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**HEALTH AND SAFETY CODE - HSC**

**DIVISION 31. HOUSING AND HOME FINANCE [50000 - 54913]** ( *Division 31 repealed and added by Stats. 1977, Ch. 610. )*

**PART 2. DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT [50400 - 50899.7]** ( *Heading of Part 2 amended by Stats. 1981, Ch. 996. )*

**CHAPTER 8.5. Special Housing Program for Migratory Workers [50710 - 50718]** ( *Chapter 8.5 added by Stats. 1981, Ch. 1165. )*

**50710.** The Director of Housing and Community Development may contract with school districts, housing authorities, health agencies, and other appropriate local public and private nonprofit agencies, for the procurement, or construction of housing or shelter and to obtain services for migratory agricultural workers in the fields of education and sanitation, to obtain day care services for the children of those workers, and the director may adopt regulations as the director deems necessary in order to provide that housing service. Notwithstanding any other provision of law, contracts made pursuant to this chapter are deemed to be for local assistance. Notwithstanding any other law, the director may provide for advance payments of up to 20 percent of annual operating costs of the migrant farm labor center to contractors, provided that the contractors do not have outstanding advance balances from the prior contract periods.

(Amended by Stats. 2017, Ch. 372, Sec. 3. (AB 571) Effective September 29, 2017.)

**50710.1.** (a) If all the development costs of any migrant farm labor center assisted pursuant to this chapter are provided by federal, state, or local grants, and if inadequate funds are available from any federal, state, or local service to write-down operating costs, the department may approve rents for that center that are in excess of rents charged in other centers assisted by the Office of Migrant Services. However, notwithstanding any other provision of law, commencing with the 2006 growing season, the department shall not increase rents for residents of any facility assisted by the Office of Migrant Services to a level that exceeds 30 percent of the average annualized household incomes of residents of the facility without specific legislative authorization. Prior to approving these rents, the department shall consider the adequacy of evidence presented by the entity operating the center that the rents reimburse actual, reasonable, and necessary costs of operation.

(b) At the end of each fiscal year, any entity operating a migrant farm labor center pursuant to this chapter shall establish a capital reserve account comprised of the excess funds provided through the annual operating contract received from the department if the department certifies there is no need to address reasonable general maintenance requirements or repairs, rehabilitation, and replacement needs of the requesting migrant farm labor center which affect the immediate health and safety of residents. The cumulative balance of the reserve account shall not exceed 10 percent of the annual operating funds annually committed to the entity by the department unless authorized by the department, and shall be reported annually to the department. Funds in the reserve account shall be used only for capital improvements such as replacing or repairing structural elements, furniture, fixtures, or equipment of the migrant farm labor center, the replacement or repair of which are reasonably required to preserve the migrant farm labor center. An entity shall first use the available capital reserve funds for required improvements or repairs before requesting additional funding from the department for that use. Withdrawals from the reserve account shall be made only upon the written approval of the department of the amount and nature of expenditures.

(c) A migrant farm labor center governed by this chapter may be operated for an extended period prior to or beyond the standard 180-day period, as further provided in paragraph (8) below, after approval by the department, provided that all of the following conditions are satisfied:

(1) No additional subsidies provided by the department are used for the operation or administration of the migrant farm center during the extended occupancy period except to the extent that state funds are appropriated or authorized for the purpose of funding all or part of the cost of subsidizing extended occupancy periods.

(2) Rents are not to be increased above the rents charged during the standard 180-day occupancy period unless the department finds that an increase is necessary to cover the difference between reasonable operating costs necessary to keep the center open

during the extended occupancy period and the amount of state funds available pursuant to paragraph (1) and any contributions from agricultural employers or other federal, local, or private sources. These contributions shall not be used to reduce the amount of state funds that otherwise would be made available to the center to subsidize rents during an extended occupancy period.

(3) In no event shall the rent during the extended occupancy period exceed the average daily operating cost of the center, less any subsidy funds available pursuant to paragraph (1) or (2). With respect to an extended occupancy beyond the standard 180-day period, households representing at least 25 percent of the units in the center shall have indicated their desire and intention to remain in residency by signing a petition to the local entity to keep the center open for an extended period at rents that are the same or higher than rents during the regular period of occupancy. Each household shall receive a clear bilingual notice describing the extended occupancy options attached to the lease.

The Legislature finds and declares that because the number of residents may be substantially reduced during the extended occupancy period, a rent increase may be necessary to cover operating costs. It is the intent of the Legislature that the public sector, private sector, and farmworkers should each play an important role in ensuring the financial viability of this important source of needed housing.

