



MICHIGAN FOOD AND AGRICULTURE HOUSING TASK FORCE REPORT

JANUARY, 2021

Food and Agriculture Housing Task Force Report

Overview

The Michigan Department of Agriculture and Rural Development, led by Director Gary McDowell, implemented a task force in 2019 to address issues regarding a lack of agricultural housing. Food and agriculture stakeholders and industry leaders raised concerns to department leadership prompting its creation. The task force's goal was to investigate the need for housing in the state's growing food and agriculture sector. The assumption was that a lack of affordable housing was playing a key role in the labor shortages processors and producers were facing in Michigan.

Michigan's food and agriculture sectors are growing and account for an annual total economic impact of over \$104 billion. However, to continue further growth in this sector, housing needs to be addressed. Affordable workforce housing allows more pathways for growth in Michigan's food processing industry. Workforce housing and labor is essential when working to recruit new companies to Michigan or for current companies to grow and expand in the state. Additionally, an increased demand for labor in the food and agriculture sector has led to a lack of available workforce housing.

The task force has worked to gather the various themes and comments painting a clearer picture of the issue that helped inform next steps. This report contains an outline of major findings from the survey that was conducted. The report also provides the comments and themes from the five listening sessions held both in-person and virtually around the state in 2020.

Based on the feedback and findings, it is evident that providing affordable food and agriculture housing will provide greater opportunity to recruit workers. The comments and dialogue during the meetings indicated the housing needs should be considered differently for seasonal, migrant and H2A workers versus those workers needed to fill full-time jobs at food and agricultural processors. A two-prong approach is essential to meeting the different needs for workers in production agriculture and those working in processing. One of the areas that we will need to focus on are action items regarding a lack of migrant, seasonal and H2A housing. The second focus area needs to identify affordable housing and/or better transportation options in the regions where food processing facilities are located especially those looking to expand.

Key strategic actions items are highlighted in this report that are being recommended by the task force for consideration and action. These action items will help to address the housing issues for both production and processing workers.

MEMBERSHIP

The task force consists of members from the following state agencies and groups: Michigan Department of Agriculture and Rural Development (MDARD); Environment, Great Lakes and Energy (EGLE); Michigan Economic Development Corporation (MEDC), Michigan State Housing Development Authority (MSHDA); Labor and Economic Opportunity (LEO); Michigan Farm Bureau (MFB); Michigan Agricultural Cooperative (MACMA); United States Department of Agriculture – Rural Development (USDA-RD); Michigan Department of Health & Human Services (MDHHS); Community Economic Development Association of Michigan (CEDAM); and the Michigan Department of Civil Rights (MDCR).

PLAN

The task force developed a plan to address the housing issues faced by the food and agriculture industry. The plan was developed to gather information from a variety of stakeholders within the industry and utilize that information to create a final report including impediments. The goal was to develop an action plan with key strategic action items.

The task force initial plan included the following action steps:

1. Conduct 1-on-1 conversations with key individuals
2. Conduct survey to determine needs and issues
3. Host regional town halls to gather input from key industry members and stakeholders in the region
4. Create a final report that would include impediments
5. Develop an action plan to address key impediments

REGIONAL TOWN HALLS

A total of four in-person town halls took place around the state in early 2020. The locations included Taylor, Grand Rapids, Saginaw, and Kalamazoo. Additional town halls were scheduled for Traverse City and Escanaba, but due to the pandemic, the meetings were canceled. Therefore, a fifth virtual town hall took place in August of 2020 with an emphasis on Northern Michigan and the Upper Peninsula regions. The regional town halls were used to gather information from the various regions, discuss impediments, and share current initiatives within those regions.

TOWN HALL – IMPEDIMENTS AND FEEDBACK

The categories and themes collected from the five town halls are summarized below. The majority of the issues and constraints raised by attendees fell into the following categories, including infrastructure, economics, community and other. Additional notes from the town halls are available upon request.

Infrastructure

- Transportation
- Availability
- Access
- Lack of inventory
- Location of farms and food processing facilities
- Resources for housing and transportation
- Broadband/internet
- Lack of land for building
- Too many houses
- Need more farmland
- Farmers becoming developers

Economics

- Affordability
- Need for low interest loans
- Need for tax credits for providing free housing and free utilities
- Costs of land/building/homes
- Need investors
- Need developers
- Make more money selling to seasonal/summer residents
- Funding
- Resources
- Time
- Medical care
- Taxes too high
- Debt
- Low prices for product produced
- Lack of profits
- Finances
- Wages
- Failing crop sector

Community

- Residents against affordable housing
- Locally grown
- Zoning restrictions
- Resident attitudes
- Racism
- Unknown support/opposition

- Local ordinances
- No organizing/coordinating at local level
- Outdated local zoning
- Stigma
- Lack of awareness
- General attitude
- Lack of county support

Other

- Not enough profit in farming
- Lack of knowledge on need for housing
- Lack of knowledge on government programs including grants
- Environmental clean-up
- Role farmers can take to help facilitate knowledge/need
- Need for raising awareness and all working together
- Lack of people caring/doing job
- Use of migrants by large agricultural operations
- Use of migrants instead of United States citizens
- Knowing the regulations
- Lack of ag employees
- Lack of vision

HOUSING SURVEY

A housing survey was created and sent to stakeholders, industry groups, and regional economic development groups as well as distribution of a news release. A total of 122 responses were received representing various sectors of the agriculture industry and non-profits. One of the major take-a-ways from the survey included that over 60 percent of respondents indicated there was a housing shortage in their area. While nearly 70 percent indicated they were aware of difficulties faced by agriculture and food employees' ability to find affordable housing if they could find any at all. A little over half of the respondents listed \$500-750 per month as an affordable payment for a food or agriculture employee, and about 40 percent felt under \$500 was affordable. Additionally, over 50 percent indicated transportation is a major impediment. Responses were mixed as to the impediments that exist for affordable housing, including but not limited to: lack of builders for affordable housing, issues with zoning requirements, perceptions in the community around affordable housing, and knowledge of programs that exist to address the issue. Overwhelmingly, respondents indicated that having affordable housing built in their area would have a benefit to their business(es) in their region. Attached is the summary of the survey responses. (PowerPoint presentation included)

TASK FORCE MEETINGS

The task force meetings provided a great opportunity for the various state departments and organizations to discuss a variety of issues regarding a lack of affordable housing for the food and agriculture industry. As part of the discussion, a presentation from Marty Miller, Executive Director of the Office of Rural and Farmworker Housing located in Washington State, was shared with the group. Mr. Miller discussed the mission and work of his group to build housing for farm workers. The organization works to put together project financing, design considerations, and provide regulatory framework for the projects. The housing built is for migrant and the local agricultural workforce that not only work to harvest crops but also work in food processing or packing facilities. (See attached presentation.)

STRATEGIC ACTION ITEM RECOMMENDATIONS

Task force members brought forward ideas on how their organization can assist in creating more affordable housing for the food and agriculture industry. The ideas generated by the task force coupled with the comments from the listening session helped to inform the following recommended strategic action items. The need for rural housing solutions is regionalized, complex, and multifaceted; accordingly, there are multiple different solutions which could be developed to meet the needs of communities.

