



Summary of Public Comments Office of Migrant Services Stakeholder's Meeting Regarding the 50 Mile Regulation

The Office of Migrant Services (OMS) program operates 24 migrant centers throughout the State for 180 days during the peak harvest "on" season to house migrant farmworkers whose primary residence exceeds 100 miles round trip per day from their place of employment, such that he/she was unable to return to his/her chosen place of residence within the same day of labor, and whose primary residence is outside a 50 mile radius of the migrant center for at least 3 months during the "off" season (OMS Regulations §7602(i)). On June 30, 2017, the Department of Housing and Community Development ("HCD" or "Department") held a Stakeholder's Meeting regarding the OMS 50 Mile Regulation to discuss whether or not an amendment to this regulation would benefit migrant farmworkers and the agricultural industry in the State of California. This meeting was recorded and posted to the Department's website for public review and comment.

Questions and comments received before, during and after the Stakeholder's Meeting are summarized below.

Meeting Comments

Name	Organization	Comment
<i>Brian Augusta</i>	<i>CRLA Foundation</i>	<ul style="list-style-type: none"><i>If the regulation were modified for families with school aged children to live locally year round, these are not migrant households. Then, this housing would no longer be available to migrant households. How would we continue to meet the needs of migrant families?</i><i>The genesis of the regulation is how do we define migrant?</i><i>Would like HCD to have more discussions around the issue of timing versus distance.</i>

Name	Organization	Comment
<i>Barbara Kauss</i>	<i>Housing Authority of the County of Stanislaus</i>	<ul style="list-style-type: none"> • <i>Protect Migrant Housing.</i> • <i>Provide waivers in specific situations regarding medical, educational, and continued work in the area.</i> • <i>Migrant families' concerns are to live within the 50-mile radius so their children can finish the semester, not always the entire year.</i> • <i>Extensions typically cover the semester issue.</i>
<i>Lauren Ornelas</i>	<i>Food Empowerment Project</i>	<ul style="list-style-type: none"> • <i>Allow families with school aged children to stay in the centers while they complete the school year.</i> • <i>Families would stay in the center until May, when school is over, then migrate June, July, August; then move back into the center.</i> • <i>A waiver would allow the family to stay in the area so the children can finish the school year. It's definitely a timing issue.</i> • <i>If the centers closed in November, the children could migrate December, January. They would migrate over 50 miles for a month and a half.</i> • <i>We cannot deprive children of their education because of this regulation.</i> • <i>All of the centers are different and maybe need different privileges, extensions, etc.</i>
<i>Ann Lopez, Ph.D.</i>	<i>Center for Farmworker Families</i>	<ul style="list-style-type: none"> • <i>Parents need the option to stay in the district where their children go to school year round.</i> • <i>The children are not graduating. They either live with family members elsewhere, or drop out and join gangs.</i> • <i>Families would migrate during June, July, August, then come back to live at the center; move out when the center closes and the entire family stays in the local area so the children finish school, then move back into the center when it opens.</i> • <i>We need to focus on the well-being of these children.</i>

Name	Organization	Comment
<i>Araceli Fernandez</i>	<i>Buena Vista Migrant Center Resident</i>	<ul style="list-style-type: none"> • <i>Remove the 50 mile-rule altogether.</i>
<i>Lisa Baker</i>	<i>Yolo County Housing</i>	<ul style="list-style-type: none"> • <i>All Yolo centers take advantage of the Migrant Education Program which provides summer school specifically for migrant children (K-7), that includes transportation and meals, so their education can be seamless whether they stay or go.</i> • <i>All Yolo Centers are engaged with Sacramento State University which allows credits to go towards college graduation.</i> • <i>There is opportunity within the Migrant Education Program that maybe some families are not aware of.</i> • <i>Would like HCD to have more discussions around the issue of timing versus distance.</i>
<i>Martha Edith Medina</i>	<i>Williams Migrant Center Resident Council President</i>	<ul style="list-style-type: none"> • <i>Do not eliminate the 50-mile regulation because it would jeopardize housing availability in the center for families migrating from Mexico.</i>
<i>Ilene Jacobs</i>	<i>CRLA Foundation</i>	<ul style="list-style-type: none"> • <i>OMS has eligibility requirements to ensure housing is available to migrant farmworkers.</i> • <i>It is a mischaracterization of the eligibility requirements to say that it requires parents to take their children out of school.</i> • <i>The intent of the regulation is to ensure that there is migrant farmworker housing available.</i> • <i>This is the right problem, but wrong solution.</i> • <i>Would like HCD to focus on increasing the funding and inventory for migrant centers as well as permanent, year round farmworker housing.</i>