(4) An extended occupancy period is requested by an entity operating the migrant farm labor center and received by the department no earlier than 30 days and no later than 15 days prior to the center's scheduled opening or closing date. The department shall notify the entity and petitioning residents of the final decision no later than seven days prior to the center's scheduled opening or closing date. During the extended occupancy period, occupancy shall be limited to migrant farmworkers and their families who resided or intended to reside at a migrant center during the regular period of occupancy.

(5) Before approving or denying an early opening or an extension and establishing the rents for the extended occupancy period, both of which shall be within the sole discretion of the department, the department shall take into consideration all of the following factors:

(A) The structural and physical condition of the center, including water and sewer pond capacity and the capacity and willingness of the local entity to operate the center during the extended occupancy period.

(B) Whether local approvals are required, and whether there are competing demands for the use of the center's facilities.

(C) Whether there is adequate documentation that there is a need for residents of the migrant center to continue work in the area, as confirmed by the local entity.

(D) The climate during the extended occupancy period.

(E) The amount of subsidy funds available that can be allocated to each center to subsidize rents below the operating costs and the cost of operating each center during the extended occupancy period.

(F) The extended occupancy period is deemed necessary for the health and safety of the migrant farmworkers and their families.

(G) Other relevant factors affecting the migrant farmworkers and their families and the operation of the centers.

(6) The rents collected during the extended occupancy period shall be remitted to the department. However, based on financial records to the satisfaction of the department, the department may reduce the amount to be remitted by an amount it determines the local entity has expended during the extended occupancy period that is not being reimbursed by department funds.

(7) The occupancy during the extended occupancy period represents a new tenancy and is not subject to existing and statutory and regulatory limitations governing rents. Prior to the beginning of the extended occupancy period, residents shall be provided at least two days' advance written notice of any rent increase and of the expected length of the extended occupancy period, including the scheduled date of the beginning of the extended occupancy period and closure of the center. Prior to being eligible for residency during the extended occupancy period, residents shall sign rental documents deemed necessary by the department.

(8) Notwithstanding anything to the contrary contained in this section, the standard 180-day occupancy period combined with any extended occupancy periods shall not exceed a cumulative operating period of 275 days in any calendar year.

(d) The Legislature finds and declares that variable annual climates and changing agricultural techniques create an inability to accurately predict the end of a harvest season for the purposes of housing migrant farmworkers and their families. Because of these factors, in any part of this state, and in any specific year, one or more migrant farmworker housing centers governed by this chapter need to open early or remain open up to a total of 275 days to allow the residents to provide critical assistance to growers in harvesting crops while also fulfilling work expectations that encouraged them to migrate to the areas of the centers. In addition, if the centers close prematurely or open late, the migrant farmworkers often must remain or reside in the areas to work. During this time

they will not be able to obtain decent, safe, and affordable housing and the health and safety of their families and the surrounding community will be threatened.

The Legislature therefore finds and declares that, for the purposes of any public or private right, obligation, or authorization related to the use of property and improvements thereon as a 180-day migrant center, an extended use of any housing center governed by this chapter pursuant to this section is deemed to be the same as the 180-day use generally authorized by this chapter.

(e) Because of the presumed income levels of the occupants of migrant farm labor centers, an entity operating a migrant farm labor center shall be deemed eligible for the California Alternative Rates for Energy program established pursuant to Sections 382 and 739.1 of the Public Utilities Code. Any savings from a reduction in energy rates shall be passed on to the occupants of the migrant farm labor center.

*(Amended by Stats. 2018, Ch. 999, Sec. 1. (AB 2887) Effective January 1, 2019.)*

**50710.2.** The department shall allow, in an operating contract, the entity operating the contract to have flexibility in its opening date if needed to adjust for variable seasonal or climate changes if all of the following occur every operating year:

(a) A majority of the residents council, at the last meeting of the operating period, vote in favor of having a flexible opening date rather than a set opening date.

(b) The residents council, at the last meeting of the operating period, determines the amount of notice required before an opening date and the method of outreach to residents.

(c) The entity operating the migrant center outlines how the flexible opening date will interact with the admission priorities of the center.

(d) There are no competing demands for use of the center.

(e) At least 25 percent of the units will be occupied upon opening.

*(Added by Stats. 2018, Ch. 999, Sec. 2. (AB 2887) Effective January 1, 2019.)*

**50710.3.** (a) By January 1, 2026, the department shall engage and solicit feedback from stakeholders on the definition of "migratory agricultural worker" for the purposes of updating the definition, including distance from residence.

(b) Stakeholders shall include, but not be limited to, all of the following:

(1) Representatives from all 24 Office of Migrant Services centers.