Additional resources available from other state agencies to address housing include EGLE's ability to assist with the identification for opportunities to run municipal water and sewer lines to areas where housing is needed. Transportation was identified as a major impediment and assistance is available through the Michigan Department of Transportation's (MDOT) Office of Passenger Transportation. The office administers MDOT's passenger transportation programs, including local transit, intercity bus, and for-hire passenger regulation, to provide a safe statewide network of passenger transportation services to meet the social, safety, and economic well-being of the state.

1. **Dedicated Funding** – The Michigan State Housing Development Authority Act (Public Act 346 of 1966) charges MSHDA with creating and implementing the Michigan housing and community development program for the purpose of developing and coordinating public and private resources to meet the affordable housing needs of low income, very low income, and extremely low income households and to revitalize downtown areas in Michigan. Since the creation of the fund money has only been allocated twice. A total of 47 states have similar funds and have established trust funds; and 30 states have ongoing, dedicated funding sources, including every state in the Midwest region except Michigan. By creating a permanent funding source for the Michigan Housing and Community Development Fund, Michigan would be making a tangible difference in revitalizing communities as well as creating housing options for low-income households. Additionally, look at having dedicated funding set aside for rural projects.

2. Legislation – pass legislation amending Section 15a of PA 346 of 1966 (Payment in Lieu of Taxes (PILT)), MSHDA statute, allowing local governments to make PILTs to projects that do not have a state or federal aided mortgage. This section assists in providing incentives to qualified housing projects, as long as they are financed with state and federally aided financing assistance. If this section were to be amended by striking, “is financed with a federally-aided or authority-aided mortgage or advance or grant from the authority, then,” it could significantly generate more housing activity through private investment, creating more housing opportunities in general. Work would include close collaboration with the Michigan Department of Treasury.
3. Determine Agriculture Workforce Housing Needs – conduct a survey to determine the location(s) of where food and agriculture housing is needed around the state. The information gathered from the survey would be placed into a GIS map to show locations of greatest need and would be layered with available infrastructure.
4. Local Planning – work to ensure build ready sites along with zoning consistency that could include model zoning templates. Determine how to best facilitate discussions with state and local officials to determine site readiness. Work with the Michigan Township Association and other local governments to ensure consistency for siting and development of zoning to allow for new or expanded housing for Michigan’s agricultural workforce. In addition, work with local governments to update their master and future plans will be critical.
5. Agriculture Labor Housing – build housing for agricultural workers to provide a low-cost rental option for workers and employers. This type of housing would fill gaps where farmers are not able to provide housing. The ideal model would include involvement from the community with housing modeled after Sunrise Apartments, located in Michigan, and/or the Washington State housing model. One example of a successful housing project in Michigan is outlined below. Name members to the MDARD Migrant Labor Housing Advisory Board that will engage in determining next steps and action items.

Example of a Successful Agriculture Labor Housing Project:



Oceana Acres Apartments, located in both Hart Township and Shelby Township, is a rural housing development established by Peterson Farms in 2018. As a company, Peterson Farms firmly believes the answer to associate retention is by helping create solutions to the associate's common needs. In Oceana County, finding dependable, low-cost housing is incredibly difficult. Recognizing that housing is a need, the project was developed with two

goals-to increase year-round associate retention and provide an affordable housing solution in Oceana County for their associates. Currently, Oceana Acres has 56 housing units, which can accommodate up to 280 tenants. Included are laundry facilities, outdoor eating areas, a playground, and two soccer fields. To assist with transportation needs, Peterson Farms provides a shuttle that runs throughout the day to help associates get to and from Oceana Acres and pick up at various spots throughout the county. In addition to addressing housing and transportation needs, Peterson Farms also recognized the need for their associates' childcare needs. In response, Peterson Farms partnered with Shelby Public Schools in 2020 to convert a church north of the main campus into the Oceana County Early Learning Center. The Early Learning Center offers discounted pricing for all Peterson Farms associates' children.

CONCLUSION AND NEXT STEPS

Based on information gathered during the taskforce's work it was determined that a lack of affordable housing plays a critical role in the ability to find and retain a sufficient workforce for the food and agriculture industry. Therefore, it is essential to continue the work started by the taskforce by creating workgroups to further evaluate the five recommendations and to work on implementation. The task force recommends creating work groups to be formed in early 2021 to further determine next steps and to develop steps for implementation. These action items will address the housing issues for both food and agriculture production and processing workers in Michigan leading to more opportunities for businesses to obtain the workforce needed to continue to grow and expand in Michigan.



April 30, 2020

SENT VIA ELECTRONIC MAIL

James Averill, DVM, PhD
Agricultural Housing Task Force
Michigan Department of Agriculture and Rural Development (MDARD)
averillj1@michigan.gov

cc:

Jayshona Hicks, Policy Advisor
Governor Whitmer's Office
HicksJ10@michigan.gov

Poppy Hernandez, Community Affairs
Governor Whitmer's Office
HernandezP3@michigan.gov

Dear Dr. Averill and the MDARD Housing Task Force:

Farmworker Legal Services (FLS) and the Michigan Immigrant Rights Center (MIRC) write to you regarding the Michigan Department of Agricultural and Rural Development (MDARD) Food and Agricultural Housing Task Force (the "Task Force"). Both FLS and MIRC are nonprofit law firms that represent migrant and seasonal farmworkers across the state with their immigration and employment matters. We appreciate the Task Force's focus on improving agricultural housing in the state of Michigan and your invitation to provide more information following the town hall meetings.

As on-the-ground partners representing Michigan's migrant and seasonal farmworkers, we would like to present our recommendations for the Task Force to consider while drafting its white paper and considering next steps. Representatives from MIRC and FLS attended each of the town hall meetings held January through March of 2020, which demonstrated that there are several different interests involved in agricultural housing development in Michigan. However, we noticed there are not any migrant or seasonal farmworkers or farmworker representatives on the Task Force. We encourage the Task Force to prioritize and center the interest of Michigan's migrant and seasonal farmworkers and their families who will be residing in the housing that the Task Force seeks to address.

As the Task Force plans its next steps, both MIRC and FLS provide the following recommendations as described below:

- (1) Agricultural housing in Michigan should include affordable, off-farm options;

- (2) Farmworkers have historically traveled to Michigan with their families, and should continue to have the ability to live with their families while working in Michigan;
- (3) Farmworkers should be involved in planning the housing in which they are expected to live.

I. Agricultural Housing in Michigan Should Include Affordable Off-Farm Options

There are over 49,000 migrant and seasonal farmworker households in Michigan, and over 94,000 people in the Michigan farmworker community when family members are included.¹ Michigan has both migrant workers who travel from out-of-state to work in Michigan, and seasonal workers who live in Michigan year-round, but work seasonally in agriculture. The majority of farmworkers across the country live in single-family homes.² Across the country, only 17% of farmworkers live in employer-provided housing.³ Michigan is nearly the opposite with almost all farmworker-dedicated housing provided by employers. While employer-provided housing is essential to meeting the need of the farmworker community, it should not be the only option. Affordable, off-farm options are also needed to provide stable housing for farmworkers.

