

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978

PART 124
AGRICULTURAL LABOR CAMPS

333.12401 Definitions and principles of construction.

Sec. 12401. (1) As used in this part:

- (a) "Advisory board" means the board appointed pursuant to section 12421.
 - (b) "Agricultural labor camp" means a tract of land and all tents, vehicles, buildings, or other structures pertaining thereto, part of which is established, occupied, or used as living quarters for 5 or more migratory laborers engaged in agricultural activities, including related food processing.
 - (c) "Camp operator" means a person who owns, establishes, operates, conducts, manages, or maintains an agricultural labor camp or who causes or permits the occupancy or use of an agricultural labor camp whether or not rent is charged for housing and facilities.
 - (d) "Fund" means the migratory labor housing fund.
 - (e) "Migratory laborer" means a person working, or available for work, who moves seasonally 1 or more times from 1 place to another from within or without the state for the purpose of such employment or availability or who is employed in the growing of mushrooms.
 - (f) "Person" means a person as defined in section 1106 or a governmental entity.
 - (g) "Remodeling" means the remodeling, improving, or reconstruction of existing housing or facilities which are incidental or appurtenant thereto for migratory laborers or the construction of new housing or facilities which are incidental or appurtenant thereto for migratory laborers.
- (2) In addition, article 1 contains general definitions and principles of construction applicable to all articles in this code.

History: 1978, Act 368, Eff. Sept. 30, 1978.

Compiler's note: For transfer of powers and duties of migrant labor housing program from department of health and human services to department of agriculture and rural development, see E.R.O. No. 2017-3, compiled at MCL 333.26254.

Popular name: Act 368

333.12411 License for operation of agricultural labor camp required; posting license or license placard; notice of construction, enlargement, or conversion; violation; fine.

Sec. 12411. (1) A person shall not operate an agricultural labor camp or cause to be operated or allow an agricultural labor camp to be occupied and used as an agricultural labor camp, without a license. The agricultural labor camp shall be operated only while the license remains in effect. The camp operator shall post the license or the license placard issued by the department in a conspicuous place in the agricultural labor camp to which it applies. The license or placard shall continue to remain posted during the entire time the agricultural labor camp is operated.

(2) A person shall not construct or alter for occupancy or use, an agricultural labor camp or any portion or facility thereof, or convert a property for use or occupancy as an agricultural labor camp, without giving written notice of the intent to do so to the department at least 30 days before the date of beginning the construction, enlargement, or conversion. The notice shall give the name of the city, village, or township in which the property is located, the location of the property within that area, a brief description of the proposed construction, enlargement, or conversion, the name and mailing address of the person giving the notice, and the person's telephone number, if any.

(3) A person is not in violation of subsection (1) if the sole reason the person is operating the agricultural labor camp without a license is due to the failure of the department to respond within a timely manner to an application submitted in accordance with section 12412.

(4) In addition to any other penalty provided under this part, a person who violates subsection (1) by operating an agricultural labor camp without a license is subject to an administrative civil fine of not more than \$1,000.00. Each day a person operates without a license is a separate violation, however the total administrative civil fine for continued noncompliance shall not exceed \$10,000.00. All fines collected under this subsection shall be credited to the migratory labor housing fund created under section 12431.

History: 1978, Act 368, Eff. Sept. 30, 1978;—Am. 2005, Act 43, Imd. Eff. June 16, 2005.

Compiler's note: For transfer of powers and duties of migrant labor housing program from department of health and human services to department of agriculture and rural development, see E.R.O. No. 2017-3, compiled at MCL 333.26254.

Popular name: Act 368

333.12412 License for operation of agricultural labor camp; form; fee; contents; time of application.

Sec. 12412. (1) A person desiring to operate an agricultural labor camp in this state shall make application to the department on the forms and in the manner prescribed by the department. At the time of submitting an application under this section, the applicant shall remit to the department a nonrefundable agricultural labor camp license application fee equal to the product of \$5.00 and the maximum number of people permitted to occupy the agricultural labor camp.

(2) The application shall include:

- (a) The full name and address of the applicant.
- (b) The location of the agricultural labor camp.
- (c) The maximum number of people who will occupy the camp at any time.
- (d) The months during which the camp will be used or occupied.
- (e) A brief description of the tents, vehicles, buildings, or other structures in which individuals will be housed.

(f) A brief description of the sanitary, water, cooking, and sewage facilities available.

(g) Other information required by the department.

(3) An application for a license to operate an agricultural labor camp shall be made at least 30 days before the first day that the proposed camp is to be operated.

History: 1978, Act 368, Eff. Sept. 30, 1978;—Am. 2010, Act 14, Imd. Eff. Mar. 16, 2010.