(2) Wherever feasible, the children or dependents of current and former Office of Migrant Services center residents.

(3) The Office of Migrant Services.

(4) Qualified interpreters, promotoras, or promotores with demonstrated experience with legal terminology in both Spanish and English.

(5) Housing authorities or operators acting as property managers, also known as camperos.

(6) The Office of the Speaker of the Assembly.

(7) The Migrant Education Program.

(8) K-12 schools serving the children of current and former migratory farmworker residents.

*(Added by Stats. 2024, Ch. 523, Sec. 2. (AB 2240) Effective January 1, 2025.)*

**50710.4.** (a) The department may enter into multiyear operating contracts with entities, and provide funding annually by making an amendment to that contract.

(b) The director shall consider the data contained in the annual reports, pursuant to Section 50717, to determine the needs of the residents served at the migrant farm labor centers and how to better serve those needs in operating contracts and annual amendments.

(c) This section shall not be interpreted to allow an operating period to exceed a term that is otherwise authorized by this chapter.

*(Added by Stats. 2018, Ch. 999, Sec. 3. (AB 2887) Effective January 1, 2019.)*

**50710.5.** (a) Notwithstanding any other provision of law, no housing authority, housing authority commissioner, housing authority officer, or housing authority employee, acting in good faith, shall be civilly liable for any injury caused by the presence of lead-based paint, prior to January 1, 1989, in or upon any housing units or related facilities owned by an agency of the state and operated by the housing authority pursuant to a contract authorized by Section 50710 by and between the housing authority and the department.

(b) Subdivision (a) does not, however, limit or expand any liability which the state or the United States may have under other laws on account of an injury specified in this subdivision.

(c) Subdivision (a) does not limit or expand any liability which arose prior to January 1, 1988.

(d) Any housing authority made a defendant in a civil action alleging civil liability on account of any alleged injury specified in subdivision (a), including injuries for which liability may exist under subdivision (c), shall immediately notify the department thereof and may request the state to provide legal representation to defend the housing authority in the litigation. In the event the Attorney General fails to provide legal representation pursuant to the housing authority's request, the department shall indemnify the housing authority for reasonable attorney fees and costs incurred by the housing authority to defend the lawsuit.

(e) Notwithstanding any other provision of law, any contract let by a housing authority to determine the existence of, or mitigate, potential health hazards which existed as of April 1, 1988, and caused by lead-based paint in or upon housing units and facilities specified in subdivision (a), shall not be subject to competitive bidding requirements.

*(Added by Stats. 1988, Ch. 112, Sec. 1. Effective May 24, 1988.)*

**50710.6.** (a) (1) The department shall develop a report that analyzes the feasibility and impact of transitioning housing units at Office of Migrant Services centers to year-round availability.

(2) In developing the report required by this subdivision, the department may appoint a third-party consultant to facilitate a comprehensive report, pursuant to subdivision (b).

(3) In developing the report required by this subdivision, the department shall engage and solicit feedback from the stakeholders listed in Section 50710.3.

(b) By July 1, 2027, the department shall submit the report and recommendations to the Assembly Committee on Housing and Community Development and the Senate Committee on Housing. The report shall include:

(1) The quantity of housing units at each center, with each housing unit individually identified, that could be made available year round without any rehabilitation or improvements.

(2) The quantity of housing units at each center, with each housing unit individually identified, that require upgrades to be made available year round, including a description of upgrades needed by unit at each center that includes scope of work and cost estimates.

(3) (A) A description of the order in which units may be renovated.

(B) A plan to ensure that no center shuts down more than 30 percent of units during the regular operating season when planning for improvements.

(C) Direction on planning for upgrades during academic breaks, or whenever feasible throughout the year.

(4) Information about the regional K–12 schools' academic calendars to assist with planning upgrades during academic breaks necessary.

(5) Information on the infrastructure that serves the migrant farm labor centers, including wastewater systems, water systems, stormwater systems, drainage systems, electrical systems, and gas or propane systems. Information shall include the current capacity of the systems and cost estimates to expand the infrastructure to allow for year-round housing.

(6) (A) Assessment of the initial capital needed to convert centers to year-round housing.

(B) The amount of Office of Migrant Services operating and capital subsidy for each center based on an 180-day occupancy period.

(C) The amount of Office of Migrant Services ongoing operating and capital subsidy for each center needed to operate year round.

(D) Identification of impediments to converting a center to year-round housing, including federal occupancy requirements to serve migratory farmworkers, fee owner lease requirements to serve migratory farmworkers, or lack of water rights that would need to be negotiated and established with fee owners.

(7) Demographic information about migrant farmworker families served through the Office of Migrant Services.

