

Employee Housing Regulations

Article 4. Permits and Fees and Compliance

Subarticle 1.

§ 631. Application for a Permit to Operate a Labor Camp

(a) Application for a permit to operate a labor camp shall be made to the enforcement agency at least 45 days prior to the date of initial occupancy and shall be on the forms supplied by the enforcement agency and shall contain at least the following information:

- (1) The name and address and telephone numbers of the camp owner and operator.
- (2) The location of the camp.
- (3) Approximate number of occupants to be housed.
- (4) A description of the facilities comprising the camp.
- (5) Approximate dates of occupancy. The operator shall obtain an amended permit to operate when there is any change in the foregoing information applicable to the labor camp.

(b) The provisions of Section 17032 shall not apply to labor camps owned or operated by railroad corporations. Application for a permit to operate a labor camp owned or operated by a railroad corporation shall be made to the Department of Housing and Community Development within 30 days of initial occupancy and shall contain at least the following information:

- (1) The name and address and telephone numbers of the camp owner and operator.
- (2) The present location of the camp.
- (3) The present approximate number of occupants to be housed.
- (4) A description of the present facilities comprising the camp.
- (5) Approximate dates of present occupancy. An amended permit shall not be required if there is any change in the foregoing information applicable to the railroad labor camp, provided, however, the railroad corporation shall make such information available to the department upon reasonable request.

(c) Every application shall be accompanied by evidence of compliance with all local planning requirements. For the purposes of this section, labor camps having a permit to operate for the preceding year, or registered in accordance with the provisions of the Health and Safety Code in effect prior to January 1, 1975, shall be deemed to comply with the local planning requirements.

(d) Application forms, permits to operate, and amended permits to operate issued by a local enforcement agency shall be in conformity with state applications and permits. Whenever a local enforcement agency issues a permit to operate, a copy of the application and permit shall be sent to the Department of Housing and Community Development, Division of Codes and Standards, at its administrative office, by the 10th day of the month following the issuance of the permit to operate.

(e) Permit to Operate. Every person intending to operate a labor camp for any period of time within any calendar year shall file an application and submit appropriate fees to the enforcement agency for a permit to operate at least 45 days prior to the date of initial occupancy.

(f) When applying for a permit, the applicant stipulates to acceptance of service of any notice or process at the address shown on the application or shall designate otherwise on the permit application.

(g) When applying for a permit, the applicant shall present to the enforcement agency documentation necessary to demonstrate the applicant's eligibility to receive public benefits pursuant to chapter 5.5 of this division, beginning with section 5802.

(h) When emergency conditions make it necessary to provide emergency living facilities for the work crews, the person responsible for providing such housing shall notify the enforcement agency within five days after occupancy. Fees for the inspection of the emergency living facilities shall be paid as provided in Section 644 for reinspections.

(i) An application will not be deemed submitted until it is completed.

Employee Housing Regulations

Note: Authority cited: Sections 17003.5, 17036, 17040 and 17050, Health and Safety Code. Reference: 8 U.S.C. Sections 1621, 1641 and 1642; and Sections 17032 and 17033, Health and Safety Code.

§ 633. Exemption for Employee Community Housing

(a) An application for exemption for employee community housing shall be made to the enforcement agency at least 45 days prior to the date upon which the exemption is desired, and shall be granted by the enforcement agency pursuant to Section 17031.3 of the Health and Safety Code.

(b) An application for exemption accompanied by appropriate fees, as set forth in Section 637, shall be on the forms supplied by the enforcement agency and shall contain at least the following information:

- (1) The name, address, and telephone numbers of the community owner and operator.
- (2) The location of the employee housing community.
- (3) Exact number of dwellings in the employee housing community.
- (4) Designs of facilities comprising the employee housing community.
- (5) Other information requested by the enforcement agency relevant to the granting or denial of an exemption pursuant to this section.

(c) The operator shall submit an amendment to the exemption application whenever there is any substantial or material change in the foregoing information applicable to the employee community housing.

(d) An application will not be deemed submitted until it is completed.

(e) When the exemption is granted by a local enforcement agency, the information required by Section 17031.4 shall be submitted to the Department within 30 days after the exemption is granted.

Note: Authority cited: Sections 17003.5, 17036, 17040 and 17050, Health and Safety Code. Reference: Sections 17031.3 and 17031.4, Health and Safety Code.

§ 634. Exemption for Labor Camps on Dairy Farms

(a) An application for exemption for a labor camp and dairy farm shall be made to the enforcement agency at least 45 days prior to the date of initial occupancy and shall be granted by the enforcement agency pursuant to Sections 17030 and 17031 of the Health and Safety Code.