Compiler's note: For transfer of powers and duties of migrant labor housing program from department of health and human services to department of agriculture and rural development, see E.R.O. No. 2017-3, compiled at MCL 333.26254.

Popular name: Act 368

333.12413 License for operation of agricultural labor camp; issuance; duration; recital on face of license; transferability or assignability.

Sec. 12413. (1) The department shall issue a license for the operation of the agricultural labor camp, if after investigation and inspection, it finds that the camp and its proposed operation conforms or will conform to the minimum standards of construction, health, sanitation, sewage, water supply, plumbing, garbage and rubbish disposal, and operation set forth in the rules promulgated under section 12421. The license shall be valid for the balance of the calendar year during which it is issued.

(2) The license shall recite on its face that the camp operator shall comply with this part and the rules promulgated under this part.

(3) The license is not transferable or assignable, except with the express written consent of the department.

History: 1978, Act 368, Eff. Sept. 30, 1978.

Compiler's note: For transfer of powers and duties of migrant labor housing program from department of health and human services to department of agriculture and rural development, see E.R.O. No. 2017-3, compiled at MCL 333.26254.

Popular name: Act 368

333.12414 Temporary license; renewal application.

Sec. 12414. (1) A temporary license may be issued for not more than 3 months pending the results of an inspection or pending the correction of certain designated items. Not more than 2 temporary licenses pending correction of the same violation shall be issued for a camp.

(2) A renewal application shall be filed after January of each year to operate the agricultural labor camp during the year, but at least 30 days before the agricultural labor camp is to commence operation.

History: 1978, Act 368, Eff. Sept. 30, 1978.

Compiler's note: For transfer of powers and duties of migrant labor housing program from department of health and human services to department of agriculture and rural development, see E.R.O. No. 2017-3, compiled at MCL 333.26254.

Popular name: Act 368

333.12415 Denial of application for license; notice; hearing.

Sec. 12415. When the department denies an application for a license to operate an agricultural labor camp, it shall give written notice of the denial by certified mail to the applicant stating reasons for the denial. An applicant denied a license may request a hearing before the department on the denial not later than 4 days after receipt of the denial. The department shall hold the hearing on the denial not later than 7 days after receipt of the request.

History: 1978, Act 368, Eff. Sept. 30, 1978.

Compiler's note: For transfer of powers and duties of migrant labor housing program from department of health and human services to department of agriculture and rural development, see E.R.O. No. 2017-3, compiled at MCL 333.26254.

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333.12416 Suspension or revocation of license; grounds; notice; hearing; appeal.

Sec. 12416. (1) The department may suspend or revoke the license of a camp operator, after due notice and hearing, upon a finding that the camp operator is in violation of this part or the rules promulgated pursuant to this part. If the department believes that a camp operator is violating this part or the rules, the department shall set a hearing, give written notice thereof by certified mail at least 4 days before the date of the hearing, and set forth in writing the charges against the camp operator. The hearing shall be conducted according to the administrative procedures act of 1969.

(2) After a hearing, the department may suspend the license of the camp operator for a fixed period of time or until the camp operator meets the requirements of this part and the rules or may revoke the license.

(3) A camp operator aggrieved by the decision of the department to suspend or revoke the license may appeal as provided by the administrative procedures act of 1969.

History: 1978, Act 368, Eff. Sept. 30, 1978.

Compiler's note: For transfer of powers and duties of migrant labor housing program from department of health and human services to department of agriculture and rural development, see E.R.O. No. 2017-3, compiled at MCL 333.26254.

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333.12421 Rules.

Sec. 12421. (1) The department shall promulgate rules for the protection of the health, safety, and welfare of migratory laborers and their families who occupy agricultural labor camps.

(2) The rules shall include provisions for:

(a) The appointment by the director of an advisory board representing, among others, growers, processors, local health departments, and religious or fraternal organizations. The advisory board shall advise the department on the allocation of the fund and any matter which pertains to this part and shall make recommendations to the department as to legislation or other measures necessary or advisable to alleviate a migratory farm labor housing problem.

(b) The collection, treatment, and disposal of human wastes and sewage at agricultural labor camps.

(c) The supply and maintenance of safe water at agricultural labor camps.

(d) The temporary storage and removal of food wastes and rubbish at agricultural labor camps.

(e) The housing of seasonal laborers and their families, including adequate and safe construction and repair, fire protection, facilities for laborers and their families to keep and prepare food, and other necessary matters relating to their good health, safety, and welfare.

(f) For the administration of migratory labor housing remodeling grants.

History: 1978, Act 368, Eff. Sept. 30, 1978.

Compiler's note: For transfer of powers and duties of migrant labor housing program from department of health and human services to department of agriculture and rural development, see E.R.O. No. 2017-3, compiled at MCL 333.26254.