(8) Identification of assessments that document the demand for migrant and year-round farmworker housing.

(9) Fiscal impacts, including rent increases, and other impacts to migrant farmworkers and their families from converting the centers to year-round housing and strategies to reduce negative impacts, including other housing solutions.

(10) Current and projected housing needs for migrant farmworkers and their families surrounding each center.

(11) Analysis and identification of alternative solutions to addressing farmworker housing beyond conversion of centers to year-round farmworker housing.

(c) The department shall publish and make available to the public on its internet website the report created pursuant to this section.

(d) (1) The report to be submitted pursuant to this section shall be submitted in compliance with Section 9795 of the Government Code.

(2) Pursuant to Section 10231.5 of the Government Code, this section is repealed on January 1, 2031.

*(Added by Stats. 2024, Ch. 523, Sec. 3. (AB 2240) Effective January 1, 2025. Repeal operative January 1, 2031, by its own provisions.)*

**50710.7.** (a) By December 31, 2028, the department shall, following the completion of the report under Section 50710.6, coordinate with the Department of General Services and the Department of Food and Agriculture to identify available excess sites in proximity to migrant farm labor centers.

(b) The department shall, in collaboration with the Department of General Services, the California Housing Finance Agency, and the Department of Food and Agriculture, prioritize the locations identified in subdivision(a) for the development of permanent farmworker housing, with the highest prioritization to the areas with the greatest need for permanent farmworker housing, as identified in the report under Section 50710.6.

*(Added by Stats. 2024, Ch. 523, Sec. 4. (AB 2240) Effective January 1, 2025.)*

**50710.8.** (a) All communications to migratory farmworkers from the department and the entity operating a migrant farm labor center shall be delivered in culturally and linguistically appropriate means. Whenever feasible, entities operating a migrant farm labor center shall collaborate with promotoras or trusted messengers to disseminate relevant information to migratory farmworkers.

(b) (1) The entity operating a migrant farm labor center shall ensure that each housing unit complies with all applicable local health and safety laws and is habitable with regard to cooling, clean water, sewer pond, garbage, and other systems necessary for the health and safety of the occupants.

(2) The department shall conduct an annual inspection of each migrant farm labor center to determine whether health, safety, and infrastructure standards are properly met.

(c) The entity operating a migrant farm labor center shall not condition residency on the willingness of a potential tenant to occupy a unit year round or preference year-round residents over residents wishing to rent a unit for any length of stay less than one year.

(d) A migratory farmworker, including the immediate family and dependents residing in the same housing unit, with at least one schoolage child, may be exempted from the requirement to have resided outside a 50-mile radius of the migrant farm labor center for the purposes of eligibility to reside in an Office of Migrant Services housing unit. The migratory farmworker shall, upon enrollment, provide to the migrant farm labor center proof of enrollment of their child or children in the local school district for grades K–12.

(e) (1) A migratory farmworker who has entered into a prior residential tenancy agreement for housing at a migrant farm labor center shall be eligible for an interview pass for an available unit upon returning to that center for housing following a break in occupancy.

(2) Wherever feasible, a migrant farm labor center shall offer to a migratory farmworker the option to return to the same unit in which they previously resided, provided that the farmworker's household continues to meet the occupancy standards for the unit.

(f) Except for families and dependents of migratory farmworkers residing in the same unit, the entity operating a migrant farm labor center shall not rent a housing unit to a person who is not a migratory farmworker.

*(Added by Stats. 2024, Ch. 523, Sec. 5. (AB 2240) Effective January 1, 2025.)*

**50711.** The Director of Housing and Community Development shall have possession and control of all records and papers held previously by the Director of Employment Development relating to the purposes and activities of Section 7100 of the Government

Code as it read prior to January 1, 1982.

*(Added by Stats. 1981, Ch. 1165.)*

**50711.5.** (a) The Napa County Farmworker Centers Account is hereby established, to be administered by the Department of Housing and Community Development, through its Office of Migrant Services pursuant to the authority granted in Sections 50406 and 50710, to assist in the financing, maintenance, and operation of the Napa County Housing Authority's Farmworker Centers for year-round use by migrant or nonmigrant farm labor employees. The Napa County Housing Authority shall continue to own and operate the farmworker centers pursuant to the local ordinances, regulations, or bylaws currently applicable thereto.