Farmworker housing needs additional support. This is because the seasonal nature of farmworker jobs do not allow migrant farmworkers to sign traditional 12-month leases. They oftentimes must leave Michigan when their jobs and the Michigan growing season ends in order to follow employment opportunities in the South. The agricultural industry also coincides, both geographically and temporally, with the Michigan tourism industry. A 2013 enumeration study found that 68.4% of farmworkers in Michigan were migrant.⁴ Therefore, the demand for seasonal housing in Michigan is significant. When migrant workers find a job in Michigan, they also must find housing. Throughout the country, including in Michigan, non-profit organizations have been established to help provide affordable housing options for farmworkers.

Fundraising, grants, and rental assistance are key to establishing affordable farm-labor housing. The United States Department of Agriculture (USDA) provides financial assistance directly to farm housing development by providing loans to farmers for on-farm housing, and special loans

¹ Barry Lewis, Ruben Martinez, Juan David Coronado, Julian Samora Research Institute, *Farmworkers in Michigan* (August, 2017), available at <https://jsri.msu.edu/upload/publications/research-reports/RR59%20final.pdf>.

² Farmworker Justice, *Farmworker Housing and Health in the United States* (11/11/14), available at <https://www.farmworkerjustice.org/sites/default/files/Intro%20to%20Farmworker%20housing%20and%20health%20-%20FW%20Housing%20Symposium.pdf>.

³ Teresa Wiltz, *States Struggle to Provide Housing for Migrant Workers*, Pew Stateline (May 2, 2016), available at <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2016/05/02/struggle-to-provide-housing-for-migrant-farmworkers>.

⁴ Michigan Migrant and Seasonal Farmworker Enumeration Profiles Study 2013, State of Michigan Interagency Migrant Services Committee, available at https://www.michigan.gov/documents/dhs/FarmworkerReport_430130_7.pdf.

and grants to non-profits and governments to develop off-farm housing.⁵ The USDA’s housing grant program is intended “to increase: (1) The supply of affordable housing for farm labor; and (2) [t]he ability of communities to attract farm labor by providing housing which is affordable, decent, safe and sanitary.”⁶ The grants can be long-term for as long “as there is a need for farm labor housing.”⁷ Also, the grants are significant—they can amount to as much as 90% of the total development cost.⁸

The USDA grants are eligible for non-profit organizations, as well as state and local agencies.⁹ While the dedication needed to manage loan applications and oversight is significant, the initial capital contribution is small—just a loan of 2% of the total development cost will qualify for a USDA grant application.¹⁰ Affordable off-farm housing options are feasible alternatives to the current reliance on employer-provided onsite housing.

The following are non-profit housing models in the states of Oregon, New Mexico, Maine, and here in Michigan that have had success:

1. SunRISEApartments

Michigan’s only active non-profit, off-farm dedicated agricultural housing community, SunRISE Apartments, began with a USDA grant in 1986.¹¹ Its beginning coincided with the founding of its managing non-profit, RISE, which still manages the community to this day. RISE began to meet the housing needs of Keeler’s agricultural community. RISE began in 1983 “with the express purpose of building seasonal farmworker housing in southwestern Michigan.”¹² RISE’s executive director, Connee Canfield, has spent the better part of her career to ensuring that there is safe, family-friendly housing for her farming community.

SunRISE provides 22 income-adjusted apartments for rent to farmworkers.¹³ The seasonal farm labor apartments open in April and close after the end of the growing season in November. These apartments are available and maintained only for farmworkers. Rental assistance is available for income-eligible tenants, partly through the USDA rental and operation assistance programs.¹⁴

⁵ See 7 CFR §3560.601.

⁶ 7 CFR §3560.552.

⁷ 7 CFR §3560.566.

⁸ 7 CFR §3560.562.

⁹ 7 CFR §3560.555.

¹⁰ 7 CFR § 3560.64.

¹¹ https://www.sunriseapts.org/about_us

¹² https://www.sunriseapts.org/about_us

¹³ <https://www.sunriseapts.org/>

¹⁴ 7 CFR §3560.573-574.



Photo obtained from the sunrise apartments website.

The SunRISE apartment community obtained further funding from the USDA to provide \$1.3 million in renovations to the complex, which is another eligible use of USDA grant funds that existing developments can use.¹⁵ SunRISE’s apartments have air-conditioning, a playground, and a laundry facility. They also offer barrier-free and partially furnished units. The rental price for a 2-bedroom is \$585 per month, and \$655 for a 3-bedroom and the rates are adjusted accordingly based on the family’s income.

2. Oregon Farmworker Housing Development Corporation

The Farmworker Housing Development Corporation (“FHDC”) of Oregon began in 1990 to develop “affordable housing for low-income farmworkers.”¹⁶ They have built ten housing developments for farmworkers that can house year-round as many as 90 families in each unit.



This photo was obtained from the fhdc website.

The photo above is from their community built in 1999 in Woodburn, Oregon, called “RD Nuevo Amanecer II.”¹⁷ It has a courtyard, a clubhouse, and a daycare facility. The apartments have their own patios and storage facilities.

¹⁵ 7 CFR §3560.53(b).

¹⁶ <http://fhdc.org/about-us/history/>

¹⁷ http://fhdc.org/fhdc_properties/rd-nuevo-amanecer-ii/

The FHDC provides more than just housing. They have their own eviction prevention and job-training programs which offer farmworkers the opportunity to transition from farmwork to careers in property management. They have a preschool and an after-school club. They schedule a mobile dental clinic to visit and provide on-site dental services.¹⁸

FHDC supports their programming with donations and its own income, but it also has had support from the state of Oregon. In 2010, Oregon Housing and Community Services provided a grant that allowed FHDC to rehabilitate two previous low-income housing developments into 48 new units.¹⁹

3. New Mexico Tierra Del Sol Housing Corporation

Tierra Del Sol Housing Corporation (“TDSHC”) was created by farmworkers in 1973 in San Miguel, New Mexico.²⁰ Having now helped develop over 30 apartment complexes in New Mexico and Texas, TDSHC works to provide affordable housing for farmworkers, low-income individuals, and the elderly.

We spoke with the Executive Director of TDSHC, Rose Garcia, to learn more about their operations.²¹ TDSHC offers special programs for low-income families who earn at least 51% of their income from agricultural work. Workers pay rent and utilities at a rate of about 30% of their income. The housing is private but utilizes both farm labor housing direct loans and grants from the U.S. Department of Agriculture.

TDSHC offers other programs to ensure safe and affordable housing. They offer foreclosure prevention services, home rehabilitation, down-payment assistance for home buying, and a homebuyer education course.



Graduates from one of TDSHC’s training programs.

¹⁸ <http://fhdc.org/fhdc-programs/health/>.

¹⁹ <http://fhdc.org/about-us/history/>.

²⁰ <https://tdshc.org/about-us/>.

²¹ https://nalcab.org/boards_of_directors/rose-garcia/.

Students in the homebuyer education class learn about budgeting, finance, and credit.²² The course discusses how to shop for homes and how to obtain a mortgage. It is part of TDSHC’s mission “to improve the quality of life and economic conditions of low-income persons residing in distressed and underserved communities by providing affordable housing and community development through construction activities, lending, training, and employment opportunities.”²³

4. Mano en Mano of Maine

Mano en Mano, of Milbridge, Maine, built six farmworker housing units in 2011 with a grant from the U.S. Department of Agriculture.²⁴ Mano en Mano assembled \$1.6 million to build the housing.²⁵ Mano en Mano’s Executive Director explained in an op-ed earlier this year how Milbridge’s immigrant workforce helped stabilize the town’s agricultural economy.²⁶



Mano en Mano opening their farmworker housing.