Name	Organization	Comment
<i>Juanita</i>	<i>Williams Migrant Center Resident</i>	<ul style="list-style-type: none"> • <i>50-mile rule is challenging. Parents have to continue migrating and kids are left behind with other family members to complete the school year.</i>
<i>Audience Member</i>	<i>Harney Lane Migrant Center Resident</i>	<ul style="list-style-type: none"> • <i>Migrating during the off season affects the children. Upon return to the center, they are already behind of last year.</i>
<i>Sergio Lopez</i>	<i>Sacramento Bee</i>	<ul style="list-style-type: none"> • <i>Agrees we should not pit one group of farmworkers against the other, but we should not be satisfied with the status quo.</i>
<i>Audience Member</i>	<i>Migrant Center Resident</i>	<ul style="list-style-type: none"> • <i>Would not like to change the 50-mile regulation, but would like longer on-season extensions.</i>
<i>Pedro Marquez</i>	<i>Newell Migrant Center Resident</i>	<ul style="list-style-type: none"> • <i>Farmworker families that work year round and have children in local school districts should seek permanent housing in the area and not live in the OMS migrant centers.</i>
<i>Gordy de Necochea</i>	<i>Former OMS Manager</i>	<ul style="list-style-type: none"> • <i>The OMS centers were not built for permanent, year round use.</i> • <i>A migrant farmworker is someone that cannot travel round trip in the same labor day from their permanent residence to their employment and back.</i> • <i>Reducing the 50 mile regulation would allow for local farmworkers to be eligible for the housing, and true migrant families would not have housing.</i>

Meeting Questions and Answers

Question	Answer
<p>“Why should anyone be satisfied with the status quo?” – Sergio Lopez, Sacramento Bee</p>	<p>Ilene Jacobs, CRLA, Inc. responded:</p> <ul style="list-style-type: none">• The 50-mile regulation is not the reason the migrant center children do not have a decent education.• Changing the 50-mile regulation will create unintended consequences to migrant farmworker families who will no longer have access to housing.• Changing the 50-mile regulation will not address the real problem, which is the need for affordable housing for farmworkers throughout the state:<ul style="list-style-type: none">- Too many communities are turning down applications to build farmworker housing- Lack of funding for year round farmworker housing <p>Lisa Baker, Yolo County Housing responded:</p> <ul style="list-style-type: none">• Yolo migrant centers (like most others) have no heat and are not insulated; not appropriate for year round use.• A good housing policy has an entire continuum. There are farmworker tax credits, USDA funds, other funds for permanent farmworker housing and home ownership that the local jurisdictions should be seeking.• If school districts are not utilizing the Migrant Education Program, that is another place for advocacy.
<p>“Why do you (Ilene Jacobs) see a waiver creating unintended consequences?” – Lauren Ornelas, Food Empowerment Project, Inc.</p>	<p>Ilene Jacobs, CRLA, Inc. responded:</p> <ul style="list-style-type: none">• There are reasons for waivers if you have medical conditions.• If a rule of general application to migrant centers is changed, we have to be careful that the consequence of that is not to limit the housing that’s available to farmworkers who truly are migrant.

Question	Answer
<p>“Why can’t these farmworker families be allowed to stay in the community when the camp closes so the children can finish the school year, and move back in when the center opens?” – Ann Lopez Ph.D., Center for Farmworker Families</p>	<p>Brian Augusta, CRLA Foundation responded:</p> <ul style="list-style-type: none"> • If the regulation were modified for families with school aged children to live locally year round, then by definition, they would not be migrant households. Then, this housing would no longer be available to migrant households because it would essentially become permanent year round housing.
<p>“If we take centers offline by allowing families who live locally during the off season be eligible, how do we continue to meet the need of migrant farmworker families?” – Brian Augusta, CRLA Foundation</p>	<p>Lauren Ornelas, Food Empowerment Project, Inc. responded:</p> <ul style="list-style-type: none"> • Families would stay in the center until May, when school is over, then migrate June, July, August; then move back into the center.
<p>“I thought the proposed waiver was for a household so they don’t have to move 50 miles or more?” – Brian Augusta, CRLA Foundation</p>	<p>Lauren Ornelas, Food Empowerment Project, Inc. responded:</p> <ul style="list-style-type: none"> • The waiver would allow the family to stay in the local area during the off season so their children can finish school and they would still be eligible to stay at the center the following season. • If the centers closed in November, the children could migrate December, January. They would migrate over 50 miles for a month and a half. <p>Ann Lopez, Center for Farmworker Families responded:</p> <ul style="list-style-type: none"> • Families would migrate during June, July, August, then come back to live at the center; move out when the center closes and the entire family stays in the local area so the children finish school, then move back into the center when it opens.
<p>“Have other states that provide migrant housing seen any unintended consequences by not having a 50-mile regulation?” – Sergio Lopez, Sacramento Bee</p>	<p>Ilene Jacobs, CRLA, Inc. responded:</p> <ul style="list-style-type: none"> • California is one of the only states that has State-funded migrant housing, so there is likely no other state for comparison.
<p>“For the workers that work year round and have school aged children, why don’t they move into the community and leave the centers available for those who migrate? – Pedro Marquez, Newell Migrant Center resident</p>	<p>Araceli Fernandez, Buena Vista Migrant Center Resident responded:</p> <ul style="list-style-type: none"> • She does not work year round but would not be able to afford housing outside of the center.