(b) The department shall award, annually, up to two hundred fifty thousand dollars (\$250,000) in matching funds, pursuant to this section, to the Napa County Housing Authority upon demonstration that the Napa County Housing Authority is capable of continuing to effectively serve the housing needs of migrant or other farmworkers in Napa County. To be eligible for funding, the Napa County Housing Authority shall provide equal or greater funds from local sources to support financing, maintenance, and operations of the housing assisted under this section. The Napa County Housing Authority shall also demonstrate its capability, upon receiving the funds awarded pursuant to this section, of ensuring the fiscal integrity of the farmworker centers and maintaining the project in a decent, safe, and sanitary manner for at least 25 years.

(c) The year-round use provided for in subdivision (a) for farmworker centers may be interrupted, as necessary, to close the housing for maintenance purposes, to allow new migrant farmworkers to obtain housing, or for any other purpose the Napa County Housing Authority deems necessary.

(d) The department shall use funds allocated from the Building Homes and Jobs Trust Fund pursuant to clause (ii) of subparagraph (C) of paragraph (2) of subdivision (b) of Section 50470, as provided by Senate Bill 2 of the 2017–18 Regular Session, if that bill is enacted. If Senate Bill 2 of the 2017–18 Regular Session is not enacted, this section shall be inoperative until a funding source is identified. Funds made available pursuant to this subdivision may be used for the costs permitted by or pursuant to subdivisions (b) to (e), inclusive, of Section 50712.5. For purposes of soliciting and awarding funds pursuant to this section, the department shall not be required to promulgate regulations.

*(Added by Stats. 2017, Ch. 469, Sec. 1. (AB 317) Effective January 1, 2018.)*

**50712.** Any county, city, or other local agency may enter into contracts of the nature described in Section 50710, to the extent that such an agency is otherwise authorized by law to engage in the activity which it contracts to undertake.

*(Added by Stats. 1981, Ch. 1165.)*

**50712.5.** (a) The Department of Housing and Community Development, through its Office of Migrant Services, pursuant to the authority granted in subdivision (n) of Section 50406 and this chapter shall assist in the development, construction, reconstruction, rehabilitation, or operation of migrant farm labor centers. The department shall encourage and assist in the development of family units, or dormitory-style units, as may be appropriate, in migrant farm labor centers in any county or counties where there is a substantial unmet need for migrant farmworker housing. It is the intent of the Legislature in permitting the development of dormitory-style housing that family households not be mixed with single person households unless the contractor or sponsor can make reasonable accommodations to provide separate living and sleeping areas in the dormitory to those family households.

(b) The department may use funds appropriated for the purposes of the Office of Migrant Services to maximize the utility of any other local, federal, state, or private funds or other assistance made available for the purposes of this section. These appropriated funds may be used for costs including, but not limited to, the following items:

(1) Predevelopment costs incurred in the process of securing construction or long-term financing site acquisition development, architectural, engineering, or legal expenses, or construction costs, including construction interest, or both. These costs shall not be subject to reimbursement from construction or permanent financing, as the case may be, if the reimbursement would contribute to, or result in, rents substantially in excess of those in other migrant farm labor centers assisted by the Office of Migrant Services, as determined by the department.

(2) A grant or deferred payment loan for acquisition, development, and related infrastructure costs, including construction, reconstruction, rehabilitation, or operation, which may be forgiven, matching or supplementing the permanent financing or grant made available by a federal, state, or local housing assistance program.

(3) Operating cost reductions to the extent necessary to ensure that the rents in the migrant farm center are not substantially in excess of those in other migrant farm labor centers operated by the Office of Migrant Services.

(c) The department shall seek the maximum possible contribution of funds, land, and other incentives from local, federal, state, and private sources for all the purposes described in subdivision (b). Funds transferred pursuant to Part 8 (commencing with Section 53130) shall not be used in a manner inconsistent with this part. Migrant farm labor centers shall be eligible for energy conservation

assistance, including the assistance provided in programs established pursuant to Section 381 of the Public Utilities Code and administered either by a utility or a local or other entity. In the funding and evaluation of energy conservation assistance pursuant to this section, the California Public Utilities Commission shall consider improvements in habitability and the need to bring migrant housing up to adequate standards of comfort through energy efficient mechanical and lighting systems.

(d) To the extent that any migrant farm labor center assisted pursuant to this section is financed or otherwise assisted by the United States Farmers Home Administration, and to the extent the Farmers Home Administration requires compliance with construction, operating, term of use, or residency standards which differ from those required by the department pursuant to regulations adopted to implement and interpret this chapter, those Farmers Home Administration standards shall supersede the department's regulations.

(e) The Office of Migrant Services may authorize the use of dormitory-style housing in a migrant farm labor center.

