

Farmworker Housing Ordinance Summary

SECTION 22.140.230

Purpose:	The Farmworker Housing Ordinance, which is a program in the Los Angeles County Housing Element, brings the County's provisions for farmworker housing into compliance with the Employee Housing Act (Sections 17000-17062.5 of the California Health and Safety Code).																																													
Definitions (22.14.060):	<p>"Farmworker" means the same as "agricultural employee" as defined in Section 1140.4 (b) of the California Labor Code.</p> <p>"Farmworker dwelling unit" means a single-family residential unit, other than a mobile home, that accommodates five or six farmworkers at any one time and must be occupied exclusively by these farmworkers.</p> <p>"Farmworker housing" means a housing accommodation developed for and/or provided to a minimum of five farmworkers, and shall consist of any living quarters, dwelling, boarding house, tent, barracks, bunkhouse, maintenance-of-way car, mobile home, manufactured home, recreational vehicle, travel trailer, or other housing accommodation maintained in one or more buildings and on one or more sites. Farmworker housing shall consist of either: (1) a farmworker dwelling unit; or (2) a farmworker housing complex.</p> <p>"Farmworker housing complex" means farmworker housing other than a farmworker dwelling unit that: (1) contains a maximum of 36 beds if the housing consists of any group living quarters, such as barracks or a bunkhouse, and is occupied exclusively by farmworkers; or (2) contains a maximum of 12 residential units, occupied exclusively by farmworkers and their households, if the housing does not consist of any group living quarters</p>																																													
Applicability:	<p>The ordinance permits <i>farmworker dwelling units</i> and <i>farmworker housing complexes</i> in zones that permit single-family residential uses and agricultural uses, either through a discretionary (CUP) or non-discretionary (SPR) procedure:</p> <table border="1" data-bbox="438 945 1364 1438"> <thead> <tr> <th>Zone</th> <th>Farmworker Dwelling Unit</th> <th>Farmworker Housing Complex</th> </tr> </thead> <tbody> <tr><td>R-1</td><td>SPR</td><td>CUP</td></tr> <tr><td>R-2</td><td>SPR</td><td>CUP</td></tr> <tr><td>R-3</td><td>SPR</td><td>CUP*</td></tr> <tr><td>R-4</td><td>SPR</td><td>CUP*</td></tr> <tr><td>R-A</td><td>SPR</td><td>SPR</td></tr> <tr><td>A-1</td><td>SPR</td><td>SPR</td></tr> <tr><td>A-2</td><td>SPR</td><td>SPR</td></tr> <tr><td>A-2-H</td><td>SPR</td><td>SPR</td></tr> <tr><td>C-H</td><td>SPR</td><td>SPR</td></tr> <tr><td>C-1</td><td>SPR</td><td>SPR</td></tr> <tr><td>C-2</td><td>SPR</td><td>SPR</td></tr> <tr><td>C-3</td><td>SPR</td><td>SPR</td></tr> <tr><td>C-M</td><td>CUP</td><td>CUP</td></tr> <tr><td>C-R</td><td>SPR</td><td>SPR</td></tr> </tbody> </table> <p>*Farmworker housing complexes will be subject to permit in zones R-3 and R-4 unless the housing accommodation is currently listed as a permitted use and consistent with dwelling unit density.</p>	Zone	Farmworker Dwelling Unit	Farmworker Housing Complex	R-1	SPR	CUP	R-2	SPR	CUP	R-3	SPR	CUP*	R-4	SPR	CUP*	R-A	SPR	SPR	A-1	SPR	SPR	A-2	SPR	SPR	A-2-H	SPR	SPR	C-H	SPR	SPR	C-1	SPR	SPR	C-2	SPR	SPR	C-3	SPR	SPR	C-M	CUP	CUP	C-R	SPR	SPR
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<p>Farmworker housing types :</p>	<p>The ordinance includes two types of farmworker housing: <i>farmworker dwelling unit</i> and <i>farmworker housing complex</i>, which implement the provisions of Sections 17021.5 and 17021.6 of the Employee Housing Act.</p> <table border="1" data-bbox="373 210 1502 577"> <thead> <tr> <th></th> <th>Occupancy Requirements</th> <th>Unit / Bed Requirements</th> </tr> </thead> <tbody> <tr> <td>Farmworker dwelling unit</td> <td>Minimum of five and maximum of six farmworkers who may or may not work on the property where the housing is located.</td> <td>One single-family residence.</td> </tr> <tr> <td>Farmworker housing complex</td> <td>Minimum of five farmworkers who may or may not work on the property where the housing is located. May also include households.</td> <td>No more than 12 residential units or spaces for use by farmworkers and their households, or group living quarters, such as barracks and bunkhouses, accommodating no more than 36 beds for use by farmworkers.</td> </tr> </tbody> </table>		Occupancy Requirements	Unit / Bed Requirements	Farmworker dwelling unit	Minimum of five and maximum of six farmworkers who may or may not work on the property where the housing is located.	One single-family residence.	Farmworker housing complex	Minimum of five farmworkers who may or may not work on the property where the housing is located. May also include households.	No more than 12 residential units or spaces for use by farmworkers and their households, or group living quarters, such as barracks and bunkhouses, accommodating no more than 36 beds for use by farmworkers.
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<p>Prohibited areas (22.140.230.D):</p>	<p>The ordinance makes the following exceptions in the interest of public health and safety and environmental protection*:</p> <p><i>Farmworker dwelling units</i> are prohibited in:</p> <ul style="list-style-type: none"> - Airport Influence Areas - Environmentally Sensitive Habitat Areas (ESHA) <p><i>Farmworker housing complexes</i> are prohibited in:</p> <ul style="list-style-type: none"> - Airport Influence Areas - ESHA - Very High Fire Hazard Severity Zones <p>* Farmworker housing is also subject to the Hillside Management and Significant Ecological Area (SEA) conditional use permit, as applicable.</p>									
<p>Farmworker housing requirements (22.140.230.F):</p>	<p>Farmworker housing must comply with the Employee Housing Act, and, where applicable, with the California Mobilehome Parks Act and the California Special Occupancy Parks Act. See the section below on the permitting of conventional and non-conventional structures for more information.</p> <p>Farmworker housing may be provided by an agricultural employer, or someone other than an agricultural employer. In addition, farmworker housing may be temporary, seasonal, or permanent (22.140.230.F.2-4).</p> <table border="1" data-bbox="373 1176 1502 1396"> <thead> <tr> <th>Employer Provided Housing</th> <th>Non-Employer Provided Housing</th> </tr> </thead> <tbody> <tr> <td>Maintained in connection with a workplace. May be on- or off-site.</td> <td>Housing provided by someone other than an agricultural employer. Not maintained in connection with a workplace.</td> </tr> <tr> <td>No restrictions on housing type.</td> <td>No restrictions on housing type for temporary and seasonal housing.</td> </tr> <tr> <td>May be for temporary, seasonal, or permanent housing.</td> <td>Permanent housing must consist of a mobilehome, manufactured home, travel trailer, or recreational vehicle.</td> </tr> </tbody> </table> <p>In the case of <i>farmworker housing complexes</i>, all improvements deemed necessary by the Department of Regional Planning, Public Health, Fire, and Public Works shall be paid for and constructed/installed by the applicant.</p> <p>Within 30 days of obtaining a permit to operate the farmworker housing from the State Department of Housing and Community Development (HCD), the applicant shall submit a Farmworker Verification Form to the Department of Regional Planning.</p>	Employer Provided Housing	Non-Employer Provided Housing	Maintained in connection with a workplace. May be on- or off-site.	Housing provided by someone other than an agricultural employer. Not maintained in connection with a workplace.	No restrictions on housing type.	No restrictions on housing type for temporary and seasonal housing.	May be for temporary, seasonal, or permanent housing.	Permanent housing must consist of a mobilehome, manufactured home, travel trailer, or recreational vehicle.	
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<p>Parking requirements (22.112.070.A):</p>	<p>The ordinance does not modify parking standards for farmworker housing, with the exception of the allowance of tandem and uncovered parking. However, it adds standards for <i>farmworker housing complexes</i> provided in group living quarters at one parking space for every three beds.</p>									