Mano en Mano, like the other non-profit programs, has spent years fundraising, organizing, and building up to meet the needs of farmworkers in their community.

These four examples are just a sampling of off-farm non-profit housing that is currently available. Each program has a vested interest in securing safe places for farmworkers to live while they work in agriculture, and has responded to the unique needs of their agricultural community.

The State of Michigan has shown that it is not afraid to invest in farmworker housing. Earlier this year, MDARD awarded grants of \$100,000 each to a farm in Walkerville and a farm in Traverse

²² <https://tdshc.org/%cf%bf%bchome-ownership-center/>.

²³ <https://tdshc.org/about-us/>

²⁴ <https://www.manomaine.org/housing>

²⁵ <https://www.ellsworthamerican.com/maine-news/business-news/mano-en-mano-receives-5000-grant/>

²⁶ Ian Yaffe, Immigrants Can Help Fill the Workforce Shortage On Maine Farms, Bangor Daily News (Feb. 4, 2020) available at <https://bangordailynews.com/2020/02/04/opinion/contributors/immigrants-can-help-fill-the-workforce-shortage-on-maine-farms/>.

City so that the businesses could build farmworker housing for their employees.²⁷ With the right partners—non-profit housing organizations or local housing commissions—this kind of funding could establish permanent and independent housing solutions for migrant and seasonal farmworkers. Discovering similar groups to SunRISE that know the particular needs of their rural communities is essential to establishing off-farm housing in other parts of Michigan.

II. Farmworkers Have Historically Traveled to Michigan With Their Families, and Should Continue to Have the Ability to Live with Their Families While Working in Michigan

Farmworkers have a long history of traveling to Michigan with their families.²⁸ Over 50 years ago, in 1966, the state legislature directed the development and building of overnight rest camps for traveling farmworkers in the southern part of the state near federal highways.²⁹ These were never built, but farmworkers continued to travel with their families to Michigan, primarily coming from Texas and Florida. During the last meaningful study of farmworker housing in Michigan—the 2010 Report on the Conditions of Migrant and Seasonal Farmworkers in Michigan—the average farmworker family had a size of five people.³⁰ That report found that 76.5% of all migrant agricultural workers traveled with non-working family members.³¹

Finding affordable housing for farmworkers in Michigan can be a challenge. Many agricultural employers are located in rural areas where housing options are slim, or in vacation areas where housing is expensive. In Oceana County, for example, an agricultural community along the coast, their 2016 Master Plan cited that 75% of all its residents lived outside of an incorporated city or village.³² Alternative housing is typically not available to migrant farmworkers, as their wages, the rural location of their worksites, and the short duration of their stay in each area make traditional housing impractical or unattainable. Therefore, their only housing option is what an employer may offer them or what they may be able to obtain through informal means.

While federal, state, and local regulations provide minimum legal standards for most employer provided housing, the regulations themselves are outdated³³ and allow for some of the poor housing conditions to exist. Housing obtained by informal means may not meet the basic requirements under the current migrant housing code. Therefore, migrant farmworkers and their

²⁷ *MDARD Grants Will Help Rural Airports, Housing, Beehives*, WLUC (Jan. 31, 2020), available at <https://www.uppermichiganssource.com/content/news/MDARD-grants-will-help-rural-airports-housing-beehives-567469061.html>.

²⁸ Farmworkers in Michigan, *supra* note 1 (discussing how farmworkers have been traveling across states and from Mexico since the early 1900's).

²⁹ MCL 286.641.

³⁰ Available at https://www.michigan.gov/documents/mcfr/MSFW-Conditions2010_318275_7.pdf

³¹ *Id.* at 25.

³² Available at http://oceana.mi.us/wp-content/uploads/2016/01/Oceana-County-Master-Plan_Draft_1-28-16.pdf

³³ For example, there is no requirement that migrant labor camps have flushing toilets, and latrines and porta-johns are allowed to be used. See *Migrant Camp Rules et al.*, available at https://www.michigan.gov/documents/MDA_Ag_Labor_Camp_Rules_66232_7.pdf.

families are often forced to endure substandard housing conditions, including structural defects, overcrowding, close proximity to pesticides, and poor sanitation.³⁴ These issues are made worse in dormitory and barracks-style housing.

The COVID-19 crisis has magnified how vulnerable farmworkers can be when placed in especially close and dangerous conditions. The Centers for Disease Control and Prevention issued guidelines that encourage employers to maintain social distance for workers whenever possible.³⁵ Michigan's own migrant camp rules were written to defer to "more stringent" safety standards when they exist.³⁶ COVID-19 has shown that social distancing is necessary for all workers. However, because employers are pressured to meet labor demands, employers may be unlikely to comply with recommendations or will turn to preventing families from residing in their housing in order to increase capacity for workers. Workers are not just happier, but also safer when they have separate housing, and research studies have shown that happier workers are also more productive.³⁷



Dorm-style farmworker housing in Michigan

Dormitory-style housing also causes some eligible migrant workers to not get hired at all. The Civil Rights Commission's 2010 Report noted multiple accounts of women who were discriminated against when they applied for farmworker jobs in workplaces with dormitory housing.³⁸ They were discriminated against because of their sex, but also because they traveled with their children.³⁹ When separate housing was offered, it was sometimes offered only if the

³⁴ MCRC 2010 Report, at 3.

³⁵ Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 (COVID-19) available at <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>.

³⁶ Camp Rule 325.3605 ("These rules apply to all agricultural labor camps. A provision in these rules shall not take precedence over a requirement in an applicable local rule, ordinance, or code when such requirement is more stringent than the provision in these rules.").

³⁷ Bellet, De Neve, Ward, "Does Employee Happiness have an Impact on Productivity?", Said Bus. School, available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3470734.

³⁸ MCRC 2010 Report, 25-28.

³⁹ *Id.*

family shared their housing with other unrelated workers or if most or all of the family worked.⁴⁰ Familial and gender discrimination are both illegal in Michigan,⁴¹ but this has not prevented systemic barriers that exist due to the type of housing being offered by employers, who are motivated to maximize their housing for use by the ideal labor force. When the housing being offered to a woman is just a bed in a room with many male strangers, it becomes very difficult to accept the employment. It is also difficult for individuals who need the job to request and obtain family-friendly housing if it is not an option in the first place for fear of being refused the employment.

Solitary foreign visa farmworker positions make up less than 20% of all farmworker jobs in Michigan.⁴² The rest is filled by workers and their families who reside in Michigan or travel from other states like Texas, Florida, and North Carolina to make Michigan their home for much of the year. They enroll their kids in schools, shop at local markets, and pay Michigan taxes. They do not just work, but also live their lives in Michigan for several months of the year. They need affordable housing and the option to live near their workplace with their families, without having to rely on their employer for that housing.

III. Farmworkers Should Be Involved in Planning the Housing In Which They Are Expected to Live

No one knows what it is like to live in farmworker housing better than farmworkers. In the town halls we attended, not a single farmworker was present. The location, times, and English-only announcement of the town hall meetings did not sufficiently encourage farmworker presence. Input from actual farmworkers is essential for the Task Force to analyze the need for agricultural housing in Michigan.