*(Amended by Stats. 2004, Ch. 671, Sec. 3. Effective January 1, 2005.)*

**50713.** For the purposes of procuring or developing housing or shelter for migratory agricultural workers pursuant to this chapter, the department may execute instruments necessary or convenient for the exercise of its powers and functions, including, but not limited to, pledges, encumbrances, transfers, or assignments of leaseholds of any real or personal property necessary for the procurement or development of the housing or shelter.

*(Added by Stats. 1985, Ch. 986, Sec. 1. Effective September 26, 1985.)*

**50714.** (a) The San Diego County Farmworker Housing Account is hereby established, to be administered by the Department of Housing and Community Development, through its Office of Migrant Services pursuant to the authority granted in Sections 50406 and 50710, to assist in the financing, development, and operation of up to 500 family housing units for year-round use by migrant or nonmigrant farm labor employees and their families. The sponsor shall seek federal, state, and local financial and in-kind assistance in the development of this housing, but the lack of that assistance shall not be a prerequisite for obtaining financing under this section for the development and operation of family housing units.

(b) The department shall ensure that the housing is operated on the same basis as other state-financed housing assisted pursuant to this chapter, except that there shall be no limitation set on the term of tenancy if the project is operated for nonmigrant farmworkers.

(c) The department shall award funds pursuant to this section to project sponsors who demonstrate that they are capable of effectively serving the housing needs of migrant or other farmworkers in San Diego County. The year-round use required by subdivision (a) for migrant centers may be interrupted as necessary to close the housing for maintenance purposes and to allow new migrant farmworker families to obtain housing. The project sponsor shall also demonstrate his or her capability of ensuring the project's fiscal integrity and maintaining the project in a decent, safe, and sanitary manner for at least 25 years.

(d) The department shall use funds appropriated by the Legislature for purposes of this section. The appropriated funds may be used for the costs permitted by, or pursuant to, subdivisions (b) to (e), inclusive, of Section 50712.5. For purposes of soliciting and awarding funds pursuant to this section, the department is not required to promulgate regulations.

(e) To be eligible for funding, a project sponsor shall make a contribution to the housing assisted under this section. However, if the housing sponsor can demonstrate that it does not have the capability to make that contribution, no contribution shall be required. A contribution, for purposes of this subdivision, may be in the form of a writedown of land costs, fee waiver, direct equivalent financial contribution, or any other incentives of financial value.

(f) The department shall accept proposals from project sponsors commencing November 15, 1989, and until all funds reappropriated for the purpose of this section are awarded. The department shall award grants to project sponsors commencing September 1, 1990.

*(Amended by Stats. 1990, Ch. 1509, Sec. 2. Effective September 30, 1990.)*

**50714.5.** (a) (1) The Director's San Diego County Farmworker Housing Discretionary Account is hereby established in the Office of Migrant Services in the department. The director may make loans or grants from this account for innovative farmworker housing projects providing housing for migrant or nonmigrant farmworkers in San Diego County. There shall be no maximum limitation set on the term of tenancy if the project is operated for farmworkers.

(2) All grants or loans from the account shall be made to local public entities or private community-based nonprofit agencies which agree to both of the following:

(A) To own and operate the farmworker housing project for at least 10 years from the date funds are first advanced to the sponsor under the grant or loan.

(B) To provide and operate the project in compliance with statutes or regulations applicable to rent in state-owned migrant farm labor centers assisted by the Office of Migrant Services and in compliance with the habitability, licensing, and inspection



requirements of the Employee Housing Act (Part 1 (commencing with Section 17000) of Division 13).

(3) If the department finds that the sponsor of a project to which funds have been granted under this section has violated either or both of the terms of paragraph (2), the grant shall be deemed a loan and the sponsor shall be liable to the account for repayment of the amount granted, plus interest, in accordance with paragraph (4) or (5).

(4) If the department finds that the sponsor of a project to which funds have been loaned under this section, or a sponsor of a project to which funds have been granted under this section and to whom or to which paragraph (3) is applicable, has violated either or both of the terms of paragraph (2), the sponsor shall be liable to the account for repayment of the amount granted or loaned, plus interest, in accordance with the following:

(A) If the department finds that the violation of either or both of the terms of paragraph (2) has occurred before the date on which six years will have elapsed from the date funds were first advanced to the sponsor under the grant or loan, the sponsor shall be liable to the account for repayment of the full amount of the grant or the full amount of the outstanding balance of the loan, plus interest thereon at the rate of 9 percent per year.

(B) If the department finds that the violation of either or both of the terms of paragraph (2) has occurred on or after the date on which six years will have elapsed, but before the date on which seven years will have elapsed, from the date funds were first advanced to the sponsor under the grant or loan, the sponsor shall be liable to the account for repayment of 80 percent of the amount of the grant or 80 percent of the outstanding balance of the loan, plus interest thereon at the rate of 9 percent per year.

