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Chapter No.

The Challenge of Housing California's Hired Farm Laborers

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Affordable, safe, and sanitary housing is virtually nonexistent for the vast majority of California's farmworkers. When a migrant farmworker arrives in a rural agricultural town, he/she has few options: most of the existing housing is occupied; available units often consist of the most dilapidated units in the community; rents are high; and per-person charges are used to capitalize on 'doubling up' (California. Assembly, 2000:1).

For more than a century, successive waves of immigrants and domestic migrant laborers have harvested crops or tended livestock on California's farms (McWilliams, 1939; Zabin et al, 1993). Early on, as an incentive to attract and retain a stable and productive workforce, some of the largest farms provided dormitory-style labor camps; but rural California was sparsely populated and, lacking available housing, many workers lived in notoriously unhealthy 'jungle camps' (Street, 2004:548-571). In parallel to development of these forms of housing, immigrant enclaves sprang up in some rural towns. For example, in Oxnard at the end of the 19th century racially divided 'Japantown', 'Chinatown' and 'Sonoratown' emerged on the 'wrong' side of town in response to the labor demands of the newly booming sugar beet industry (Almaguer, 1995:184-186). Additional Mexican *colonias* formed in a number of farming towns, a process that accelerated with the exodus from Mexico during the 1910 revolution.

California became the first state in the nation to regulate farm labor housing when, as an outcome of the infamous Wheatland Hop Riot of 1913, unsanitary conditions endured by some 2,800 workers and family members at the hop farm's camp dramatically came to public attention (Parker, 1915:110-114). This regulatory initiative, the Labor Camp Act of 1915, was subsequently rewritten to become today's Employee Housing Act, establishing rigorous standards for housing provided to groups of workers by employers (California. Department of Housing and Community Development, 2007).

The most significant recent change in the farm labor housing market has been the precipitous decline in the number of employer-owned camps (Peck, 1989). Faced with new federal and state standards enacted during the 1970s and

early 1980s, many farm owners closed their camps when faced with the costs of compliance. There were a reported 5,000 or so labor camps in the state as recently as the mid-1960s at the end of the PL 78 contract labor (Bracero) program with Mexico; as few as 1,000 camps remained by the early 1990s (California. Senate Committee, 1995:2).

As the present chapter indicates, employer-provided on-farm housing for laborers has reached a nadir. Today, all but a relative handful of workers obtain housing off-farm. The very high housing cost in California, in rural areas as well as in urban centers, makes it especially difficult for farm laborers to afford even the most modest dwelling.

And yet, California's agriculture industry continues to enjoy remarkable growth, with gross cash receipts reaching a new record high of \$31.7 billion in 2005 (California. Department of Food and Agriculture, 2006:17). Contrary to widespread misperceptions, during the past twenty-five years farm labor demand in California has increased, largely as a result of substantially expanded harvested acreage and overall production of fruits, vegetables and ornamental horticultural crops (Villarejo & Schenker, 2007:7). By 2004, over one-third (36 per cent) of all of the nation's hired crop farm workers toiled in California, a strikingly large increase from the one-quarter share (24 per cent) just ten years earlier (Aguirre, 2005a:vii). In addition, the unprecedented growth of the state's dairy industry, with annual production exceeding that of Wisconsin, has led to the employment of nearly 18,000 workers on its dairy farms (California. Employment Development Department, 2007).

The demographic profile of the state's crop farm labor force, an estimated 648,000 individuals (Aguirre, 2005a:5), is quite different today as compared with the 1965-75 period when union organizers temporarily gained their greatest successes. In the late 1960s, about half of the state's hired farm workers were U.S. citizens, and many 'followed-the-crops' in California (California. Assembly, 1969:22-23). Recent findings from 2,344 face-to-face interviews conducted in 2003-04 by the U.S. Department of Labor's National Agricultural Workers Survey (NAWS), indicates that more than nine-tenths (95 per cent) of the state's crop farm laborers are foreign-born, and a majority (57 per cent) said they lacked authorization for U.S. employment (Aguirre, 2005a:10-15). The latter figure likely understates the undocumented portion. The labor force is overwhelmingly Mexican-born; most are young, low-income, low-literacy, unaccompanied, married men.

The NAWS finds just 33 per cent migrate to find farm jobs in California, a figure that is sharply lower than the corresponding 55 per cent NAWS finding in 1997-98. Most who do migrate are shuttle migrants, traveling from their country of origin to a single destination where they find employment, and then returning back home once the job ends. Nearly half (49 per cent) were unaccompanied by any nuclear family member while working in California; among males, the NAWS finds almost two-thirds (60 per cent) were unaccompanied.