We have made several attempts to request farmworker advocates to be included in the Task Force. The Task Force took the positive step of adding the Office of Migrant Affairs to its membership. The Task Force has also been responsive to our requests to provide information and to present to its chair and members. However, our presentations are no substitute for farmworkers and their direct representatives being involved in the decision-making process as sitting members of the Task Force.

Michigan Labor Camp Rules require the Director of MDARD to create an advisory board that includes at least five “migratory laborers, former migratory laborers, or representatives of migratory laborers.”⁴³ The advisory board, which is supposed to include farmworkers and their advocates, provides counsel to the Director of MDARD on the camp rules whose purpose is to

⁴⁰ *Id.* For example, some employers and farm labor contractors have established arbitrary rules such as requiring at least three workers within a housing unit. This means that a family of two adult workers with two or more minor children must find another worker to add to their household or forego the housing.

⁴¹ MCL 37.2502.

⁴² H-2A Temporary Agricultural Labor Certification Program - Selected Statistics, FY 2018, *available at* https://www.foreignlaborcert.doleta.gov/pdf/PerformanceData/2019/H-2A_Selected_Statistics_FY2019_Q4.pdf. (In 2018, there were 8,359 h-2a jobs certified).

⁴³ Camp Rule 325.3603.

protect the “health, safety, and welfare of migratory laborers and their families who occupy agricultural labor camps.”⁴⁴

Michigan law expects farmworkers and their advocates to be involved in the regulation of farmworker housing. This Task Force circumvents this vested interest by failing to include their direct input. How can the Task Force know the needs of the farmworker community without including them in the discussion? Farmworkers will be the only people who will live with the changes to future farmworker housing, and they and/or their representatives should have direct input in the process.

IV. Conclusion

Both migrant and seasonal farmworkers are essential to the agricultural industry, and the MDARD Housing Task Force recommendations and changes should reflect the priorities and needs of the farmworker community and their families. The Michigan Immigrant Rights Center and Farmworker Legal Services appreciate your time and consideration of the recommendations provided above. If we can provide any additional information or resources, please do not hesitate to reach out to us.

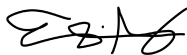
Sincerely,

/s/ Dorian Slaybod



Dorian Slaybod, Staff Attorney
Farmworker Legal Services
dslaybod@farmworkerlaw.org

/s/Eva Alvarez



Eva Alvarez, Public Policy Coordinator
Michigan Immigrant Rights Center
ealvarez@michiganimmigrant.org

⁴⁴ MCL 333.12421.

MDARD Food & Agriculture Housing Survey Responses



122

Total Responses

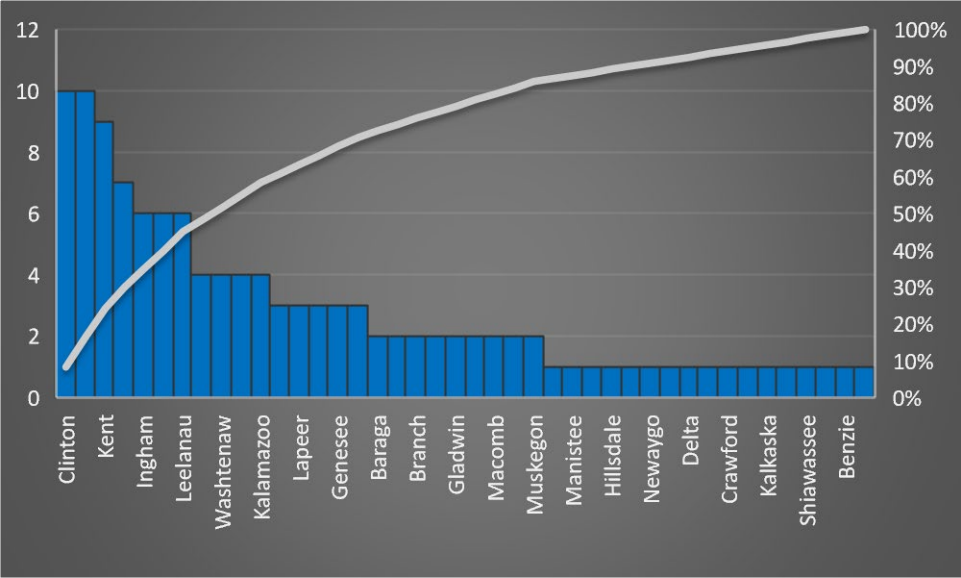
Date Created: Friday, January 17, 2020

Complete Responses: 91



Q1: What county do you reside in?

Answered: 120 Skipped: 2

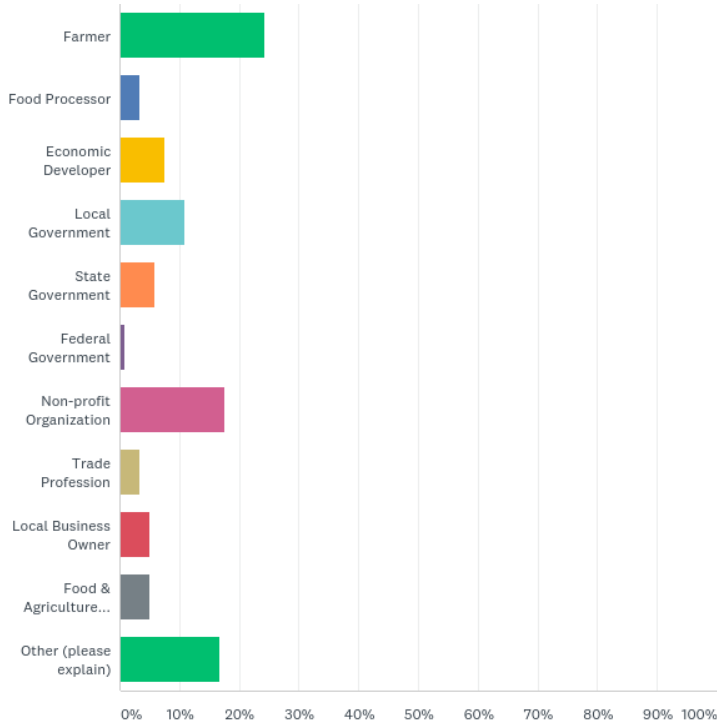


41 Michigan counties not represented



Q3: What is your profession (select primary profession)?