(b) An application for an exemption, accompanied by appropriate fees shall be on forms supplied by the enforcement agency and shall contain at least the following information:

- (1) The name, address, and telephone numbers of the permanent housing owner and operator.
- (2) The location of the dairy farm labor camp.
- (3) Exact number of dwellings on the labor camp.
- (4) Designs of the facilities comprising the housing project.
- (5) The year the dwellings on the labor camp were constructed.
- (6) The number of years the labor camp was operated with a valid permit to operate.

(7) Other information requested by the enforcement agency including but not limited to information to ensure that the labor camp qualifies as a dairy farm labor camp pursuant to Sections 17019 and 17030 of the Health and Safety Code.

(c) An application will not be deemed submitted until it is completed.

(d) When the exemption is granted by a local enforcement agency, the information required by Section 17031 shall be submitted to the Department within 30 days after the exemption is granted.

(e) The operator shall submit an amendment to the exemption application whenever there is any change in the foregoing information applicable to the dairy farm labor camp.

(f) The written findings required by Section 17031 of the Health and Safety Code shall be filed in the project record and shall be retained until the exemption is revoked.

Employee Housing Regulations

Note: Authority cited: Sections 17003.5, 17036, 1704 and 17050, Health and Safety Code. Reference: Sections 17030 and 17031, Health and Safety Code.

§ 636. Renewal Prohibited

No permit to operate shall be issued for a labor camp when the permit to operate for the preceding year has been denied or suspended, or when the operator has failed to comply with a notice issued by the enforcement agency to correct the violations of the Health and Safety Code and of this subchapter. When the operator submits proof of compliance with the applicable provisions of the Health and Safety Code and this subchapter to the enforcement agency, the enforcement agency may issue a new permit to operate if all other terms and conditions for a permit are met

Note: Authority cited: Sections 17003.5, 17036, 17040 and 17050, Health and Safety Code. Reference: Sections 17031, 17034 and 17036, Health and Safety Code.

§ 637. Permit to Operate or Exemption Fees

Every person applying for an exemption as employee community housing or a dairy farm labor camp or a permit to operate a labor camp shall submit fees for a permit to operate or exemption to the enforcement agency in accordance with the provisions of this section.

(a) Where the department is the enforcement agency, fees for a permit to operate a labor camp shall be determined as follows:

(1) Issuance fee of \$200.00.

(2) Permit to operate fee of \$27.00 for each employee the operator intends to house where such housing is supplied by the operator, and \$27.00 for each lot or site provided for parking of mobilehomes or recreational vehicles by employees.

(3) Amended permit fee of \$20.00 for any transfer of ownership or possession.

(4) Amended permit fee of \$20.00 and fees specified in this section for any increase in the number of employees to be housed and additional lots or sites provided for parking of mobilehomes or recreational vehicles by employees.

(b) Where the department is the enforcement agency, fees for an exemption shall be determined as follows:

(1) Issuance fee of \$35.00.

(2) An exemption fee of \$12.00 for each permanent housing unit.

(3) Amended exemption fee of \$20.00 for any transfer of ownership or possession.

(4) Amended permit fee of \$20.00 and fees specified in this section for any increase in the number of permanent housing units.

(c) Where a city, county, or city and county has assumed responsibility for enforcement of Chapter 1 of Part 1 of Division 13 of the Health and Safety Code and this subchapter, such city, county, or city and county may by ordinance, establish a schedule of fees for the operation of labor camps or employee community housing which shall not exceed the fees for a permit to operate or exemption established by this section.

Note: Authority cited: Sections 17003.5 and 17036, Health and Safety Code. Reference: Section 17036, Health and Safety Code.

§ 638. Compliance

Every person, or his or her agent or officer thereof, constructing, operating, or maintaining a labor camp shall comply with the requirements of this part, building standards published in the State Building Standards Code relating to labor camps, and other regulations adopted pursuant to the provisions of this part. Every person or his or her agent or officer thereof, constructing, operating, or maintaining employee community housing shall comply

Employee Housing Regulations

with the State Housing Law and other regulations adopted pursuant to this subchapter specifically applicable to employee community housing. The provisions contained in Section 17920.3 of the Health and Safety Code relating to a substandard building shall be applicable to this subchapter. Abatement of any substandard condition may be in accordance with Sections 17060 and 17890 of the Health and Safety Code or actions and proceedings as set forth in Article 6, commencing with Sections 50 through 72, of this Title, (State Housing Law Regulations).