(C) If the department finds that the violation of either or both of the terms of paragraph (2) has occurred on or after the date on which seven years will have elapsed, but before the date on which eight years will have elapsed, from the date funds were first advanced to the sponsor under the grant or loan, the sponsor shall be liable to the account for repayment of 60 percent of the amount of the grant or 60 percent of the outstanding balance of the loan, plus interest thereon at the rate of 9 percent per year.

(D) If the department finds that the violation of either or both of the terms of paragraph (2) has occurred on or after the date on which eight years will have elapsed, but before the date on which nine years will have elapsed, from the date funds were first advanced to the sponsor under the grant or loan, the sponsor shall be liable to the account for repayment of 40 percent of the amount of the grant or 40 percent of the outstanding balance of the loan, plus interest thereon at the rate of 9 percent per year.

(E) If the department finds that the violation of either or both of the terms of paragraph (2) has occurred on or after the date on which nine years will have elapsed, but before the date on which 10 years will have elapsed, from the date funds were first advanced to the sponsor under the grant or loan, the sponsor shall be liable to the account for repayment of 20 percent of the amount of the grant or 20 percent of the outstanding balance of the loan, plus interest thereon at the rate of 9 percent per year.

(5) Notwithstanding paragraph (4), when the sponsor of a project to which funds have been granted or loaned under this section has agreed to own and operate the farmworker housing project for 11 or more years from the date funds are first advanced to the sponsor under the grant or loan, and the department finds that a violation of either or both of the terms of paragraph (2) has occurred at any time after the funds have been advanced to the sponsor, the sponsor shall be liable to the account for repayment of a principal amount, and interest thereon, to be determined in the discretion of the director. The principal amount repaid pursuant to this paragraph shall not exceed the amount actually loaned or granted to the sponsor, and the interest shall not exceed the rate of 9 percent per year.

(6) On or before October 1 of each year, the sponsor of a project to which funds are granted or loaned under this section shall submit to the department a written report that includes sufficient information on occupancy, income, and maintenance levels to enable the department to assess whether the sponsor is complying with the terms and conditions of the program and this chapter.

(7) In selecting sponsors, the director may make awards for projects serving the needs of single farmworkers, but preference shall be given to those projects primarily serving families. Funds may be used under this section for farmworker housing on either a permanent foundation or nonpermanent foundation, including manufactured housing or mobilehomes.

(b) The department shall use funds appropriated by the Legislature for purposes of this section to maximize the utility of any other local, federal, state, or private funds or other assistance made available for the purposes of this section. For purposes of soliciting and awarding funds pursuant to this section, the department is not required to promulgate regulations.

(c) To be eligible for funding, a project sponsor shall make a contribution to the housing assisted under this section. However, if the housing sponsor can demonstrate that it does not have the capability to make that contribution, no contribution shall be required. A contribution, for purposes of this subdivision, may be in the form of a write down of land costs, fee waiver, direct equivalent financial contribution, or any other incentives of financial value.

(d) For purposes of this section, "account" means the Director's San Diego County Farmworker Housing Discretionary Account.

*(Amended by Stats. 1992, Ch. 604, Sec. 1. Effective September 9, 1992.)*



**50715.** (a) Housing operated pursuant to this chapter may be used for the purposes set forth in Chapter 11.5 (commencing with Section 50800), provided that no funds appropriated for the purposes of this chapter shall be used for the operation or administration of this housing as emergency shelter pursuant to Chapter 11.5, and provided further that this housing may be made available as emergency shelter pursuant to Chapter 11.5 only during the months of November to March, inclusive.

(b) (1) Notwithstanding any other provision of this chapter, except as provided in paragraph (2), housing operated pursuant to this chapter shall not include any housing that is rented, sold, or subleased to an agricultural employer, as defined in Section 1140.4 of the Labor Code, or its agent, or a farm labor contractor, as defined in Section 1682 of the Labor Code, or its agent, who employs at least one H-2A worker as defined in 50205, until the expiration of the regulatory agreement or affordability covenant, as applicable. The department or a city, county, or other local agency shall not enter into any contract pursuant to Section 50710 or 50712, respectively, or provide any financial assistance under this chapter on or after January 1, 2020. A person or entity who receives financial assistance under this chapter on or after January 1, 2020, and expends any of those funds for any housing that is rented, sold, or subleased to an agricultural employer, as defined in Section 1140.4 of the Labor Code, or its agent, or a farm labor contractor, as defined in Section 1682 of the Labor Code, or its agent, who employs at least one H-2A worker, as defined in Section 50205, until the expiration of the regulatory agreement or affordability covenant, as applicable, shall reimburse the department as provided in paragraph (2) of subdivision (b) of Section 50205.