Answered: 120 Skipped: 2

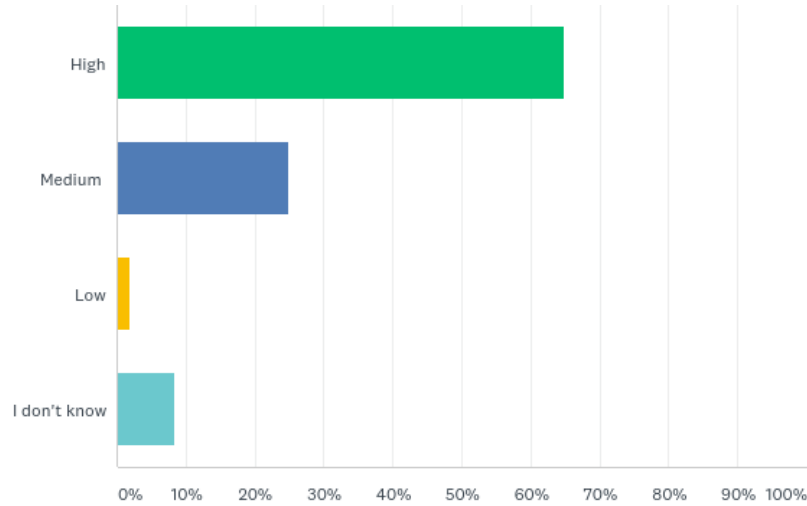


ANSWER CHOICES	RESPONSES	
Farmer	24.17%	29
Food Processor	3.33%	4
Economic Developer	7.50%	9
Local Government	10.83%	13
State Government	5.83%	7
Federal Government	0.83%	1
Non-profit Organization	17.50%	21
Trade Profession	3.33%	4
Local Business Owner	5.00%	6
Food & Agriculture Employee	5.00%	6
Other (please explain)	16.67%	20
TOTAL		120



Q4: What is the demand for housing, for sale and rent, in your area?

Answered: 108 Skipped: 14

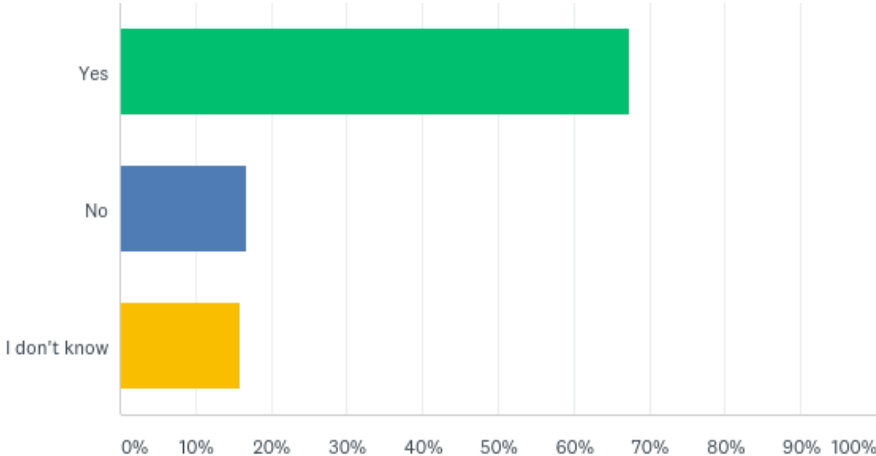


ANSWER CHOICES	RESPONSES	
High	64.81%	70
Medium	25.00%	27
Low	1.85%	2
I don't know	8.33%	9
TOTAL		108



Q5: Is there a shortage of homes for sale in your area?

Answered: 107 Skipped: 15

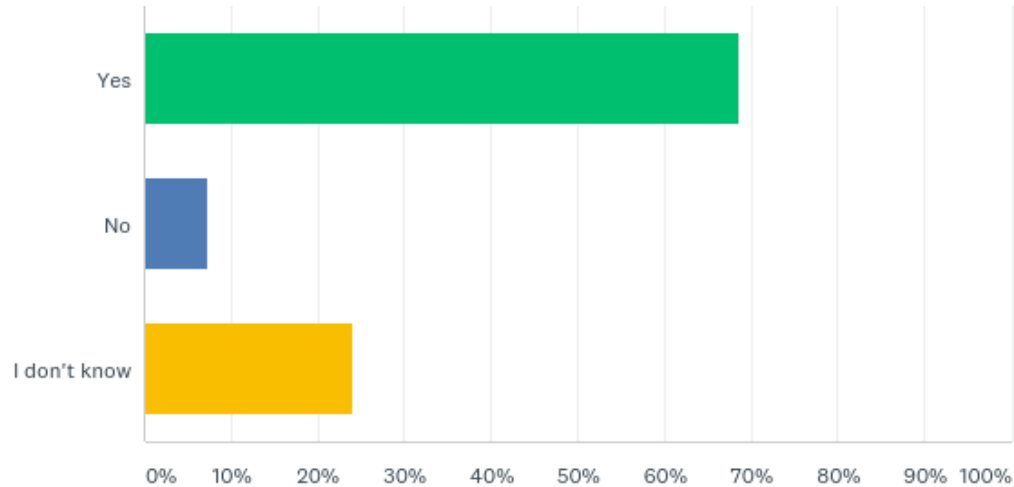


ANSWER CHOICES	RESPONSES	
Yes	67.29%	72
No	16.82%	18
I don't know	15.89%	17
TOTAL		107



Q7: Do food and agriculture employees have difficulty finding housing in your area?

Answered: 108 Skipped: 14

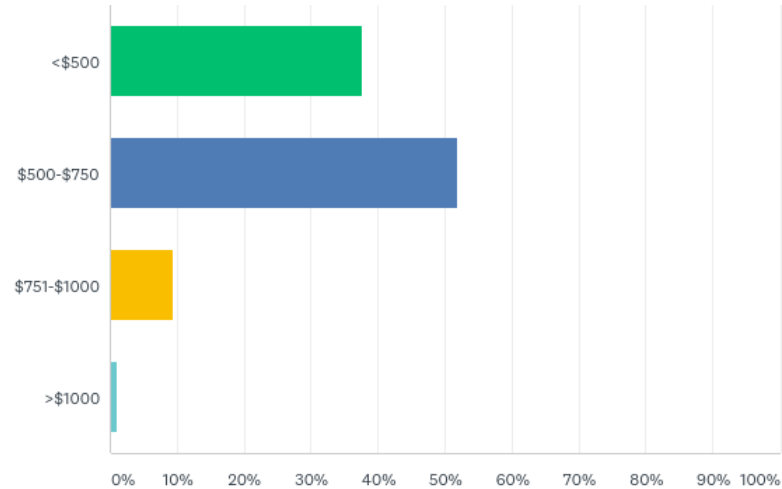


ANSWER CHOICES	RESPONSES	
Yes	68.52%	74
No	7.41%	8
I don't know	24.07%	26
TOTAL		108



Q9: What do you perceive to be an affordable monthly payment for food and agriculture employees to pay for rent/mortgage?

Answered: 106 Skipped: 16

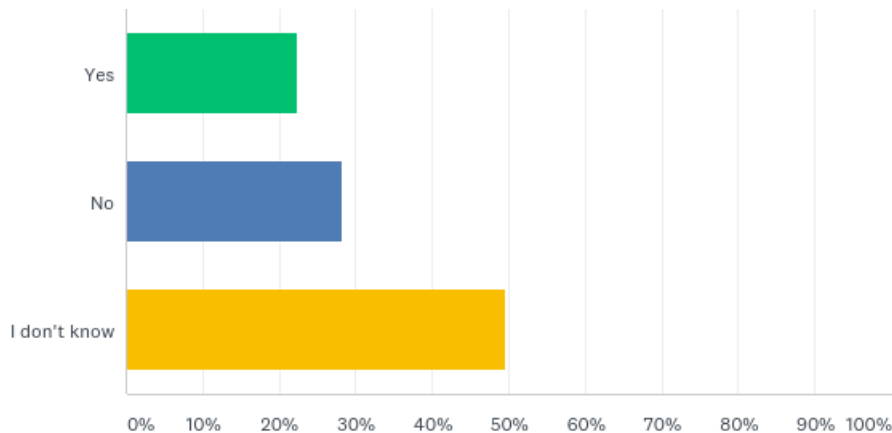


ANSWER CHOICES	RESPONSES	
<\$500	37.74%	40
\$500-\$750	51.89%	55
\$751-\$1000	9.43%	10
>\$1000	0.94%	1
TOTAL		106



Q14: Are developers in your area willing to build and/or remodel food and agriculture housing?