Note: Authority cited: Sections 17003.5, 17037, 17040 and 17050, Health and Safety Code. Reference: Section 17037, Health and Safety Code.

§ 640. Preoccupancy Inspection, Local Enforcement Agency

Upon receipt of a complete application for a permit to operate or an exemption and appropriate fees, the local enforcement agency shall inspect the labor camp or employee community housing within 30 days. If upon inspection the labor camp or employee community housing is found to be in compliance with the applicable provisions of the Health and Safety Code and this subchapter, a permit to operate or exemption shall be issued by the local enforcement agency, as appropriate, if all other terms and conditions are met.

Note: Authority cited: Sections 17003.5, 17036, 17040 and 17050, Health and Safety Code. Reference: Sections 17003.5, 17030, 17031 and 17031.3, Health and Safety Code.

§ 641. Permit Application Review, Notice of Department Decision and Occupancy Approval

(a) Where the department is the enforcement agency, the following procedures shall apply.

(1) Within seven (7) days of receiving the application for a permit to operate and appropriate fees in the office designated on the application forms, the department shall review each license application received pursuant to this chapter, and notify the applicant in writing of either the acceptance of the application for filing, or the rejection of the application due to incompleteness or errors, specifically identifying the incompleteness or errors and what must be done in order to make the application complete and acceptable.

(2) Unless the applicant requests otherwise, within 45 days of receiving a completed application for a permit to operate and appropriate fees, the department shall inspect the labor camp or employee housing. If upon inspection the labor camp or employee community housing is found to be in compliance with the applicable provisions of the Health and Safety Code and this subchapter, and if all local approvals have been obtained, the department shall issue a permit to operate within seven (7) days of the inspection.

(3) If the labor camp or employee community housing is not found to be in compliance or if all local approvals have not been obtained, it shall be the responsibility of the operator to request, in writing, any subsequent reinspections by the department.

(4) Within 30 days of receiving a written request for reinspection and appropriate fees, the department shall reinspect the labor camp or employee community housing. If upon reinspection the labor camp or employee community housing is found to be in compliance with the applicable provisions of the Health and Safety Code and this subchapter, and if all local approvals have been obtained, the department shall issue a permit to operate within seven (7) days of the reinspection.

(b) A survey conducted pursuant to Government Code Section 15376 of the department's performance determined the minimum, median and maximum elapsed time between receipt of a completed application for a permit to operate a labor camp and issuing the permit to operate a labor camp; the results are as follows:

- (1) Minimum: 1 calendar day
- (2) Median: 38 calendar days
- (3) Maximum: 357 calendar days

(c) The department may exceed the maximum time as provided in subsection (a), if any of the following occurs:

Employee Housing Regulations

(1) The number of applications is 15 percent greater than for the same calendar quarter of the preceding year.

(2) The department's application process is delayed due to rejection of the labor camp's kitchen facilities, water supply or sewage disposal by the local Department of Health.

(3) An applicant requests that an application, inspection or permit issuance be delayed.

Note: Authority cited: Section 15376, Government Code. Reference: Sections 15374–15378, Government Code; and Sections 17003.5 and 17036, Health and Safety Code.

§ 642. Noncompliance

In the event that the labor camp or employee community housing cannot be approved for occupancy or when inspected, the enforcement agency shall notify the applicant by means of a compliance order which describes in what respects the labor camp or employee community housing does not comply. The operator shall perform the required corrective work and request reinspection prior to occupying the labor camp or employee community housing. The operator shall pay the reinspection fees prescribed by these regulations.

Note: Authority cited: Sections 17003.5, 17036, 17040 and 17050, Health and Safety Code. Reference: Sections 17036, 17040 and 17050, Health and Safety Code.

§ 644. Reinspection Fees

(a) The fees for a permit to operate or an exemption shall be considered as inspection fees for the initial inspection of an employee housing facility or employee community housing. When a reinspection is required, pursuant to Section 642 of this subchapter, the operator shall pay a reinspection fee for each such reinspection as follows:

(1) One hundred seventy-eight dollars (\$178) providing the reinspection does not exceed one hour. When the reinspection exceeds one hour, the following fees shall apply:

(A) Second and subsequent whole hours: eighty-two dollars (\$82).

(B) Each thirty (30) minutes, or fractional part thereof: forty-one dollars (\$41).

NOTE: Authority cited: Sections 17003.5, 17036, 17040 and 17050, Health and Safety Code. Reference: Sections 17036, 17040 and 17050, Health and Safety Code.

