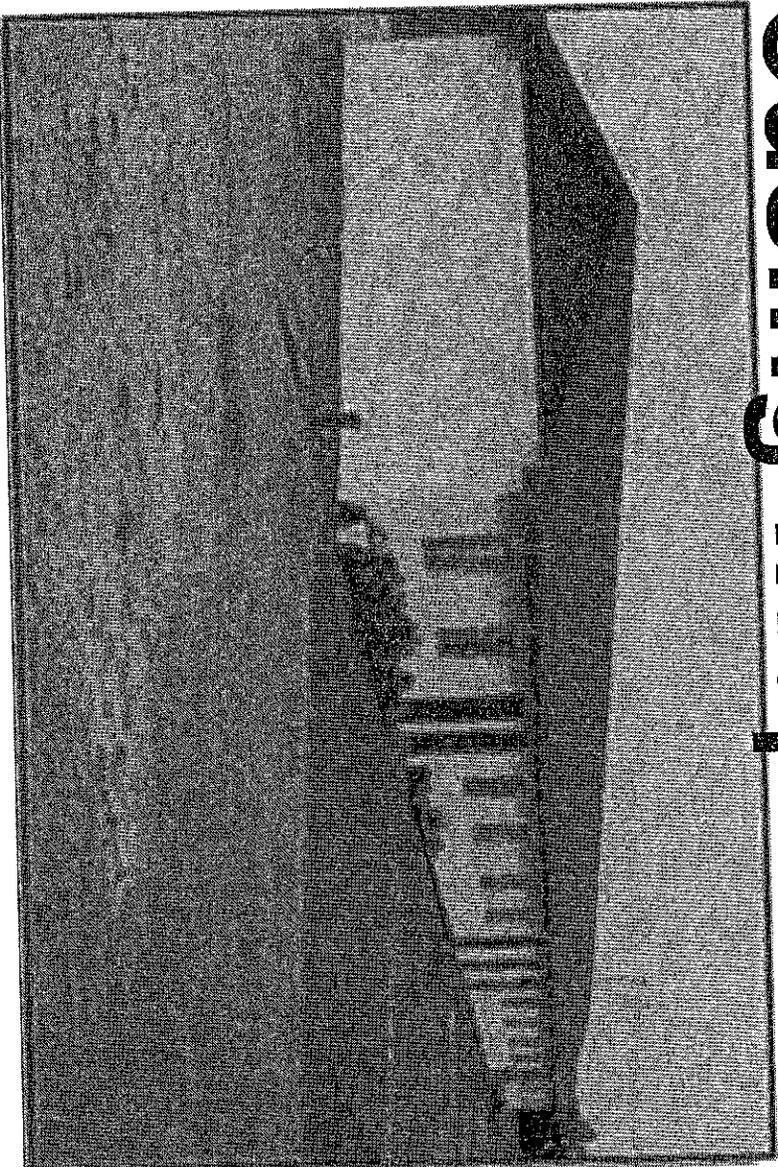


# Farmworker

# Housing Inspections



# Unit 1: Regulations

**U.S. Department of Labor  
regulations require  
farmworker housing to pass  
inspection before any worker  
(H-2A or domestic) can  
move in.**

# General Housing Requirements

- Agricultural employers must ensure that housing that they provide complies with all the applicable federal and state safety and health standards. (29 CFR 500.130)  
Migrant and Seasonal Agricultural Worker Protection Act of 1983 (MSPA)
- Before workers can occupy the housing, it must display a certificate showing that it passed a federal, state or local safety and health inspection. (29 CFR 500.135)

# ARS and H-2A Housing Requirements

- In order for H-2A job orders to be certified, the worker housing must pass inspection at least 30 days before occupancy.
  - To pass inspection, the housing must be *ready for occupancy* (as if workers would move in that day)
- Pre-occupancy housing inspections are also required by ETA regulations at 20 CFR 653.501(d)(2)(xv)
- Employers using the Agricultural Recruitment System must provide the housing at no cost to the worker.

## **What kinds of housing must be inspected?**

- **Employer owned/controlled housing must have full inspection.**
- **Employer-rented apartments or motels: full inspection not required, but you may need to visit the site to verify that they meet the all local and state health standards and have adequate cooking equipment.**

# **Housing Standards**

Depending on when the housing was built,  
one of the following sets of standards apply:

- ETA standards at 20 CFR 654.404 – 654.417,  
Housing for Agricultural Workers

OR

- Occupational Safety and Health (OSHA)  
Temporary Labor Camp standards at 29 CFR  
1910.142

# Key Differences Between ETA & OSHA Housing Standards

## ETA

- Washbasins: 1 per 15
- Sleeping Space: 40 square feet per bunk bed occupant
- Showers: 1 per 15

## OSHA

- Washbasins: 1 per 6
- Sleeping Space: 50 sq ft per occupant
- Showers: 1 per 10

# Key Differences Between ETA & OSHA Housing Standards

(continued)

## ETA

- **Location:**  
**No distance specified for any hazard**

## OSHA

- **Location:**  
**500 feet from livestock and 200 feet from water surfaces which are not mosquito controlled**

# Which Housing Standards Apply

- Older Housing falls under the ETA regulations, while newer construction falls under the OSHA standards. For more details, see 20 CFR 654.401.
- Generally, housing completed or under construction by April 3, 1980 falls under the ETA standards.

# Which Housing Standards Apply

(continued)

- Housing constructed or substantially renovated since April 3, 1980 must comply with the OSHA standards.
- If State laws governing housing are stricter than ETA/OSHA standards, then the State inspection standards prevail for those items and must be used when conducting housing inspections.

## Housing Additions or Modifications

If a housing unit governed by the ETA standards had one element that would accommodate a higher number of workers and another element that would not accommodate that number, the employer is allowed to modify the housing to bring it up to its maximum capacity and still fall within the ETA standards.

# Housing Additions or Modifications

(continued)

## EXAMPLE

If the housing can accommodate 25 people in bunk beds, but the toilet and bathing facilities can only be approved for 15 people, the employer would be allowed to add a toilet and shower and still remain under the ETA regulations.

# Housing Additions or Modifications

(continued)

If older housing previously governed by the ETA standards has two or more elements added or modified, it must now meet OSHA standards.