Answered: 103 Skipped: 19



ANSWER CHOICES	RESPONSES
Yes	22.33% 23
No	28.16% 29
I don't know	49.51% 51
TOTAL	103

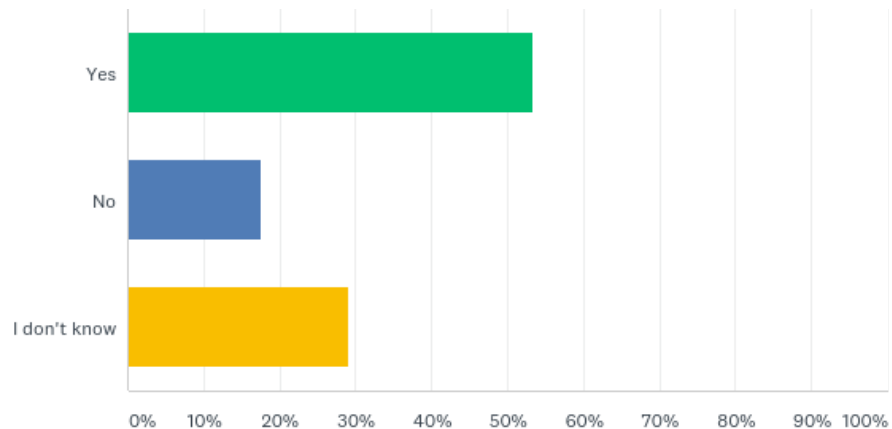
If no, why?

- ✓ Costs too high
- ✓ Not profitable
- ✓ Not enough local builders
- ✓ Issues of scale
- ✓ Not what builders want to make
- ✓ Making single family homes for lots of money



Q16: Is there a need for plans/templates for food and agriculture housing?

Answered: 103 Skipped: 19

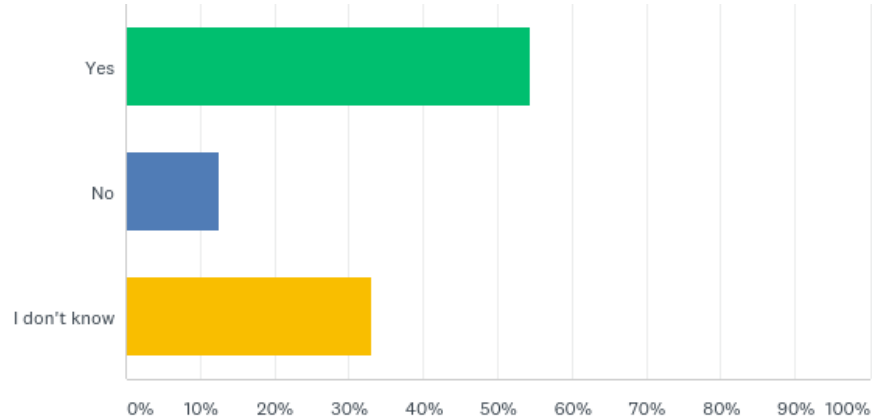


ANSWER CHOICES	RESPONSES	
Yes	53.40%	55
No	17.48%	18
I don't know	29.13%	30
TOTAL		103



Q18: Is there a need to connect investors and developers?

Answered: 103 Skipped: 19

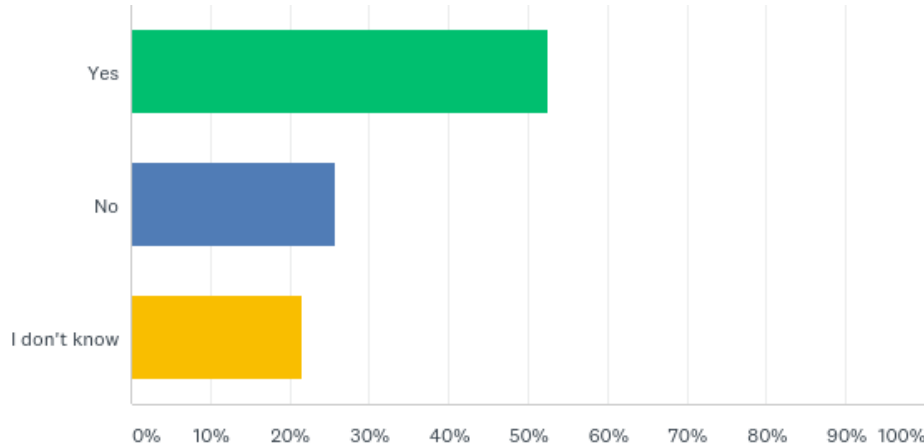


ANSWER CHOICES	RESPONSES	
Yes	54.37%	56
No	12.62%	13
I don't know	33.01%	34
TOTAL		103



Q19: Is transportation an impediment for food and agriculture employees?

Answered: 97 Skipped: 25



ANSWER CHOICES	RESPONSES	
Yes	52.58%	51
No	25.77%	25
I don't know	21.65%	21
TOTAL		97

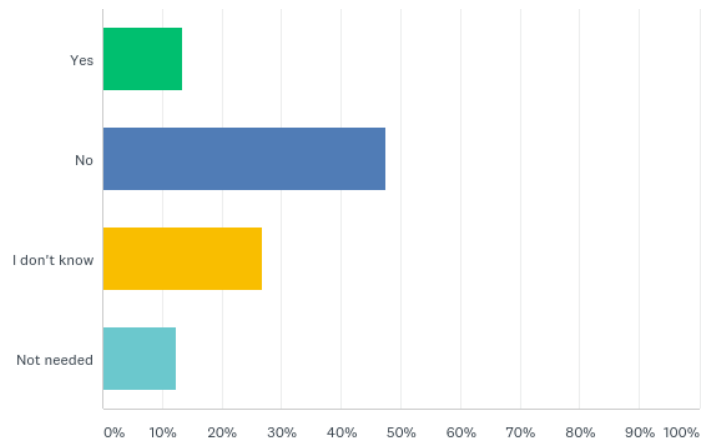
If yes, why?

- ✓ Public transit is very limited or not existent
- ✓ No transit options outside of owning a car
- ✓ Because of location employees commute very far
- ✓ Some workers do not have or can not afford a car or don't have DL
- ✓ Sometimes essential services are nowhere near the worksite



Q21: Is there a system in place to transport food and agriculture employees from home to work?