An important stimulus of this change in the agricultural work force was the Immigration Reform and Control Act of 1986 (IRCA). IRCA offered Special

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Agricultural Worker (SAW) visas to previously undocumented farm laborers if they had worked at least 90 days in perishable crop agriculture between May 1985 and May 1986. However, by offering unauthorized workers the opportunity to immediately regularize their immigration status, IRCA sent a powerful incentive to all of Mexico and Central America: the easiest way to get a green card was to first work as an undocumented laborer. About 1.2 million persons applied for SAW visas and over 1.1 million were approved, more than twice as many as had been estimated to have been eligible.

The post-IRCA surge of the labor force in agriculture is now understood to have even exceeded increased demand (Villarejo & Runsten, 1993:23-24). This burgeoning labor surplus made it possible for employers to bid down wages as well as undermine the influence of labor organizations. Newly arrived members of ethnic groups that had not been previously represented in significant numbers, especially indigenous migrants from southern Mexico and Central America, blazed paths that family members and other *paisanos* followed later (Zabin et al, 1993).

The pattern of hiring is also quite different than was the case as recently as the 1980s. Today's labor market is bifurcated. There are ever-increasing numbers of regular or year-round workers, who are mostly directly hired by farm operators or farm management companies (Villarejo & Schenker, 2007:7-9). Short-term, or temporary workers, who were at one time also mostly directly hired by farm operators, are now primarily furnished by labor market intermediaries, such as farm labor contractors, who provide the services of crews of workers on a contractual basis. These intermediaries, as the employer of record, bear full responsibility for compliance with immigration and labor laws, shielding farm operators from potential liability.

These factors have contributed to the changed housing pattern. The surplus of agricultural workers of the late 1980s and 1990s and the increased reliance on farm labor contractors made it less important for farmers and ranchers to offer housing as an incentive to attract workers. Moreover, with enormous numbers of Hispanic residents throughout rural California, newly arriving sojourners can often find relatively less expensive housing by renting a room in someone's home, or renting space in a garage, tool shed or outbuilding (Palerm, 1994:16). But it is also likely that some farm labor contractors 'arrange' for local housing options.

Where do today's farm workers reside?

There is only limited information regarding California's farm labor housing. Importantly, there has never been a statewide, cross-sectional survey of farm labor housing; no objective measure of quality and compliance with housing codes among an accurately representative sample of dwellings.

The 2003-2004 NAWS survey provides limited information concerning living quarters for the state's hired crop farm workers. Only three per cent said they reside on-farm: a sharp decrease from the 1991-92 NAWS when 13 per cent

said they lived on-farm (Aguirre, 2005b:D35). Nearly two-thirds (62 per cent) reside in houses intended for single-family occupancy; just over one-fourth (29 per cent) in apartments; and one-sixteenth (six per cent) in mobile homes. Three per cent said they lived in employer-provided housing, also down sharply from the 11 per cent finding in the 1989-90 NAWS.

The California Agricultural Worker Health Survey (CAWHS), a cross-sectional survey of 970 hired farm workers conducted in 1999 among residents of randomly selected dwellings in seven representative communities, includes findings regarding living quarters (Villarejo et al, 2000; Villarejo & McCurdy, 2007). Two-thirds of CAWHS participants (69 per cent) were renters while one-fourth (23 per cent) said they or a family member owned the dwelling where they were living. Roughly one-sixteenth (six per cent) lived in a farm labor camp.

About one-ninth (11 per cent) of CAWHS participants lived in a dwelling not known to either the county tax assessor or the U.S. Postal Service: homeless by contemporary standards. Many of these dwellings are structures not intended for human habitation, such as garages, sheds and squatter shacks, or living 'under the trees.' One-fiftieth (two per cent) lived in an automobile that was also used for transportation to their place of employment.

The prevalence of informal dwellings among hired farm workers in agricultural regions of California was highlighted in a cross-sectional survey of the San Joaquin Valley city of Parlier, where more than 90 per cent of the residents are of Hispanic ethnicity (Sherman et al, 1997). Beat-up trailers, shacks and garages filled with workers were found behind many of the homes of permanent residents of the city. Local officials ignore 'back house' code violations, arguing that workers residing there would otherwise be homeless. For some workers, it becomes a Hobson's choice between accepting poor housing conditions versus living without any shelter at all.

