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**AB-2240 Farm labor centers: migratory agricultural workers.** (2023-2024)

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**Assembly Bill No. 2240**

**CHAPTER 523**

An act to add Sections 50710.3, 50710.7, 50710.8, and 50718 to, and to add and repeal Section 50710.6 of, the Health and Safety Code, relating to housing.

[ Approved by Governor September 24, 2024. Filed with Secretary of State September 24, 2024. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 2240, Arambula. Farm labor centers: migratory agricultural workers.

Existing law requires the Department of Housing and Community Development, through its Office of Migrant Services, to assist in the development, construction, reconstruction, rehabilitation, or operation of migrant farm labor centers, as provided. Existing law authorizes the Director of Housing and Community Development to contract with specified local public and private entities, including school districts and housing authorities, for the procurement or construction of housing or shelter and to obtain specified services, including education, for migratory agricultural workers. Existing law authorizes a migrant farm labor center subject to these contracts to be operated for an extended period prior to or beyond the standard 180-day period, but not to exceed 275 days in any calendar year, if certain conditions are satisfied.

This bill would require the department, by January 1, 2026, to engage and solicit feedback from specified stakeholders on the definition of "migratory agricultural worker" for the purposes of updating the definition. The bill would also require the department to develop, and by July 1, 2027, submit to specified legislative committees, a report that analyzes the feasibility and impact of transitioning housing units at Office of Migrant Services centers to year-round availability. The bill would require the report to include specified criteria, including, among other things, the quantity of housing units at each center. The bill would require the department, by December 31, 2028, and following the completion of the report, to 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 and prioritize those locations for the development of permanent farmworker housing. The bill would prescribe various requirements on the department, including that the department conduct an annual inspection of each migrant farm labor center to determine whether health, safety, and infrastructure standards are properly met. The bill would also prescribe various requirements on entities operating a migrant farm labor center, including that the entities ensure that each housing unit complies with all applicable local health and safety laws and 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. By imposing additional duties on entities with regard to operating a farm labor center, this bill would impose a state-mandated local program.

This bill would make related findings and declarations.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

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## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

### **SECTION 1.** The Legislature finds and declares all of the following:

- (a) Farmworkers and their families are essential workers who feed the people in our state and beyond, provide critical assistance to growers in harvesting crops, and deserve to live stable and healthy lives.
- (b) In an effort to provide affordable housing for migratory farmworkers living in some of the most expensive regions in the world, California provides housing centers where farmworkers and their families can rent affordable homes seasonally, year round, or in stays as short as one day for those migratory farmworkers who prefer to travel from region to region.
- (c) Variable annual climates and changing agricultural techniques create an inability to accurately predict the end of a harvest season. Migrant farmworker centers open and close for the season at times set by the residents, based on the agricultural employment demands. Residents who would like to remain in the area year round must secure other nearby housing for themselves and their families.
- (d) The harvest season and housing center operations often do not align with academic school years, which can be disruptive or challenging for schoolage children of migrant families.
- (e) California is facing historic housing shortages across the state. Some of the worst impacts of this shortage are in regions of the state where farmworkers live and work for wages far below those necessary to afford unsubsidized housing.
- (f) In order to ensure that farmworkers live healthy and stable lives and to help alleviate local housing pressures, farmworker housing should be available to meet the needs of both farmworkers who migrate and farmworkers seeking year-round housing.

### **SEC. 2.** Section 50710.3 is added to the Health and Safety Code, to read:

**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.

### **SEC. 3.** Section 50710.6 is added to the Health and Safety Code, to read:

**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.

**SEC. 4.** Section 50710.7 is added to the Health and Safety Code, to read:

**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.

**SEC. 5.** Section 50710.8 is added to the Health and Safety Code, to read:

**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.

**SEC. 6.** Section 50718 is added to the Health and Safety Code, to read:

**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.

**SEC. 7.** If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.