

Farm Employee Housing Provided by Agricultural Employers

Who Is a Farm Employee?

Farmworkers (agricultural employees) are defined in the California Labor Code. The definition of farming is broad, including cultivating soil; dairying; growing and harvesting horticultural commodities; raising livestock bees, furbearing animals, and poultry; and any incidental activities on a farm.

An agricultural worker means anyone engaged in farming activities, with the exception of workers covered by the federal National Labor Relations Act.

[LAB §1140.4](#)

The Labor Code above also defines “agricultural employer”.

What is Farm Employee Housing?

Farm employee housing, or agricultural employee housing, is a type of employee housing under the Employee Housing Act, HSC §§17000 et. Seq.

Employee Housing Act

In general, employee housing is privately-owned housing which houses five or more employees and meets either of the following:

1. If the housing is provided by the Employer:

Living quarters in urban or rural areas provided by an employer in connection with any work (including agricultural work), whether or not rent is involved. [HSC 17008\(a\)](#) applies.

2. If the housing in **not** provided by the Employer:

Living quarters that house agricultural workers employed by an agricultural employer(s), and meet some other requirements. [HSC 17008\(b\)](#) applies. This second type of employee housing is outside the scope of this document. See the state's rules for additional licensing requirements.

What is a “Rural Area”? Generally, “rural area” means any open country or any place, town, village, or city, or group of those, which (a) has a population of 10,000 or less; or (b) has a population of 20,000 or less, and is contained within a nonmetropolitan area.

[HSC §50101](#)

Employee housing includes **government-owned farmworker housing or employee housing** when that housing is operated by a private person or corporation.

[HSC §17008](#)

A **Labor camp** is the same as an employee housing facility.

[HSC §17008\(d\)](#) and [25 CCR § 610](#)

What if Farm Employees are Seasonal?

The definition of agricultural employee does not distinguish between seasonal and year-round workers. The definition of employee housing includes temporary and seasonal workers.

[LAB §1140.4](#) [HSC §17008\(b\)\(1\)\(D\)](#)

When Do I Need a Permit for Employee Housing?

Anyone operating employee housing for five or more employees must obtain a permit from the enforcement agency unless otherwise exempted by 17030. Permits to operate are be issued annually, with a few exceptions.

Housing for fewer than five people is still employee housing, but is considered a single-family residential use and does not need a separate HCD permit.

[HSC §17030](#) [25 CCR § 610](#)

How do I get a permit?

Permit applications are at the HCD website, [HCD-204](#).

How Much Does It Cost?

The application fee is \$27 per employee or mobilehome/recreational vehicle lot, plus \$200 (subject to change).

What are the Main Responsibilities?

Maintain dwellings to code, renew permits annually, inspect, keep records and submit reports, agree to annual HCD inspections. HCD compiles most of what you need at its [Employee Housing Program website](#).

How Does an Operator Comply With the Employee Housing Act?

Full rules are in the California Code of Regulations (CCR). Anyone constructing, operating, or maintaining an employee housing facility (aka labor camp) must comply with 25 CCR §§ 600-940, as well as building standards published in the State Building Standards Code relating to labor camps, and other applicable regulations.

[§ 631-648](#)

Does HCD Have a Summary of Rules for Operators?

Yes. It is available online at this link: [EMPLOYEEHOUSINGOPERATORBOOKLET-1-2](#).

What other rules, regulations, or licenses apply?

- Land use/ zoning permit
- Water and sewer/septic systems permits
- Building permits
- Work Within Mobilehome Parks or RV Used for Employee Housing
- Repair of mobilehomes or recreational vehicles.