



Department
of Health

Migrant Farmworker Housing

Part 15 NY Sanitary Code Overview

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NYS Dept. of Health

Bureau of Community Environmental
Health and Food Protection

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Department
of Health

Migrant Farmworker Housing Program Overview

- Applicability
- Inspectional Components
- Responsibilities of Owner & Occupant
- Current Program Issues/Trends



Part 15 Definitions

Migrant labor camp or migrant farmworker housing shall mean a property which consists of a tract of land and all vehicles, mobile homes, buildings or other structures pertaining thereto, any part of which may be used or occupied by persons employed as migrant farmworkers including sleeping facilities, provided in whole or part by the employer of such persons, owner, lessee, or operator thereof, with or without stipulated agreement as to the duration of their stay, whether or not they are supplied with meals but who are supplied with such utility services as are necessary for their habitation of such property.

- Part 15 does not apply to conditions in agricultural fields, barns, or processing areas on the property.



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“Migrant farmworker”

An individual who is employed in farm activities of a seasonal or temporary nature.



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“Farm activities”

Activities carried out in connection with the production of processing of agricultural, horticultural, or fur industry products...



NEW YORK STATE Department of Health

Applicability

- The requirements of this Part shall apply to migrant farmworker housing facilities occupied by five or more persons, one or more of whom are employed to perform farm activities.
- The property owner or other persons occupying the property on a continuous annual basis shall not be included in computing the number of persons occupying the property.



Applicability

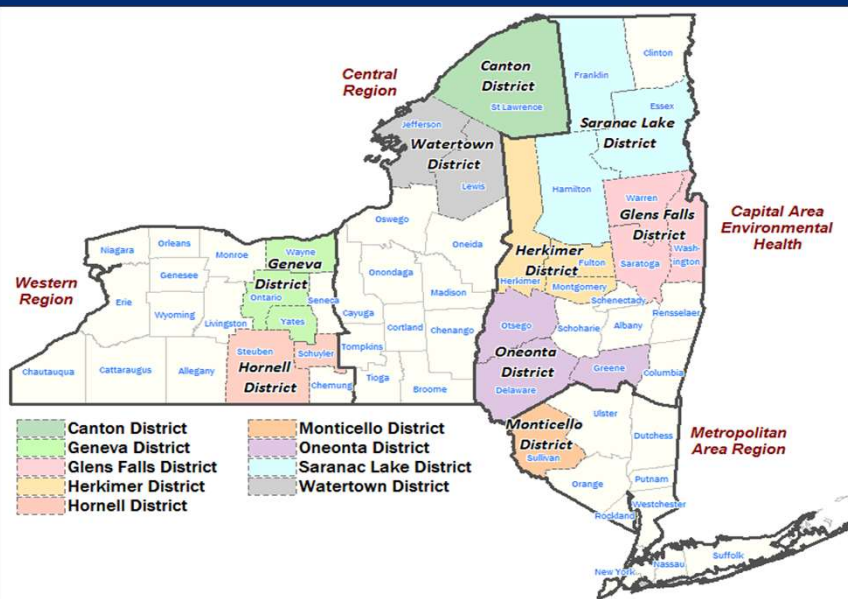
The requirements of this Subpart shall not apply to:

- A private residence, a facility regulated by Subparts 7-1 and 7-2 of this Title, (e.g. hotel, motel, apartment) or other similar property which is primarily occupied or maintained for occupancy of persons other than migrant farmworkers
 Unless an employer of migrant workers leases or rents (in part or whole) property [regularly operated for occupancy by persons other than migrants] *to be used as off-site worker housing*
- buildings not providing overnight occupancy
 - cold storage, barns, equipment storage buildings
- agricultural activities performed in field



Current Program Statistics

- 488 regulated housing facilities
- Located in 23 local health departments and 7 district offices
- Housing occupied by approximately 10,400 individuals annually



Inspections may be conducted by State or County staff depending on the facility location:

