Federal agricultural labor housing standards apply only to housing and camps for migrant workers. Nonmigrant workers who permanently reside in housing provided by employers are not covered by these regulations.

Who Must Comply

The 500 “man-days” and family farm exemptions in the Fair Labor Standards Act (FLSA) and Migrant and Seasonable Agricultural Worker Protection Act (MSPA) do not apply to employers who house migrant workers.

Housing one or more migrant workers requires compliance with either ETA or OSHA standards, depending on when the housing was built.

• Migrant labor housing built on or before April 3, 1980 may be operated under the less restrictive ETA standards until major modifications occur.
• Migrant labor housing built after April 3, 1980, must comply with OSHA standards.

Under the Migrant and Seasonal Agricultural Worker Protection Act (MSPA) of 1983, all migrant housing must have a pre-occupancy inspection and is subject to inspections by the Wage and Hour Division, regardless of whether or not the housing is a condition of employment.

**Housing Inspections**

Agricultural employers using the United States Employment Service's interstate recruitment service (Jobs and Benefits Center) must have housing inspected and approved before completion of the worker's application.

Under MSPA and if a request for inspection is made at least forty-five days prior to the date of occupancy and the agency has not conducted an inspection, migrant workers may occupy the housing unless prohibited by state law.

Occupancy after the failure of an agency to perform a timely inspection does not relieve the housing provided from having to meet all applicable federal and state safety and health standards.

Inspections of migrant labor housing (delegated to the Wage and Hour Division) are done post-occupancy in response to complaints following a report of a fatality or injury or on a random basis. OSHA does not license migrant housing.

The three DOL agencies responsible for enforcement of housing standards coordinate their inspections. ETA inspects migrant housing through state employment service agencies, and conducts pre-occupancy inspections of facilities on farms it supplies with workers. The Wage and Hour Division inspects migrant housing owned or operated by crew leaders which has not already been inspected by ETA. OSHA inspects those camps not covered by the other two agencies.

MSPA requires that the housing occupancy certificate be posted in a prominent location, in addition to DOL's Form WH-521, *Housing Terms and Conditions*.

**Employer Responsibilities**

Employers must meet minimum federal, state, and local housing standards set by ETA and OSHA for

• Housing site
• Shelter and housing
• Water supply
• Toilet facilities
• Sewage disposal
• Laundry, handwashing, and bathing facilities
• Electrical lighting
• Refuse and garbage disposal
• Cooking and eating facilities
• Screening and insect and rodent control
• Fire, safety, and first aid facilities
• Reporting of communicable diseases

Note: Employers should check housing frequently during occupancy to make sure it has not fallen out of compliance due to worker neglect or other reasons.

DOL's Wage and Hour Division will conduct a pre-occupancy inspection of migrant worker housing upon written request. Inspection is required to receive a certificate of occupancy. Contact your local Wage and Hour Division office.

(See EDIS document FE406, *Migrant and Seasonal Agricultural Worker Protection Act (MSPA) [Federal]*.)

**Related Information**

- Part 654, Subpart E, Housing for Agricultural Workers, Employment and Training Administration, Federal Register, March 4, 1980, 14180-14186
- Migrant and Seasonal Agricultural Worker Protection Act (Public Law 97-470) 29 U.S.C. 1801
- Regulations, Part 500: Migrant and Seasonal Agricultural Worker Protection, WH Publication 1455 (Revised 12/84), United States Department of Labor, Wage and Hour Division

**Responsible Agency**

- United States Department of Labor
- Occupational Safety and Health Administration (OSHA)
- Employment and Training Administration (ETA)
- Employment Standards Administration (ESA)
**Regional Offices**

For pre-occupancy inspections and compliance with ETA standards, contact

United States Department of Labor
Employment and Training Administration
61 Forsyth Street, Room 6M12
Atlanta, GA 30303
(404) 302-5382
http://www.doleta.gov/regions/reg03

For compliance with OSHA standards, contact

United States Department of Labor
OSHA
61 Forsyth Street, Room 6T50
Atlanta, GA 30303
(678) 237-0400
https://www.osha.gov/oshdir/r04.html

To locate regional offices in the telephone directory, search under

- United States Government
- United States Department of Labor
- Wage and Hour Division


(For additional contact information, see EDIS document FE406, *Migrant and Seasonal Agricultural Worker Protection Act (MSPA) [Federal]*.)