(2) This subdivision shall not apply to any contract entered into or any financial assistance provided pursuant to this chapter prior to January 1, 2020.

(3) A person or entity who receives funds under this chapter on and after January 1, 2020, and expends any of those funds for the purpose of funding predevelopment of, developing, or operating any housing shall submit a declaration to the department declaring the following:

(A) (i) The person or entity is not an agricultural employer, as defined in Section 1140.4 of the Labor Code, or its agent, or a farm labor contractor, as defined in Section 1682 of the Labor Code, or its agent, who employs at least one H-2A worker, as defined in Section 50205.

(ii) The person or entity will not rent, sell, or sublease any housing funded pursuant to this chapter to an agricultural employer, as defined in Section 1140.4 of the Labor Code, or its agent, or a farm labor contractor, as defined in Section 1682 of the Labor Code, or its agent, who employs at least one H-2A worker, as defined in Section 50205, until the expiration of the regulatory agreement or affordability covenant, as applicable.

(B) The declaration described in subparagraph (A) can be met through the inclusion in a regulatory agreement, contract, or affordability covenant, as applicable, with the department that is signed by the person or entity receiving funds pursuant to this chapter.

*(Amended by Stats. 2020, Ch. 264, Sec. 18. (AB 107) Effective September 29, 2020.)*

**50716.** (a) Notwithstanding any other law, to respond to the state of emergency proclaimed by the Governor on January 17, 2014, the department shall, directly or through contracts, make the Office of Migrant Services centers available for rent by persons or families experiencing economic hardships or rendered homeless or at risk of becoming homeless as a result of the drought. This may include, but is not limited to, extending the period of occupancy prior to or beyond the standard 180-day period and redefining persons and families eligible to occupy the centers. To the extent feasible, the department shall give preference to persons and families that meet existing program criteria.

(b) The department may adopt program guidelines to implement this section. Any rule, policy, or standard of general application employed by the department in implementing the provisions of this section shall not be subject to the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

*(Amended by Stats. 2015, Ch. 25, Sec. 40. (SB 84) Effective June 24, 2015.)*

**50717.** (a) On or before January 1, 2019, and on or before January 1 of each year thereafter, an entity operating a migrant farm labor center shall provide a report to the Office of Migrant Services that contains the data specified in subdivision (b) about the agricultural workers that resided at the migrant farm labor center during the most recently concluded contract period. This data shall be reported in an aggregate, anonymous format, without any individual identifiable information.

(b) The report shall include the following information:

(1) Where the migratory agricultural workers are migrating from.

(2) Household incomes.

(3) Race or ethnicity of members of each household.

(4) Genders of the members of each household.

(5) (A) Number of schoolaged children, including number of participants in the Migrant Education Program, and the number of residents enrolled in K–12 programs.

(B) Information regarding the intended schooling for the children once the migrant farm labor center closes.

(6) Where members of the household reside when not in the migrant farm labor center and whether they own or rent.

(7) If members of households are elderly or disabled.

(8) If the migrant farm labor center has an approved proposal allowing for an exemption pursuant to subparagraph (A) of paragraph (1) of subdivision (b) of Section 50710.3, the number and percentage of units allocated to nonmigrant agricultural workers, and the number of children enrolled in the local school district, grades K–12.

(c) The Migrant Education Program shall share information with the Department of Housing and Community Development regarding the number of students utilizing a migrant farm labor center address to register, as recorded in the State's Migrant Education Program database. This information shall be reported in an aggregate, anonymous format, without any individual identifiable information.

*(Added by Stats. 2018, Ch. 48, Sec. 6. (SB 850) Effective June 27, 2018.)*

**50718.** (a) An entity operating a migrant farm labor center shall prescreen Office of Migrant Services program applicants for eligibility in farmworker-restricted units on properties funded by the Joe Serna, Jr. Farmworker Housing Grant Program (Chapter 3.2 (commencing with Section 50515.2)). The entity operating a migrant farm labor center shall also determine if the applicant desires to occupy a unit in those properties.

(b) The department may prioritize admission in farmworker-restricted units in properties funded by the Joe Serna, Jr. Farmworker Housing Grant Program (Chapter 3.2 (commencing with Section 50515.2)) for eligible migrant farmworkers that occupy a housing unit, or occupied a housing unit within the preceding 36 months, at an Office of Migrant Services center.

*(Added by Stats. 2024, Ch. 523, Sec. 6. (AB 2240) Effective January 1, 2025.)*