

# **2000-2001 GRAND JURY REPORT**

## **Coachella Valley Agriculture Housing**

### **Background**

The Farm Labor Housing Protection Act AB3526, the Palanco Bill, was passed by the State Legislature in 1992. Recently the provisions of this bill were incorporated into the State Health and Safety Code Section 17000 and remain essentially the same. It exempts new farm workers housing parks from business taxes, local registration fees, conditional use permits, and zoning restrictions.

In the past, the traditional employee housing consisted of a dormitory or individual homes provided by the farmer and located on the farm site. Due to changes in regulations, the above standard has been replaced with facilities housing five or more employees but not necessarily associated with a farm or farmer. Most of these are in the form of a small trailer park.

Resulting in part from these regulations, and fueled by a severe shortage of low income housing, a significant number of these facilities have been established within the Coachella Valley. The majority of these facilities failed to secure appropriate permits for infrastructure installation such as fire, electrical, and sewage (septic systems). Most of these installations are substandard, and in many cases unsafe, as evidenced by three electrocutions of tenants in 1998. The trailers or mobile homes used by the tenants were often substandard and unacceptable under state statute due to age, alteration, or lack of maintenance. Enforcement by the county was not attempted due in part to the lack of approved alternate housing.

The above noted electrocutions compelled the county to initiate legal compliance at a number of facilities in 1998. Tenant concerns over probable displacement led to the formation of a Task Force consisting of county, state, and federal regulators, governmental and nonprofit housing agencies, and a variety of charitable, religious, and human rights organizations. A program consisting of conditional amnesty for previous noncompliance was established. Loan programs are available for both the facility operators and tenants to make structural improvements. A variety of technical assistance documents and low cost or grant services are also available. The State Department of Housing and Community Development (HCD) played a prominent role in the Task Force and assumed a number of ongoing duties essential to the successful implementation of the programs established, including inspection and certification of the trailers or mobile homes.

On November 2, 1999, the County of Riverside passed resolution 99-413 that returned responsibility for enforcement of Employee Housing back to HCD. The County Board of Supervisors implemented the following in response to the 1999-2000 Grand Jury Report:

- A. A special code enforcement team was established in the Eastern Coachella Valley. This team began on January 1, 2000 and is focusing on agricultural housing facilities.
- B. Economic Development Agency (EDA) offered three programs to assist property owners in upgrading substandard housing facilities and trailer parks.
  - 1. Housing Assistance Loan Fund for facilities of 12 or fewer spaces with limits of \$75,000 per facility.
  - 2. Assistance Grants of up to \$10,000 toward the cost of county assessed fees.
  - 3. Mobile Home Park Assistance Loan Fund of up to \$6,250.00 per space in existing parks that exceed 12 spaces.
- C. Compliance with all grants and loan terms is being monitored.

## **Findings**

- 1. Three hundred and twenty one unpermitted parks have been identified and located and about 90% have 12 or fewer spaces. Fifty five of these parks have been inspected and cited for violations, and 12 have been permitted.
- 2. No priority is placed on inspection schedules to determine facilities with the most critical safety and health violations.
- 3. The Task Force is led by County Code Enforcement and includes representatives of HCD and the California Rural Legal Association (CRLA).
- 4. If the facilities house fewer than five employees, the responsibility for inspection and supervision belongs to County Code Enforcement and does not qualify as employee housing. If the facility is found to have five or more employees, inspection is performed by both HCD and County Code Enforcement. Both agencies then create a separate report. The parks that have more than 12 spaces and house a large percentage of farm workers are excluded from this program. The exempt privileges and loan opportunities are not afforded to them. This creates a different standard for inspection and permitting.

5. Enforcement is slowed or stopped when an owner expresses intent to comply and/or begins the loan process.
6. Eviction is not considered due to the lack of facilities in which to house the displaced persons.
7. Violations that present imminent health and safety threats to the residents or the general public are known as “A” violations and must be corrected within three days.
8. For other deficiencies known as “B” violations, a 30 Day Notice will be issued to the park owner or home owner after the park has been inspected.
9. The bilingual ombudsman, loan officer, and staff of the EDA Agricultural Housing Program provides loan application and other assistance to park and home owners in acquiring necessary funding to achieve compliance.
10. If the park operators or home owners demonstrate reasonable progress toward compliance, no further action will be pursued and no abatement costs will accrue.
11. Failure to demonstrate reasonable progress within the allotted period of time will result in commencement of the abatement process. This will include notification to the County Counsel, HCD, County Building and Safety Department, and the community partners (e.g., CRLA, Catholic Charities).

## **Recommendations**

Riverside County Board of Supervisors and Department of Building and Safety:

1. Health and safety being the primary goal, one member of the Task Force must have the responsibility for prioritizing the 321 parks by a visual walk through inspection so the Task Force Inspectors are made aware of the critical properties that need immediate attention.
2. All agriculture trailer parks with 12 or fewer spaces should be considered Employee Housing and inspection should be the responsibility of HCD.

3. Clearly define to those owners what procedures are necessary to bring their noncompliant property up to code and what help is available to assist them in achieving compliance.
4. The HCD inspector should be the lead member of the Task Force with the County Code Enforcement supervising and issuing necessary citations. Violation standards should be agreed on by both agencies.
5. Written reports to be the responsibility of HCD with copies to County Code Enforcement.
6. Initiate a system that would require all data to be recorded in a computer program and shared by the entire Task Force.
7. Immediate provisions should be made to relocate persons living in facilities found to have "A" violations (life and health threatening) until these violations have been corrected. If county or state housing is unavailable in the area, then some arrangement should be made for reasonable housing with the private sector (hotel, motel, etc.).
8. Designate a Code Enforcement Inspector whose primary responsibility must be a timely follow-up of all citations (A&B) to assure compliance within the specified time.
9. Appoint a representative from CRLA to follow up on all parks or individual homes to ensure that owners and tenants understand the inspection procedures.
10. In cooperation with EDA, CRLA should coordinate and assist owners and tenants in acquiring financial assistance to bring their property into compliance.
11. Establish and maintain a program so applicants understand that the loan and compliance process is to be completed in a timely manner.
12. Limit the number of times extensions will be granted to loan applicants.
13. The EDA Ombudsman should update the Task Force at reasonable intervals as to the progress of all loan applications.