

INTRODUCTION

A number of agricultural, horticultural and food processing businesses in Indiana offer temporary housing to attract and retain migrant and temporary workers. These housing units may be called 'Migrant Housing,' 'Labor Camps,' 'Agricultural Labor Camps,' 'Migrant Labor Camps' or any combination of these terms or similar terms. Such housing is often subject to regulation by state and federal governmental agencies.

These housing units should be maintained according to the applicable regulations to assure they operate legally and provide a safe and healthy working environment for the housing residents. Owners and operators of such housing will best benefit if their housing is maintained according to the regulations and if their housing is perceived by workers to be a suitable place to live. Indiana's agricultural, horticultural and food processing businesses will collectively benefit if migrant and temporary workers believe in general that the state's housing is safe, healthy and compares favorably with housing in other locations they consider working. When workers and crew leaders/farm labor contractors consider travelling to Indiana for seasonal or temporary employment, they take into account housing availability and conditions.

The purpose of this manual is to assist housing owners and operators in complying with applicable state and federal regulations while providing a benefit that improves worker recruiting and retention efforts. Much valuable information is included in this manual and the content will also be maintained at www.midamservices.org by clicking on 'Quick Ref' and 'Checklists.' The content of this on-line manual will be updated as laws, rules, forms, processes and contacts change.

APPLICABILITY OF HOUSING RULES

This table provides guidance on which rules apply to a housing provider. One or two sets of the following three sets of rules MAY apply to a single housing provider.

- ◆ Indiana State Department of Health (ISDH) - 410 IAC 6-9
- ◆ Occupational Safety and Health Administration (OSHA) - CFR Title 29 Part 1910.142
- ◆ Employment and Training Administration (ETA) - CFR Title 20 Part 654.400-417

HOUSING PROVIDER DESCRIPTION	ISDH APPLIES	OSHA APPLIES	ETA APPLIES
<p>State of Indiana - "Agricultural labor camp" means one (1) or more buildings or structures, tents, trailers, or vehicles, together with the land appertaining thereto, established, operated, and used as living quarters for five (5) or more adult seasonal or temporary workers engaged in agricultural activities, including related food processing. ENFORCED BY INDIANA STATE DEPARTMENT OF HEALTH</p>	Yes		
<p>Agricultural associations, agricultural employers, and farm labor contractors under the Migrant and Seasonal Agricultural Worker Protection Act - Limited exemptions may apply for agricultural employers who employ under 500 man days in a calendar quarter. A "man day" is defined as any day during which an employee performs agricultural work for at least one hour. ENFORCED BY THE US DOL WAGE & HOUR DIVISION</p>		Yes if the construction was begun on or after 4/3/1980, and which was not under a contract for construction as of 3/4/1980	Housing provider has option of OSHA or ETA rules if dates are before the dates noted in column to the left
<p>Housing provider (when not agricultural association, agricultural employer or farm labor contractor) under the Migrant and Seasonal Agricultural Worker Protection Act - Need to only house one worker to apply ENFORCED BY THE US DOL WAGE & HOUR DIVISION</p>		Same as above	Same as above
<p>Employer who recruits migrant agricultural workers via the Interstate Clearance Order System (Complete ETA 790) ENFORCED BY THE US DOL WAGE & HOUR DIVISION</p>		Same as above	Same as above
<p>Housing provider under OSHA regulations if housing one or more workers on a temporary basis. ENFORCED BY DOL</p>		Yes	
<p>H-2A Employers - Housing is required under this federal guestworker program. ENFORCED BY THE US DOL WAGE & HOUR DIVISION INSPECTIONS ALSO CONDUCTED BY INDIANA DEPARTMENT OF WORKFORCE DEVELOPMENT</p>		Yes	