Question	Answer
<p>“What do we see happening with the school aged migrant children under the current regulation?” – Monica Palmeira, Moderator</p>	<p>Ann Lopez, Center for Farmworker Families responded:</p> <ul style="list-style-type: none"> • At the Buena Vista Migrant Center, some live in ramshackle inexpensive apartments that are exactly 50 miles away until they can come back to the center. • Some children attend two schools in one year. • Some children attend 4 schools in 2 countries, and 2 languages, and these children do not make it.
<p>“If the regulation changed from 50 miles to 5 miles, what would likely happen with those families considering we still have a migrant housing system?” – Monica Palmeira, Moderator</p>	<p>Ann Lopez, Center for Farmworker Families responded:</p> <ul style="list-style-type: none"> • Some, not all, families would take advantage of the option to stay locally during the off season. Others would continue to migrate.
<p>“What do we mean when we say ‘unintended consequences’?” - Monica Palmeira, Moderator</p>	<p>Ilene Jacobs, CRLA, Inc. responded:</p> <ul style="list-style-type: none"> • Changing the rules of eligibility for the migrant centers will mean that we have migrant families who will remain on waiting lists and never be eligible for housing that is specifically designed for migrant families. • If the consequence of changing the regulation is that we reduce the inventory of housing available for migrant families, then we haven’t accomplished anything.
<p>“Would CRLA entertain the idea of trying to come up with a solution that we can do both?” – Lauren Ornelas, Food Empowerment Project, Inc.</p>	<p>Ilene Jacobs, CRLA, Inc. responded:</p> <ul style="list-style-type: none"> • CRLA would be glad to sit down with HCD and work with groups to come up with a solution to the problem. • It is the right problem, but wrong solution.
<p>“Has HCD heard viewpoints from other centers regarding the 50-mile regulation?” – Ilene Jacobs, CRLA, Inc.</p>	<p>Juan Estupinan, OMS responded:</p> <ul style="list-style-type: none"> • Has visited two centers where the resident’s biggest fear was that there would not be housing for the migrant families the following year. • Residents and center staff agree that the issue is not the distance, but the time.

Written Comments Received by the Department

- **133** individual handwritten letters signed by residents of the following OMS Migrant Centers: Parlier Migrant Center (Fresno County), Westley Migrant Center (Stanislaus County) and Williams Migrant Center (Colusa County) - that oppose any change to the 50-mile regulation.
- **141** pre-printed postcards signed by random citizens of California that were solicited by Center for Farmworker Families, Food Empowerment Project, Inc. and Human Agenda that request a mandate to give farmworkers the option to remain within the local school district boundaries during the off-season.
- **71** pre-printed postcards signed by random citizens of California that were solicited by Center for Farmworker Families, Food Empowerment Project, Inc. and Human Agenda that request a mandate to give farmworkers the option to remain in their migrant center during the off-season.
- **1** individual letter written by Gordy de Necochea, former OMS Program Manager, with the following comments, summarized:
 - The OMS 50-mile regulation is necessary to maintain the integrity of the OMS program.
 - Supports legislation to provide new local assistance funding for both migrant and permanent farmworker housing.
 - Any reduction of the 50-mile radius will allow local seasonal farmworkers to qualify for migrant center housing, and this is not the purpose of the OMS program.
 - The purpose of the 50-mile regulation is to validate the eligibility of applicants, and it is consistent with other definitions of “migrant” farmworkers. The US Department of Labor defines Migrant Farmworker as “a seasonal farmworker who travels to the job site so that he/she is not reasonably able to return to his/her permanent residence within the same day.”
 - Stakeholders need to consult with CA Department of Education’s Migrant Education Program for technical assistance.
 - This is an issue of migrant education, not migrant housing.
 - OMS/HCD should contact CA Department of Education’s Migrant Education Program for technical assistance. They are the education experts, not OMS/HCD.
 - OMS/HCD should contact Mini-Corps Program, under the Migrant Education Program. Their goal is to “provide direct instructional tutorial services to increase migrant student academic achievement.”
 - If the OMS centers are not fully occupied, there should be a serious discussion to use the units as permanent housing with the following considerations:

- Discussions with USDA RD as half of the OMS Centers' construction were financed by RD under construction standards for "migrant, temporary housing", rather than permanent year round housing.
- Some of the centers utilize percolating and evaporative ponds for their sewer system which required scarification during the off season for them to properly work.
- Several of the units lack heat, which waivers were granted because of the 180-day occupancy.
- Lack of employment by residents during the off season would need to be assessed because OMS program requires evidence of work availability in order to keep the centers open for any length of time beyond 180 days.
- No School District Impact Fees are paid given the 180-day occupancy period, which is a considerable expense.
- Inspection of all units to determine rehabilitation estimates to meet permanent housing standards.