9 District offices:

State employees

There are 21 counties without full service Environmental Health programs

36 County offices:

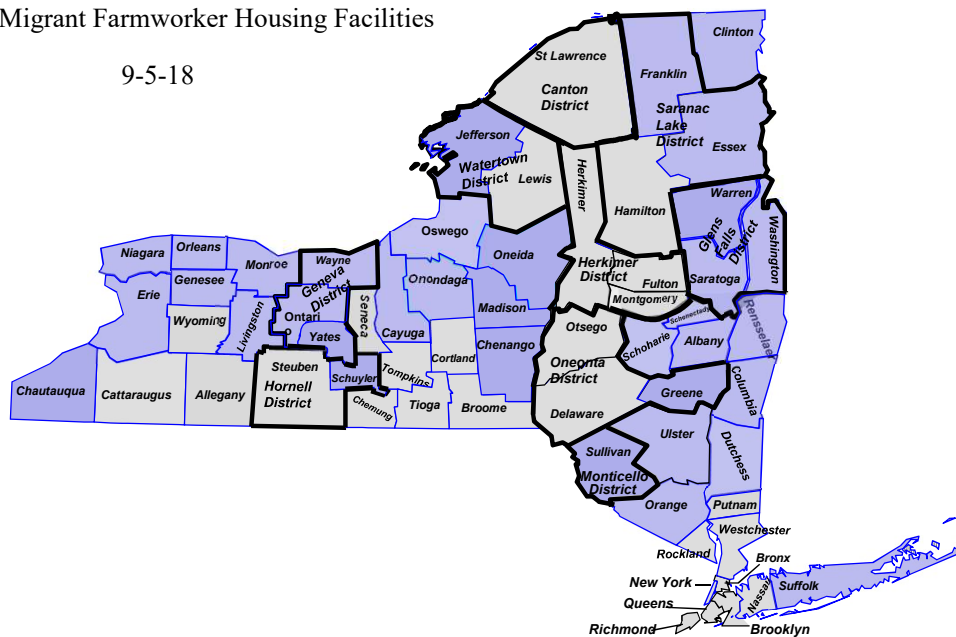
Local Health Department staff



NYSDOH Regulated Pt. 15

Migrant Farmworker Housing Facilities

9-5-18



NYSDOH

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Access

The permit issuing official or their representatives shall be allowed entry for the purposes of inspection to any property operated or suspected of being operated as a migrant farmworker housing facility as defined by this part.

All areas of the permitted facility must be accessible during inspections:

- includes employee rooms and storage areas
- if secured by the employee, the owner/operator must have means to access at all times during the permit period

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Program components

- Location/grounds
- Housing: habitable space/fire safety/structural/maintenance
- Water supply
- Sanitary facilities: toilets, urinals, handwashing, showers
- Sewage disposal
- Food preparation and storage
- Refuse storage and disposal
- Rodent/insect control
- Laundry facilities
- Hazardous materials/pesticide storage



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Inspections

Any property that is operated, or suspected of being operated as a migrant farmworker housing facility as defined by this Part is subject to inspection by the permit-issuing official or their representative.

- A **minimum** of 1 pre-operational and 1 operational inspection will be conducted by Local Health Department (LHD) or State District Office (DO) staff



Facility Inspections

- Annual pre-operational inspection conducted prior to opening
 - **No occupancy** allowed until inspection is conducted and a permit issued or permission to occupy is granted by Permit Issuing Official (PIO)
 - Applies even when occupancy is temporarily less than 5 persons
- Operational inspection(s) conducted during season



Pre-occupancy Inspection

No occupancy shall be allowed until after the required inspection has been made and a permit is issued, or permission to occupy is granted by the permit-issuing official.

- Owner/operator is responsible to contact LHD/DO staff to schedule an inspection prior to camp occupancy:
- Satisfactory inspection required **prior to any occupancy** (includes early employee arrivals) even if temporary occupancy is less than 5 persons
- If employer is participating in the Federal H2A Worker Visa Program:
 - satisfactory pre-operational inspection must be conducted at least 32 days prior to (**employer established**) date of need.



