

Florida

■ PUBLIC HEALTH LAWS (*ACCESS TO MIGRANT HOUSING*)

TERMS:

Right of Access by Invited Guests — A resident of a migrant labor camp or residential migrant housing (both defined in the previous summary) may decide who may visit him or her in the resident's private living quarters. No one may keep an invited guest from entering or leaving a resident's private living quarters, by putting up any sort of barrier or by use of force, violence or threats. However, an invited guest must leave the private living quarters at the request of a resident residing within the same living quarters.

Right of Access by Others — No one may keep other authorized visitors from entering or leaving the common areas of a migrant housing facility, by putting up any sort of barrier or by use of force, violence or threats. However, owners and operators of migrant housing facilities may adopt reasonable rules regulating hours of access, as long as they permit at least 4 hours of access each day during non-working hours Monday through Saturday, and between 12 noon and 8:00 p.m. on Sunday.

Other Rules — Migrant housing owners or operators may adopt other rules regulating access, but only if they are reasonably related to the purpose of promoting the safety, welfare or security of the residents, visitors, or the owner or operator's business. However, rules relating to access are not enforceable unless they have been posted at the housing facility, with a copy submitted to the *Migrant Farmworker Housing Program, Environmental Health Division, Florida Department of Health, Tallahassee, Florida 32399 (850-245-4250)*.

ENFORCEMENT: A person who has been denied access to a migrant labor camp or residential migrant housing in apparent violation of these provisions may file a complaint in the appropriate court in the county where the housing is located, using a private attorney or public legal service provider.

Illinois

■ **CRIMINAL CODE OF 2012 (*CRIMINAL TRESPASS*)**

TERMS: A migrant farmworker or anyone else who lives on private property with permission of the owner (or with permission of a labor contractor or other agent of the owner having authority to hire workers and assign them housing) is entitled to freely enter and leave the property without regard to the state law against trespassing.

Likewise, the trespassing law does not apply to anyone invited by a migrant worker living on private property to visit the worker at the place where the worker is living.

ENFORCEMENT: The migrant worker's right of access and visitation may be enforced only in the state civil courts. Any worker who has not been allowed to freely come and go at his or her living quarters on private property, or whose guests have been denied such access, should contact a private attorney or a public legal services program.

Maryland

■ **ATTORNEY GENERAL OPINION NO. 82-024**

TERMS: Farm operators and other agricultural producers may not keep representatives of public or private agencies which provide services to migrant workers from entering migrant labor camps under their control or ownership, nor may they exclude anyone else who is invited onto the property by a resident. If a worker informs the camp owner or operator that he or she is expecting a visitor, the owner or operator may not ask about the purpose of the visit; in any other case, the owner or operator may require visitors to identify themselves and state the general purpose of their visit.

Representatives of government agencies or private farmworker service organizations may enter a camp, seek out workers, and remain in the camp for as long as any resident is utilizing their services, without the presence of the camp owner or operator.

ENFORCEMENT: The right of access and visitation at migrant labor housing facilities may be enforced through the courts. Any worker who is denied communication with anyone at the worker's place of residence in Maryland should consult with a private attorney or a public legal services program.

Massachusetts

■ PUBLIC HEALTH LAWS (*ACCESS TO FARM LABOR CAMPS*)

TERMS: During the period of employment, migrant farmworkers who share living quarters with their employer or reside on the employer's property have the right to enter and leave the property at will. Likewise, workers occupying housing other than the employer's own residence are entitled to have visitors in their living quarters outside regular working hours under reasonable rules. In either case, the certificate of occupancy issued for the housing facility by the state must include a notification of these rights, in English and Spanish.

ENFORCEMENT: *Community Sanitation Program, Bureau of Environmental Health, Massachusetts Department of Public Health, Boston, Massachusetts 02108 (617-624-5757)*. A migrant worker who is living in a farm labor camp or other housing furnished by the employer and who is denied access to such housing, or whose guests are denied access, may file a complaint with the Department or the local board of health.

Oregon

■ CIVIL RIGHTS LAWS (*EMPLOYER-CONTROLLED HOUSING*)

TERMS:

Access Rights — It is illegal for a farm operator or any other employer to restrict access to any worker-occupied housing owned, rented or controlled by the employer, either by the invited guests of a resident or by government officials, medical doctors, school personnel, or health care workers. The term "access" does not include the right to enter an individual worker's residence unless a member of the household consents to such entry, nor does it include the right of a visitor to use services provided by the employer for the exclusive use of the workers. Invited persons are not entitled to enter work areas.

