 be stated.

21 (b) The location of the migratory labor housing site.

22 (c) The maximum number of people who will occupy the migra-
23 tory labor housing site at any time.

24 (d) The months during which the migratory labor housing site
25 will be used or occupied.

26 (e) A brief description of the tents, vehicles, buildings,
27 or other structures in which individuals will be housed.

1 (f) Other information required by the department.

2 (3) The application must be filed with the department at
3 least 45 days before commencement of its operations.

4 (4) A renewal application must be filed annually after com-
5 mencement of the operations at the site.

6 Sec. 15. (1) The department shall issue a license for the
7 operation of a migratory labor housing site, if after investiga-
8 tion and inspection, the department finds that the site and its
9 proposed operation conform or will conform to the minimum stan-
10 dards of construction, health, sanitation, sewage, water supply,
11 plumbing, garbage and rubbish disposal, and operation set forth
12 in the rules promulgated under this act. The license is valid
13 for the remainder of the calendar year during which the license
14 is issued.

15 (2) The license shall recite on its face that the site oper-
16 ator shall comply with this act and the rules promulgated under
17 this act.

18 (3) The license is not transferable or assignable, except
19 with the express written consent of the department.

20 Sec. 17. The department may issue a temporary license that
21 is valid for no more than 3 months pending the results of an
22 inspection or pending the correction of certain designated items
23 or violations. The department shall not issue more than 2 tempo-
24 rary licenses per site pending correction of the same violation.

25 Sec. 19. If the department denies a person a license to
26 operate a migratory labor housing site, the department shall give
27 written notice of the denial by certified mail to the person

1 stating reasons for the denial. A person denied a license may
2 request a hearing before the department on the denial not later
3 than 4 days after the person receives notice of the denial. The
4 department shall hold the hearing on the denial within 7 days
5 after the department receives the request.

6 Sec. 21. (1) The department may suspend or revoke the
7 license of a site operator, after due notice and hearing, upon a
8 finding that the site operator violated this act or a rule
9 promulgated under this act. If the department believes that a
10 site operator is violating this act or a rule promulgated under
11 this act, the department shall set a hearing, give written notice
12 of the hearing by certified mail at least 4 days before the date
13 of the hearing, and provide in writing the charges against the
14 site operator. The hearing shall be conducted according to the
15 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
16 24.328.

17 (2) After a hearing, the department may suspend the license
18 of the site operator for a fixed period of time or until the site
19 operator meets the requirements of this act and the rules promul-
20 gated under this act or may revoke the license.

21 (3) A site operator aggrieved by the decision of the depart-
22 ment to suspend or revoke the license may appeal as provided by
23 the administrative procedures act of 1969, 1969 PA 306,
24 MCL 24.201 to 24.328.

25 Sec. 25. (1) The department shall promulgate rules for the
26 protection of the health, safety, and welfare of migratory

1 laborers and their families who occupy a migratory labor housing
2 site.

3 (2) The rules shall include provisions for at least all of
4 the following:

5 (a) The collection, treatment, and disposal of human wastes
6 and sewage at a migratory labor housing site.

7 (b) The supply and maintenance of safe water at a migratory
8 labor housing site.

9 (c) The temporary storage and removal of food wastes and
10 rubbish at a migratory labor housing site.

11 (d) The housing of migratory laborers and their families,
12 including adequate and safe construction and repair, fire protec-
13 tion, facilities for laborers and their families to keep and pre-
14 pare food, and other necessary matters relating to their good
15 health, safety, and welfare.

16 (e) The administration of migratory labor housing construc-
17 tion grants.

18 (3) Those rules promulgated under former part 124 of the
19 public health code, 1978 PA 368, MCL 333.12401 to 333.12434, and
20 in effect on the effective date of this act shall remain in
21 effect until rescinded or otherwise changed according to law, as
22 provided for in section 31 of the administrative procedures act
23 of 1969, 1969 PA 306, MCL 24.231.