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Pre-Operational Inspections (*cont.*)

NYSDOL Division of Immigrant Policies & Affairs (DIPA) staff do not perform “inspections” of housing having capacity for 5 or more

- they are only required to do a walk-through of Pt 15 permitted housing when on-site conducting outreach

However – they must follow up with BCEHFP staff if:

- Potential Pt 15 violations are observed during the walk through
- Interviews with workers indicate non compliant practices/ violations of Pt 15 exist

BCEHFP staff will then refer potential violations to LHD having jurisdiction for investigation



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Pre-operational Inspections (*cont.*)

Frequently Cited Violations by Inspectors:

- unable to access housing (excessive snow/ice present)
- electric and heating systems not operational
- smoke detectors / fire extinguishers inoperable
- evidence of pest / rodent infestation



Frequently Cited Violations by Inspectors (cont.)

- inadequate # of beds to accommodate # of scheduled workers
- mattresses soiled / in disrepair - box springs lacking
- soiled appliances / storage cabinets
- inadequate water sampling or disinfection



A satisfactory pre-operational inspection is Part 15 compliant and turn key ready !!!



Public Health Hazards

A **public health hazard** is any condition which poses an imminent threat to the health or safety of the public

PUBLIC HEALTH HAZARDS		
<input type="radio"/>	Electrical service, wiring, components free from imminent fire or shock hazard	1
<input type="radio"/>	Stoves/heat producing equipment - no fire hazard or inadequate venting of fumes	2
<input type="radio"/>	Fire exits provided, unlocked, unobstructed	3
<input type="radio"/>	Construction materials - no imminent fire or structural safety hazard	4
<input type="radio"/>	Potable water supply: quality; treatment; no cross connections	5
<input type="radio"/>	No inadequate treated sewage discharge accessible to occupants; no contamination of water source/food service area	6
<input type="radio"/>	Hazardous materials properly stored; no contamination of housing	7
<input type="radio"/>	Other	8

Reporting of Violations

STATUS CODE EXPLANATION (use is a local health department option)

1. No violations observed.
2. All or parts of the item are violations.
3. Item was not applicable/reviewed/evaluated/observed at the time of inspection.
5. Part or parts of the item were observed to be in violation which were corrected at the time of inspection

Fill in the bubble in the left hand column staying within the border.

Write the violation number in the corresponding right hand column.



Public Health Hazards aka “Red Items”

A public health hazard (PHH) is any condition which poses an imminent threat to the health or safety of the public

PHH require immediate correction

- partial or complete closure
- suspend activity
- discard/embargo food or equipment



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Public Health Hazards

Require immediate correction:

- partial or complete closure
- suspend activity
- remove appliance, equipment from service
- cordon off affected area



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Enforcement

When an operator jeopardizes public health and/or safety:

- formal enforcement may be required---a legal proceeding with a hearing officer
- other actions to assure future compliance may be implemented that include education and/or a voluntary compliance schedule through informal office conference.



Owner/Operator responsibilities

- Owner/Operator required to provide migrant workers with
 - Safe, clean, sound, insect and rodent-free, code compliant housing
 - Emergency communication
 - Available for emergency use only
 - Must be maintained fully operational
 - Must be accessible by migrant farmworkers at all times when camp is occupied