Table 1.1 Residential Characteristics, Hired Farm Workers, California Agricultural Workers Health Survey (CAWHS), 1999

Characteristic	Male (N=627), %	Female (N=343), %
Shared with unrelated persons	41	31
Unaccompanied by family member	42	17
Resides alone	15	6
Dwelling lacks complete plumbing	6	2
Dwelling lacks complete food preparation facilities	5	1

As indicated in Table 1.1, many hired farm workers in California today share their dwelling with two or more families in a house or apartment intended for single-family occupancy. The CAWHS finds two-fifths (41 per cent) of male participants, and nearly one-third (31 per cent) of female participants, shared

housing with unrelated persons. For children whose families reside with unrelated adults there can be other concerns, including the possibility of abuse.

A consequence of families sharing an apartment or house is that overcrowding is commonplace; extremely overcrowded conditions are also prevalent. Among CAWHS participants, nearly one-half (48 per cent) resided in a dwelling in which the number of persons per room (excluding bathrooms, but including kitchens) exceeded 1.0, corresponding to overcrowding. One-quarter (25 per cent) lived in a dwelling in which the number of persons per room exceeded 1.5, the threshold for extreme overcrowding.

A surprising finding of the CAWHS is that over one-seventh (15 per cent) of male participants resided alone; among female participants, just one-sixteenth (six per cent) said they lived alone. A substantial share of those who lived alone resided in an automobile or an informal dwelling where space was severely limited.

Finally, the CAWHS finds that about one-twentieth (five to six per cent) of male participants lacked complete plumbing or food preparation facilities, or both. In the overwhelming majority (75 per cent) of these latter dwellings there were no refrigerators, stoves, toilets or washing facilities.

Four reports of countywide surveys of farm labor housing in California have been published in recent years (Martin, 2002; Ventura County, 2002; Housing Assistance Council, 2002; Strohlic et al, 2007). Every one of these studies remark on residential crowding and the prevalence of sub-standard conditions.

Only the most recent Napa County survey sought to interview a countywide cross-sectional sample of both hired workers and employers (Strohlic et al, 2007). Both groups agreed that additional affordable housing was the greatest unmet need of the county's farm laborers. But a significant share of workers preferred private market housing to the county's labor camps where residents are also charged for meals because they perceived their out-of-pocket expenses would be lower.

The tension between better quality housing and worker budgetary choices was most dramatically revealed when a project interviewer found an out-of-county motel occupied by groups of Napa County farm laborers: eight in one room, ten in a two-room unit, and unknown numbers of others in the remaining rooms (Wirth, 2007). These workers reported having lived in the motel for the previous nine months, paying between \$42 and \$49 per person per week for the shared rooms, a significant savings as compared with the average of \$58 per week per adult among all participants in the survey. It is important to note that the county's non-supervisory laborers reported remittances to family members in their home country averaging 23 per cent of their earnings, representing a notable reduction in the amount of their earnings available for housing costs in the U.S.

Four multi-county surveys that relied on convenience samples have also been reported; three sought to evaluate the physical condition of dwellings occupied by hired farm workers (Applied Survey Research, 2001; Housing Assistance Council, 2001; Rose & Associates, 2005). These three surveys are filled with anecdotal information remarking on the poor physical condition of most

of the dwellings that were evaluated. The fourth survey was among approximately 1,100 farm and ranch operators, mainly larger operations; about one-third said they provide housing for at least some of their employees (California. Department of Housing and Community Development, 2001).

Adverse health outcomes are associated with sub-standard housing conditions

Occasionally, media accounts of sub-standard farm labor housing bring public attention to shocking conditions. A recent documentary film focuses on the estimated 2,000 workers living in jerry-built squatter shacks in San Diego County's canyons, without running water, electricity or toilet facilities, and in the shadows of some of the most expensive housing in the nation (Frey, 2006). Other alarming media reports include the finding that 29 farm laborers were crowded into a three-bedroom house in which raw sewage and litter covered much of the floor (Associated Press, 2005), or the current efforts to close down a huge trailer park crowded with dilapidated dwellings in the Mojave desert where an estimated 4,000 residents, mostly hired farm workers, live in unsafe conditions (Kelly, 2007). The state is regularly reminded that the very worst housing is occupied by those who are working among the crops and livestock of the richest agricultural region of the world.