§ 645. Technical Service and Fees

(a) The department may charge technical service fees to any person requesting technical services such as interpretation or clarification of the application of this subchapter if these services are beyond the scope of normal department technical assistance. Technical services for the purpose of this section do not include inspections.

(b) Requests for such service shall be submitted to the department in writing and accompanied by the technical service fee. The fees shall be determined as follows:

(1) One hundred ninety-six dollars (\$196) providing the technical service does not exceed one hour. When the related technical service exceeds one hour, the following fees shall apply:

(A) Second and subsequent whole hours: eighty-two dollars (\$82).

(B) Each thirty (30) minutes, or fractional part thereof: forty-one dollars (\$41).

(c) Fees shall be submitted by a cashier's check, money order, personal or company check, payable to the Department of Housing and Community Development.

Note: Authority cited: Sections 17003.5, 17036, 17040 and 17050, Health and Safety Code. Reference: Sections 17036, 17040 and 17050, Health and Safety Code.

Employee Housing Regulations

§ 648. Multiple Year Permits to Operate

(a) Application for a multiple year permit to operate a labor camp shall be made to the enforcement agency at least 45 days prior to the date of initial occupancy and shall be granted by the enforcement agency pursuant to Sections 17030 and 17030.5 of the Health and Safety Code.

(b) An application for a multiyear permit to operate accompanied by appropriate fees, as set forth in Section 637, shall be on forms supplied by the enforcement agency and shall contain at least the following information:

(1) The name, address, and telephone numbers of the permanent housing labor camp owner and operator.

(2) The location of the permanent housing labor camp.

(3) Exact number of single family detached dwellings.

(4) Designs of the facilities comprising the permanent housing labor camp.

(5) The year the dwellings on the labor camp were constructed.

(6) The number of years the labor camp has been operating with a valid permit to operate.

(7) Other information requested by the enforcement agency including but not limited to information to ensure that the permanent housing qualifies as a permanent housing labor camp pursuant to Section 17010(d) and 17030.5 of the Health and Safety Code.

(8) A maintenance plan that will adequately maintain the housing during the period of time covered by the permit to operate.

(c) When applying for a multiple year permit, the applicant shall present to the enforcement agency documentation necessary to demonstrate the applicant's eligibility to receive public benefits pursuant to chapter 5.5 of this division, beginning with section 5802.

(d) An application will not be deemed submitted until it is completed.

Note: Authority cited: Sections 17003.5, 17036, 17040 and 17050, Health and Safety Code. Reference: 8 U.S.C. Sections 1621, 1641 and 1642; and Sections 17030, 17030.5 and 17040, Health and Safety Code.

§ 650. Conditional Permit to Operate or Exemption

A conditional permit to operate may be issued to permit partial occupancy of complying portions of a labor camp only under the following conditions:

(a) After preoccupancy inspection, the camp operator will be issued a written compliance order listing all buildings not in compliance. A notice of prohibited occupancy shall be posted on any building deemed to be unsafe for human habitation or adjacent thereto if necessary, and shall be so noted in the report. The compliance order shall also list those buildings which are in compliance for which a conditional permit to operate may be issued.

(b) Any building in a labor camp that is not intended to be used, and so declared by the operator shall be noted in a written report, shall be secured by the operator, and shall be posted by the enforcement agency at each entrance to the building with a notice of prohibited occupancy.

(c) The conditional permit to operate or exemption shall not be required to include those buildings secured, posted, and declared by the operator not to be a part of the labor camp. The conditional permit to operate or exemption fee shall include all other housing, including that housing which may be listed as not to be occupied until compliance has been verified.

(d) The enforcement agency may issue a conditional permit to operate that portion of a labor camp complying with the provisions of this subchapter. The units approved for occupancy and the units not to be occupied until compliance has been verified shall be noted on the conditional permit to operate.

Employee Housing Regulations

(e) When applying for a conditional permit, the applicant shall present to the enforcement agency documentation necessary to demonstrate the applicant's eligibility to receive public benefits pursuant to chapter 5.5 of this division, beginning with section 5802.

(f) Upon reinspection and verification of compliance with the applicable provisions of the Health and Safety Code and this subchapter, a revised permit to operate or exemption shall be issued by the enforcement agency, without requiring an amended permit fee or exemption fee.

(g) There can be no conditional exemption. A dairy labor camp or a proposed employee community housing which is not fully in compliance with required standards may be issued a conditional permit to operate pursuant to this section

Note: Authority cited: Sections 17003.5, 17036, 17040 and 17050, Health and Safety Code. Reference: 8 U.S.C. Sections 1621, 1641 and 1642; and Sections 17036 and 17040, Health and Safety Code.