

Date of Hearing: May 11, 2011

ASSEMBLY COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT

Norma Torres, Chair

AB 840 (Torres) – As Introduced: February 27, 2011

SUBJECT: Employee Housing Act: agricultural land use.

SUMMARY: Clarifies that farmworker housing meeting specified criteria must be treated the same as other agricultural uses in any zone that allows agricultural uses.

EXISTING LAW

- 1) Specifies that any employee housing consisting of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household is considered an agricultural land use and, for the purpose of all local ordinances, shall not be deemed a use that implies that the employee housing is an activity that differs in any other way from an agricultural use.
- 2) Specifies that a local government cannot require a conditional use permit, zoning variance, or other zoning clearance for this type of employee housing that is not required of any other agricultural activity in the same zone.
- 3) Specifies that the permitted occupancy in employee housing in an agricultural zone must include agricultural employees who do not work on the property where the employee housing is located.
- 4) Specifies that employee housing consisting of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household shall not be subject to any business taxes, local registration fees, use permit fees, or other fees to which other agricultural activities in the same zone are not likewise subject.

FISCAL EFFECT: None

COMMENTS:

The Employee Housing Act generally provides for the permitting and inspection of employer-provided housing. The overwhelming majority of employee housing is provided for farmworkers and their families. The Act provides that employer-provided housing consisting of 12 or fewer units designed for use by a single household or 36 or fewer beds in group quarters (such as a dorm or bunkhouse) is deemed an agricultural land use. A city or county may not require a zoning change, conditional use permit, or variance that is not required of any other agricultural activity in the same zone. Jurisdictions may also not impose any taxes or fees on farmworker housing that is not required of other agricultural uses in the same zone. These provisions apply only to farmworker housing provided by an employer, not to farmworker housing provided by other entities, such as a housing authority or a non-profit housing organization. The goal of these provisions is to ensure that farmworker housing can be located in areas where farm labor is needed.

AB 840 rephrases one sentence in the section of the Employee Act that requires local governments to treat farmworker housing as an agricultural land use. The sentence uses the term "agricultural zone," which some local governments have read to mean that the provisions apply only in exclusively agricultural zones, as opposed to zones where agricultural uses are allowed among other uses. The bill replaces "agricultural zone" with "a zone that allows agricultural uses." This clarification ensures that employer-provided farmworker housing is treated the same as other agricultural uses in any zone where such uses are allowed.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

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