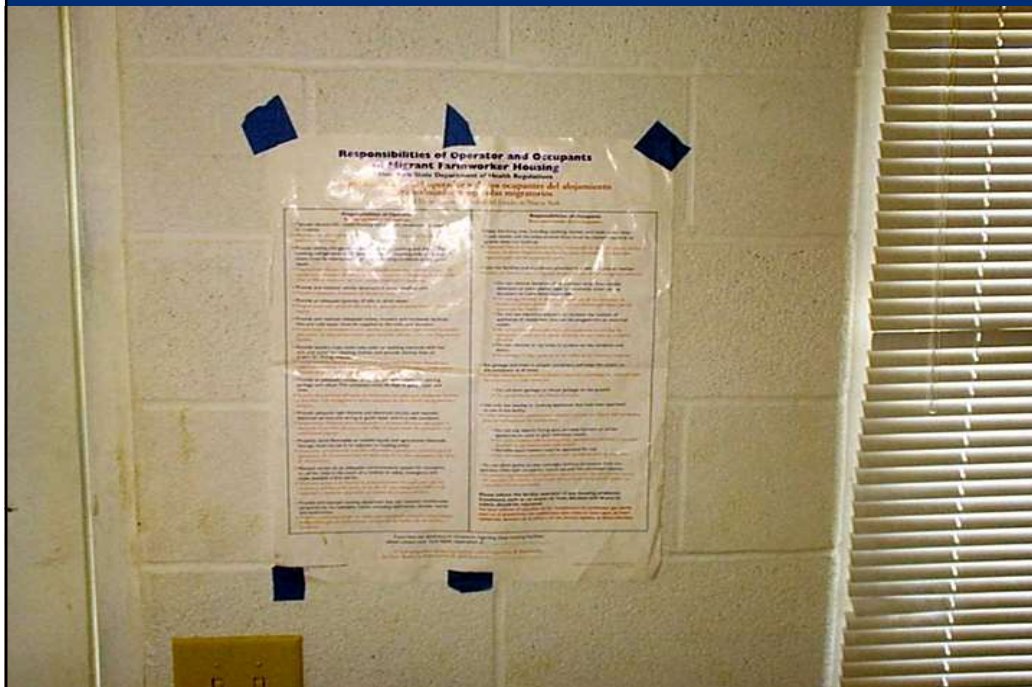


Owner/Operator responsibilities (*cont.*)

- Conspicuous posting of owner/operator and migrant worker occupant responsibilities poster
 - 17 inches X 22 inches with text in both English and Spanish
 - Available from local health department



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Owner/Operator responsibilities (*cont.*)

Assure that all new construction including alterations, enlargements, conversions, or relocation of mobile homes, shall conform with the Uniform Code. A Certificate of Occupancy, or equivalent documentation to certify the construction was completed in conformance with the Uniform Code requirements, must be obtained prior to any occupancy.



Owner/Operator responsibilities (*cont.*)

- No migrant farmworker housing facility, or any portion thereof, shall be constructed or enlarged for occupancy or use, and no property shall be converted for occupancy or used as a migrant farmworker housing facility without the permit-issuing official being first notified in writing.
 - Submission of Notice of Intent to Construct, Enlarge or Convert a Facility Form (DOH-154)



Owner/Operator responsibilities (*cont.*)

Written notification to Permit Issuing Official Required prior to:

- Any new occupancy, construction, alteration, enlargement, conversion, modification of worker housing and/or associated water and sewage systems
- Any relocation/installation of mobile homes to be used for worker housing
- Any change of potable water source (even if temporary)



Owner/Operator responsibilities (*cont.*)

Early Communication with LHD is essential in order to avoid delayed occupancy

- Development of realistic timeline for project development/completion
- Timely submission of engineered plans to allow time for review/approval
 - Turnaround time varies - can be 6 months to 1 year



Owner/Operator responsibilities (*cont.*)

Documentation required prior to opening

- Submission of Application for a Permit to Operate and Issuance of Permit to Operate by the Permit Issuing Official
- Certificate of Occupancy/Compliance by Local Code Enforcement Official



Migrant worker occupant responsibilities

- Maintain the housing provided in a clean, safe and sanitary manner
- No overnight guests allowed in excess of the permitted capacity
- Sanitary storage and disposal of garbage and refuse
- Use of approved heating or cooking devices only



Current issues and trends

Increase in:

- Currently permitted Part 15 facilities undergoing alterations or new construction without approvals
- First time agricultural employers providing worker housing without approvals
- Use of off-site worker housing
 - Apartments, hotels, motels
- Resurrection of previously dormant or inactive camps



Current Issues and Trends (*cont.*)

Significant increase in employer participation in H2A Worker Visa Program

- 2009: 96 job orders
- 2013: 302 job orders
- 2018: 608 job orders



New York State Department of Health Migrant Labor Program

Additional information is available at:

https://www.health.ny.gov/regulations/nycrr/title10/part_15

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