Over the period of the past several decades, there have been a few reports of adverse health outcomes among hired farm workers that were linked to poor housing conditions (Villarejo & Schenker, 2007:23-26). An outbreak of malaria, a tuberculosis warning, and gastro-intestinal illnesses are among the health conditions reported.

Research findings published recently have begun to more fully document the extent to which sub-standard or unsafe housing conditions contribute to adverse health outcomes among hired farm workers and their family members. Some concern pesticide exposures.

- Pesticide residues found in the homes of farm laborers were shown to be associated with metabolites of the same pesticides found in urine samples from family members (Bradman et al, 2006).
- A significantly higher prevalence of a clinical diagnosis of autism among children born to mothers who, concurrent with embryogenesis (clinical weeks 1 through 8) of their pregnancy, resided within one-quarter mile of crop fields sprayed with either one of two organochlorine pesticides (Roberts et al, 2007).

The CAWHS interviewers asked participants to report health conditions experienced during the 12-month period prior to the interview. Findings include statistically significant associations between adverse health outcomes and housing conditions.

Among male participants residing in dwellings without complete plumbing or food preparation facilities, persistent diarrhea (lasting more than three

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consecutive days), was seven times more likely to be reported than among workers residing in dwellings with full facilities (O.R. 7.2; 95 per cent C.I. 3.0-17.0; $p < 0.001$). Female participants who resided in an informal dwelling were five and one-half times more likely to report persistent diarrhea than those who lived in a single family house or apartment (O.R. 5.5; 95 per cent C.I. 1.5-19.8; $p < 0.01$). Male participants who lived in an informal dwelling were two and one-half times more likely to experience *nervios* (feeling extremely anxious or agitated) as compared with workers residing in a single family house or apartment (O.R. 2.5; 95 per cent C.I. 1.5-4.4; $p < 0.01$).

Some of the living arrangements of workers, apart from poor physical condition of the dwelling, were also associated with adverse health outcomes. Male participants who were unaccompanied by any family member and who resided with unrelated persons were two and one-half times more likely to engage in binge drinking (five or more drinks in a single episode) than accompanied workers (O.R. 2.6; 95 per cent C.I. 1.4-4.8; $p < 0.01$).

Government regulation of farm labor camp conditions is inadequate

State law requires employers who operate a labor camp to obtain a permit, either from the California Department of Human Development (HCD) or from a local government agency authorized by HCD to issue such permits (California. Code of Regulations, 2007). Under the Employee Housing Act, HCD has overall responsibility for enforcement although this oversight role is shared with local authorities in most counties, typically an environmental health officer.

There is compelling evidence that enforcement is lax. A 1991 statewide survey of farm labor camps by Region IX of the U.S. Environmental Protection Agency found widespread non-compliance with the federal Safe Drinking Water Act. Some 191 camps in 20 counties serving 8,500 residents were out of compliance (United States. Environmental Protection Agency, 1991:3).

Additionally, a loophole in the law limits regulation to housing provided by employers: HCD under state law and the U.S. Department of Labor under the federal Migrant and Seasonal Agricultural Protection Act (29 CFR 500). Group quarters provided by other parties, for example, motel operators or distant relatives of employers, remain unregulated. Even if regulation were to become more effective, only a very small fraction of housing occupied by hired farm workers is under regulatory jurisdiction – roughly three to six per cent, according to the NAWS and CAWHS, respectively.

Public and private initiatives provide housing for some farm laborer families

The state's 26 public labor camps provide seasonal housing for an estimated 2,107 families (California. Assembly, 2000). The units are modestly priced and are arguably a public subsidy to both workers and employers. However, access is

limited only to families, which excludes the very large majority of male workers who are unaccompanied. Also, applicants must submit suitable proof of eligibility, which discourages applicant families whose members include unauthorized immigrants.

The largest source of newly developed farm labor housing in the past several decades have been private, non-profit agencies devoted to providing rural, low-income housing. Groups such California Human Development Corp., Self Help Enterprises, National Farm Workers Service Center Inc., Rural Community Assistance Corp. and other groups have built several thousand units for low-income rural residents, mostly funded with public sector grants or loans. Many occupants are families who have 'settled out' after some years as migrant workers. However, many units house families who are not farm laborers although the funding targets 'farmworker housing.'

Since 1977, an estimated 3,500 units have been built with funds provided through HCD (California. Assembly, 2000). An important source has been the Joe Serna Jr. Farmworker Housing Grant Fund, created by the California legislature in 2001.