Employer-Imposed Rules — An employer may adopt rules to regulate the use and occupancy of employee housing (including visiting hours), but only if the rules help protect the safety or welfare of residents or visitors, protect the employer's property from abuse, apply fairly to all workers on the premises, and explain clearly what must be done to comply. Any such rules must be posted in plain sight at least 3 days before taking effect.

Eviction or Discrimination — It is unlawful for an employer to evict or discriminate in any way against an employee, or a member of an employee's household, because the person has reported or complained about violations of these provisions, has communicated with anyone who has access rights to the housing facility, or has invited anyone to residential areas.

ENFORCEMENT: *Civil Rights Division, Oregon Bureau of Labor and Industries, Portland, Oregon 97232 (971-673-0764)*. A worker living in employer-provided housing who has been denied visitation at the housing site, or any authorized visitor who has been denied access, may file a complaint with the Civil Rights Division within one year after the alleged violation.

If the Division fails to file formal charges or otherwise resolve a worker's complaint within one year after the complaint is filed, the worker may file suit against the employer involved at any time within 90 days thereafter, using a private attorney or a public legal services program.

The worker also has the option of taking private legal action against the violator without first filing an administrative complaint with the Division, but any such suit must commence no later than one year after the violation occurred.

Pennsylvania

■ SEASONAL FARM LABOR ACT (*FARM LABOR CAMP ACCESS AND ENTRY*)

TERMS:

Tenancy Rights — A seasonal farmworker who lives in any structure or property that is owned, leased or operated by an employer or farm labor contractor, and which is occupied for at least 6 months in a calendar year, has the right to 3 days' notice before being evicted from the housing, or 2 weeks' notice if the worker lives on the property with one or more dependents. This right applies for as long as the worker lives in the housing, whether or not the employer or contractor charges rent for its use.

Access Rights — It is illegal for anyone to keep a person from freely entering or leaving a seasonal farm labor camp, if that person is:

- (1) A guest of an occupant of the camp.
- (2) An employee or volunteer from a private organization whose main interest in visiting the camp is the health, safety, welfare or dignity of seasonal farmworkers.
- (3) A representative of a federal, state or local government agency.
- (4) An individual, group or public agency whose purpose is to provide a service to the owner of the camp rather than to the camp's occupants.

Reasonable access by such persons to the grounds of a labor camp may not be denied, interfered with or limited, either by putting up a fence or other barrier, by using physical force or violence, by posting a written notice, or by issuing a verbal order.

ENFORCEMENT: *Farm Labor Camp Housing Program, Bureau of Food Safety and Laboratory Services, Pennsylvania Department of Agriculture, Harrisburg, Pennsylvania 17110 (717-787-4315).* Any resident of a farm labor camp who has been unlawfully evicted or denied visitation by a guest or other authorized visitor, or any authorized person who has been denied entry to a camp, may file a complaint with this agency.

Instead of filing a complaint with the Department, anyone who has been removed from or denied visitation or access to a farm labor camp in violation of these provisions has the option of filing a lawsuit against the camp owner or operator, using a private attorney or a public legal services program.

SPECIAL NOTE: Interference with, harassment of, eviction of, or termination of the employment of any seasonal farmworker for having filed a complaint under the Seasonal Farm Labor Act is punishable as a criminal offense.

Wisconsin

■ **MIGRANT LABOR LAW (ACCESS, ENTRY, AND TENANCY)**

TERMS: Migrant farmworkers have the right to decide who may visit them wherever they are living, and no one may prohibit or interfere with entry to or exit from the residence of any such worker, either by the use of any sort of fence, by posting of any sign or notice, or by the use or threat of force or violence. Any fence built around a migrant labor camp must have one or more gateways, and putting up "No Trespassing" signs on land next to a camp is not permitted unless entry to the camp is clearly marked.

After a migrant worker's employment has ended, an employer may not require the worker to move out of a migrant labor camp operated by the employer until the worker has received payment of final wages in full.

ENFORCEMENT: *Migrant Law Enforcement Section, Employment and Training Division, Wisconsin Department of Workforce Development, Madison, Wisconsin 53707 (608-266-0002).* A migrant worker who has been denied visitation by guests at his or her residence, or any person who has been invited to a worker's residence and has been refused entry, may file a complaint with the Department, which is authorized to investigate the complaint and take action to assure compliance.

Without regard to action by the Department, a migrant worker affected by a violation of the migrant labor law by an employer or migrant labor contractor has a right to file suit against the violator in civil court, using a private attorney or public legal service provider.

SPECIAL NOTE: An employer or labor contractor may not fire, discipline or discriminate in any way against a migrant worker because the worker has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions. A worker who has been subjected to unlawful retaliation may file suit against the employer or contractor involved, using a private attorney or public legal service provider.