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Administrative rules: R 325.1501 et seq. and R 325.1531 et seq. of the Michigan Administrative Code.

333.12425 Enforcement; inspection and investigation of premises; assistance; payments to local health departments.

Sec. 12425. (1) The department shall enforce this part and rules promulgated under this part.

(2) An authorized representative of the department may enter upon the premises of an agricultural labor camp at reasonable times to inspect and investigate the premises to ascertain whether the camp operator is in compliance with this part and the rules promulgated under this part.

(3) The department may utilize the services of other state agencies and offices to assist in conducting investigations. The department may use the services of a local health department to inspect the premises before licensing the camp operator and to conduct investigations under rules promulgated under this part. The department may approve payments of \$15.00 to local health departments for each licensed agricultural labor camp.

History: 1978, Act 368, Eff. Sept. 30, 1978.

Compiler's note: For transfer of powers and duties of migrant labor housing program from department of health and human services to department of agriculture and rural development, see E.R.O. No. 2017-3, compiled at MCL 333.26254.

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333.12426 Action for injunction or other process.

Sec. 12426. Notwithstanding the existence and pursuit of any other remedy, the department may maintain an action in the name of this state for an injunction or other process against a person to restrain or prevent the

establishment, conduct, management, maintenance, or operation of an agricultural labor camp without a license.

History: 1978, Act 368, Eff. Sept. 30, 1978.

Compiler's note: For transfer of powers and duties of migrant labor housing program from department of health and human services to department of agriculture and rural development, see E.R.O. No. 2017-3, compiled at MCL 333.26254.

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333.12431 Migratory labor housing fund; creation; appropriation; deposit; investment; interest and earnings; administration for auditing purposes; use of funds; money in fund.

Sec. 12431. (1) A migratory labor housing fund is created within the state treasury and shall receive funds appropriated by the legislature and as provided under this part. The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments. The department shall be the administrator of the fund for auditing purposes.

(2) Money in the fund shall be used for implementation of this part.

(3) Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund.

History: 1978, Act 368, Eff. Sept. 30, 1978;—Am. 2005, Act 43, Imd. Eff. June 16, 2005;—Am. 2010, Act 13, Imd. Eff. Mar. 16, 2010.

Compiler's note: For transfer of powers and duties of migrant labor housing program from department of health and human services to department of agriculture and rural development, see E.R.O. No. 2017-3, compiled at MCL 333.26254.

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333.12432 Filing claim for grant; approval; priority list.

Sec. 12432. (1) A person who qualifies for a grant shall file a claim with the department following completion of construction. The department, after approving the claim, shall make payment to the claimant from the fund.

(2) If the fund is insufficient to cover all applications for grants approved by the department, the department shall establish a priority list which may be funded from subsequent allocations.

History: 1978, Act 368, Eff. Sept. 30, 1978.

Compiler's note: For transfer of powers and duties of migrant labor housing program from department of health and human services to department of agriculture and rural development, see E.R.O. No. 2017-3, compiled at MCL 333.26254.

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333.12433 Powers of department.

Sec. 12433. The department may:

(a) Contract or execute other instruments necessary to implement this part.

(b) Agree and comply with any condition for receiving federal financial assistance for purposes of remodeling migratory housing.

(c) Survey and investigate migratory labor housing conditions and needs and recommend to the governor and the legislature legislation or other measures necessary or advisable to alleviate an existing housing shortage in the state for migratory laborers.

(d) Encourage community organizations or private employers to assist in initiating remodeling projects as provided in this part.

(e) Enforce compliance with any law or rule regarding health or construction standards for remodeling projects which utilize grants made pursuant to this part.

(f) Provide inspection of remodeling projects to determine if they comply with this part and the rules promulgated under this part.

(g) Accept gifts, grants, or other aid from a person or the federal government for purpose of implementing this part.

(h) Enter into agreements with a recipient of a grant to insure that the purposes of this part are effectuated.

History: 1978, Act 368, Eff. Sept. 30, 1978.

Compiler's note: For transfer of powers and duties of migrant labor housing program from department of health and human services to department of agriculture and rural development, see E.R.O. No. 2017-3, compiled at MCL 333.26254.

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333.12434 Violation as misdemeanor; each day of violation as separate violation; wilful damage or destruction of camp.

Sec. 12434. (1) A person who violates this part or the rules promulgated under this part is guilty of a misdemeanor. Each day of the violation is considered a separate violation.

(2) A person who wilfully damages or destroys any part of a licensed agricultural labor camp is guilty of a misdemeanor.

History: 1978, Act 368, Eff. Sept. 30, 1978.

Compiler's note: For transfer of powers and duties of migrant labor housing program from department of health and human services to department of agriculture and rural development, see E.R.O. No. 2017-3, compiled at MCL 333.26254.

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