24 Sec. 27. (1) The department shall enforce this act and
25 rules promulgated under this act.

26 (2) An authorized representative of the department may enter
27 upon the premises of a migratory labor housing site at reasonable

1 times to inspect and investigate the premises to ascertain
2 whether the site operator is in compliance with this act and the
3 rules promulgated under this act.

4 (3) The department may utilize the services of other state
5 agencies and offices to assist in conducting investigations for
6 purposes of this act.

7 Sec. 29. Notwithstanding the existence and pursuit of any
8 other remedy, the department may maintain an action in the name
9 of this state for an injunction or other process against a person
10 to restrain or prevent the establishment, conduct, management,
11 maintenance, or operation of a migratory labor housing site with-
12 out a license.

13 Sec. 31. (1) A migratory labor housing grant fund is cre-
14 ated and shall receive funds appropriated by the legislature.

15 (2) To receive money from the fund, a person shall file an
16 application for the grant with the department. An application
17 for a grant can be filed with the department at any time.

18 (3) Only 1 matching grant application or 1 new migratory
19 labor housing grant application per migratory labor housing site
20 or proposed migratory labor housing site is allowed to be on file
21 with the department at any 1 time.

22 (4) The site operator of a migratory labor housing site
23 shall not receive more than 1 grant per migratory labor housing
24 site per fiscal year.

25 Sec. 33. (1) If the site operator of a migratory labor
26 housing site that costs less than \$10,000.00 receives a grant
27 from the fund for a construction project, the amount of the grant

1 is 50% of the project cost. For a project that costs more than
2 \$10,000.00, the maximum amount of the grant is \$5,000.00.

3 (2) A grant pursuant to subsection (1) may be made on the
4 basis of a matching payment, grant, or other aid from a person or
5 the federal government.

6 (3) The site operator of a migratory labor housing site may
7 receive grants from the fund to construct a new shelter or a new
8 living unit. Each new shelter or living unit shall be
9 self-contained with at least 1 bedroom, a kitchen, a flush
10 toilet, a lavatory, and bathing facilities and be at least 480
11 square feet in size.

12 (4) The department shall not make a grant if the construc-
13 tion does not meet the requirements of a law or rule.

14 Sec. 35. (1) A person who qualifies for a grant shall file
15 a claim with the department following completion of
16 construction. The department, after approving the claim, shall
17 make payment to the claimant from the fund.

18 (2) If the fund is insufficient to cover all applications
19 for grants approved by the department, the department shall
20 establish a priority list which may be funded from subsequent
21 allocations.

22 Sec. 41. The department may do all of the following:

23 (a) Appoint an ad hoc advisory committee to address matters
24 pertaining to the migratory labor housing site licensing program
25 and migratory labor housing fund program.

26 (b) Contract or execute other instruments necessary to
27 implement this act.

1 (c) Agree and comply with any condition for receiving
2 federal financial assistance for purposes of constructing a
3 migratory labor housing site.

4 (d) Survey and investigate migratory labor housing site con-
5 ditions and needs and recommend to the governor and the legisla-
6 ture legislation or other measures necessary or advisable to
7 alleviate an existing housing shortage in this state for migra-
8 tory laborers.

9 (e) Encourage community organizations or private employers
10 to assist in initiating construction projects as provided in this
11 act.

12 (f) Enforce compliance with any law or rule regarding health
13 or construction standards for construction projects which utilize
14 grants made pursuant to this act.

15 (g) Provide inspection of construction projects to determine
16 if they comply with this act and the rules promulgated under this
17 act.

18 (h) Accept gifts, grants, or other aid from a person or the
19 federal government for purpose of implementing this act.

20 (i) Enter into agreements with a recipient of a grant to
21 ensure that the purposes of this act are effectuated.

22 Sec. 45. (1) A person who violates this act or the rules
23 promulgated under this act is guilty of a misdemeanor. Each day
24 of the violation is considered a separate violation.

25 (2) A person who willfully damages or destroys any part of a
26 licensed migratory labor housing site is guilty of a
27 misdemeanor.

1 Enacting section 1. Part 124 of the public health code,
2 1978 PA 368, MCL 333.12401 to 333.12434, is repealed.