Development standards (22.140.230.G):

In addition to existing residential standards, the following development standards apply to farmworker housing:

	Minimum Distance from Farmworker Housing
Barns, pens, or similar quarters of livestock or poultry	75 feet
Any other agricultural uses	50 feet

	Minimum Floor Area Requirement
Rooms or areas used for sleeping purposes*	50 square feet for each occupant

* Applies only to farmworker housing complexes provided in group living quarters.

Permitting of conventional and non-conventional structures:

The Employee Housing Act allows for flexibility in housing types for farmworker housing, including conventional and non-conventional structures, such as: living quarters, dwelling, boardinghouse, tent, bunkhouse, maintenance-of-way car, mobilehome, manufactured home, recreational vehicle, and travel trailers. The laws and regulations governing these structures depend on the housing type; however, all farmworker housing must comply with the Employee Housing Act, which outlines specific requirements for the construction of housing, maintenance of grounds, buildings, sleeping space and facilities, sanitation, and heating.

Housing Type	Laws and Regulations	Local Permits	State Permits
Conventional structures	Local regulations	Applicants must obtain permits from Regional Planning, Public Works, Fire, and Public Health (Environmental Health).	HCD issues permit to operate employee housing.
Conventional and non-conventional structures	Local and State	Applicants must obtain permits from local agencies for Type V structures (single-family dwellings, bunkhouses, etc). HCD requires an approval in concept from local agencies for non-conventional structures.	Upon consent from local agencies, HCD issues permit to construct and permit to operate non-conventional structures. *
Mobilehomes and manufactured housing (two or more on one lot)	CA Mobilehome Parks Act and Regulations	HCD requires an approval in concept from Regional Planning, Public Works, Fire, and Public Health (Environmental Health).	Upon consent from local agencies, HCD issues permit to construct and permit to operate. *
Non-conventional structures (two or more on one lot), such as tents, recreational vehicles, and travel trailers	CA Special Occupancy Parks Act and Regulations	HCD requires an approval in concept from Regional Planning, Public Works, Fire, and Public Health (Environmental Health).	Upon consent from local agencies, HCD issues permit to construct and permit to operate. *

* If a local agency is inappropriately withholding approval, HCD will issue the permit to construct and permit to operate.

Enforcement:

The State Department of Housing and Community Development (HCD) is the primary agency charged with enforcing the requirements of the Employee Housing Act.

In addition to the State's oversight, the ordinance includes two additional enforcement mechanisms to ensure compliance with the ordinance:

- Covenant and Agreement (22.140.230.H)
- Annual Farmworker Housing Verification Form to the Department of Regional Planning (22.140.230.F.6)