Seven years ago, The California Endowment, a recently established private foundation devoted to improving the health of Californians, announced a \$30 million initiative to address farm labor housing, the Agricultural Worker Health and Housing Program. More than two-dozen non-profit groups were awarded planning grants and several of these have reached the implementation stage (Rose & Associates, 2005). While a few of these projects offer rental units to workers, most strongly favor families and homeownership.

The focus on family housing by non-profit organizations reflects the nation's policy priority promoting homeownership. It is the view of a number of government agencies that home ownership strengthens communities and benefits individuals (Cortes et al, 2007). This option is not available to most undocumented workers. At the same time, when agencies aim to build single family residences on farm land their efforts become yet another pressure increasing urban sprawl in the state.

A number of farm businesses still provide housing for their employees, typically for regular or year-round employees. This is increasingly commonplace for workers in the state's burgeoning dairy industry where three milkings per day is becoming standard.

Some farm employers have sought to provide high quality housing. Of note are the exemplary dormitories built at considerable expense by a San Diego County producer of vine-ripe tomatoes. This employer recruits workers from Mexico through the federal H-2A guest worker program under terms obligating the employer to furnish housing meeting federal standards, although the facilities were not constructed with that purpose in mind.

A remarkable initiative by Napa County vineyard landowners several years ago led to the formation of a new tax district annually assessing \$7.76 per acre to support the county's farm labor housing (Napa Valley Vintners, 2003). More recently, in response to the Napa County Farmworker Housing Needs

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Assessment study (Strochlic et al, 2007), the county Board of Supervisors formed the Napa County Housing Authority to support affordable housing initiatives.

Farm employers say a significant barrier to providing housing for workers are the unrealistic federal and state building standards (California. Senate Committee, 1995:8-9). Other employers indicate an additional barrier is Workers Compensation liability: if they provide housing as a condition of employment, they would be liable even when employees were off-duty.

One of the unresolved issues facing agencies developing new housing units is that many workers eventually find they are unable to meet the physical demands of farm labor, or leave farm jobs behind and seek other, more lucrative work, in construction, for example. It is well-known that worker turnover in farm employment is quite high: the NAWS finds 18 per cent of all crop laborers are newcomers, having been in the U.S. for less than two years (Aguirre, 2005a:14). Thus, over time, even farm worker housing projects tend to become 'former farm worker' projects. For example, during the Parlier survey, it was found that none of residents contacted in the units built by the National Farm Workers Service Center were current farm laborers, and they were renting rooms, their garages or back sheds to sojourner grape pickers. It is possible that some of the original farm laborer owners of these units may have 'cashed out' by selling to non-farmworkers, thereby capturing whatever original subsidy they received.

Another issue is the use of an extremely broad definition of 'agricultural worker' to determine qualification for residency that may unintentionally put the housing needs of manufacturing workers, in wineries or food processing factories, on an equal footing with those of hired farm laborers. In one documented instance, the definition extended to persons serving drinks in a high-end winery tasting room (Flacks, 2006).

Finally, despite well-intended initiatives by private, non-profit housing agencies, a number of rural or agricultural communities have vigorously opposed proposals to site housing for farm laborers within their jurisdictions. Lengthy, time-consuming litigation on behalf of workers has led, in a very limited number of cases, to overruling recalcitrant towns (National Fair Housing Advocate Online, 2000).

There is an important policy uncertainty that, when resolved, may have a major impact on housing conditions for hired farm laborers. Recently, the Department of Homeland Security (DHS) announced final regulations intended to sharply curtail the hiring of unauthorized immigrant workers (United States. DHS, 2007). Many large-scale agricultural employers are now developing plans to secure needed workers through the H-2A contract labor program that currently requires the employer to provide suitable housing. Employers are seeking to amend H-2A regulations to relieve employers of this requirement by substituting a housing voucher. If the housing requirement is relaxed, many H-2A workers will probably live in second-hand trailers, garages or sheds.

The Napa County survey findings provide a fitting conclusion to this chapter in its summary of the perspective of workers themselves about their housing needs (Strochlic et al, 2007). The report's recommendations begin with

the observation, 'Virtually all farmworkers come to the United States to work, save and send remittances to their families... most are willing to endure crowded and substandard housing conditions in exchange for lower rents... Efforts to improve farmworker housing conditions will need to be competitive in order to attract farmworkers.' Workers want more affordable housing alternatives, additional family housing, reduced overcrowding, housing options for those who fill short-term or seasonal jobs, access to information to assist with housing problems, safer communities, collocation of agencies providing health care or social services, and competitively priced farm labor camps.

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