Answered: 97 Skipped: 25

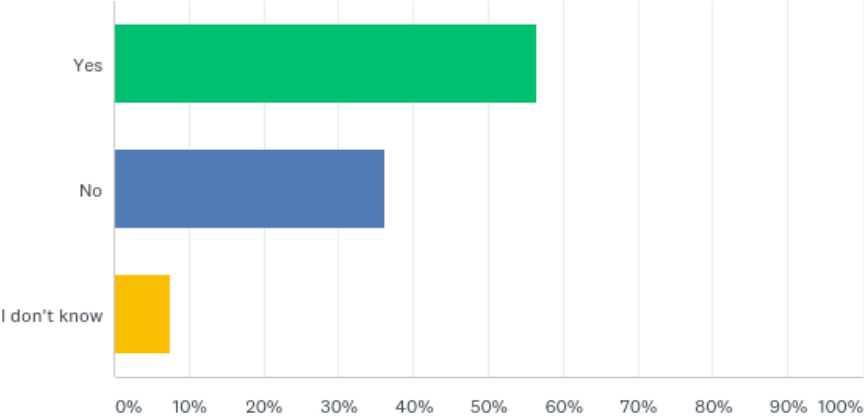


ANSWER CHOICES	RESPONSES	
Yes	13.40%	13
No	47.42%	46
I don't know	26.80%	26
Not needed	12.37%	12
TOTAL		97



Q24: Are you aware of government programs to assist with housing?

Answered: 94 Skipped: 28

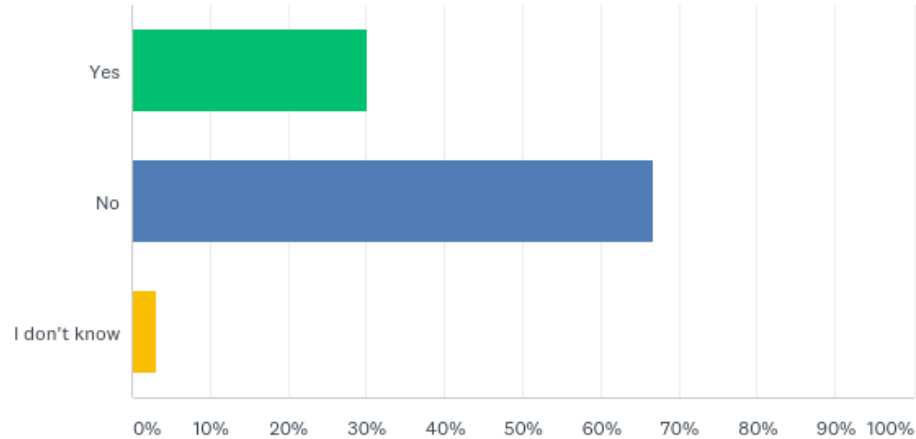


ANSWER CHOICES	RESPONSES	
Yes	56.38%	53
No	36.17%	34
I don't know	7.45%	7
TOTAL		94



Q25: Are you aware of philanthropic organizations to assist with housing?

Answered: 93 Skipped: 29

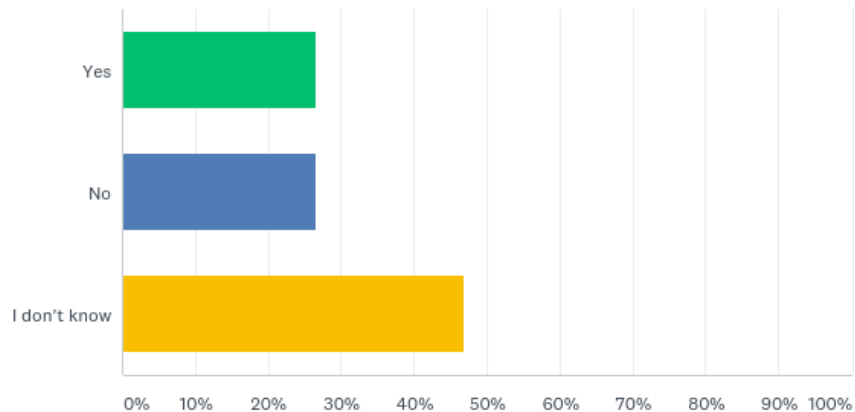


ANSWER CHOICES	RESPONSES	
Yes	30.11%	28
No	66.67%	62
I don't know	3.23%	3
TOTAL		93



Q27: Are there local regulations which impede development of food and agriculture housing?

Answered: 94 Skipped: 28

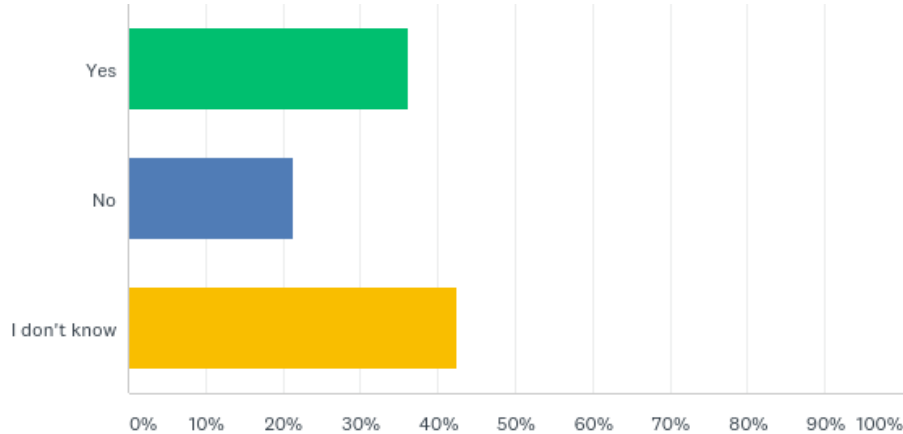


ANSWER CHOICES	RESPONSES	
Yes	26.60%	25
No	26.60%	25
I don't know	46.81%	44
TOTAL		94



Q29: Are there concerns within local communities regarding food and agriculture housing?

Answered: 94 Skipped: 28



If yes, why?

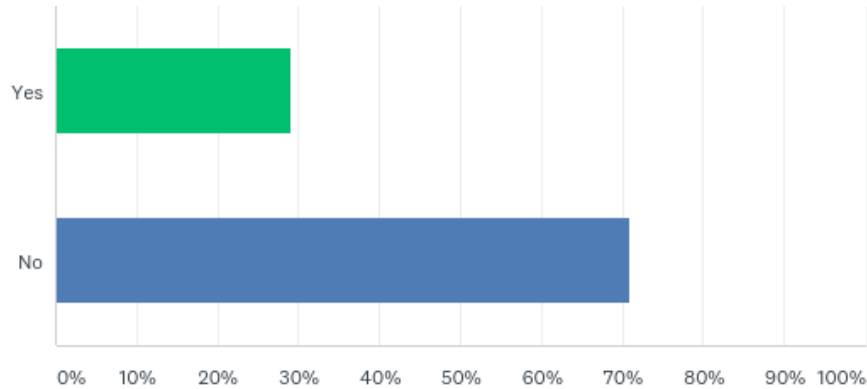
- ✓ Concerns are about devaluing other properties
- ✓ Racial concerns and perception issues among local community members

ANSWER CHOICES	RESPONSES	
Yes	36.17%	34
No	21.28%	20
I don't know	42.55%	40
TOTAL		94



Q31: Have you explored the use of government program funds?

Answered: 93 Skipped: 29



ANSWER CHOICES	RESPONSES	
Yes	29.03%	27
No	70.97%	66
TOTAL		93

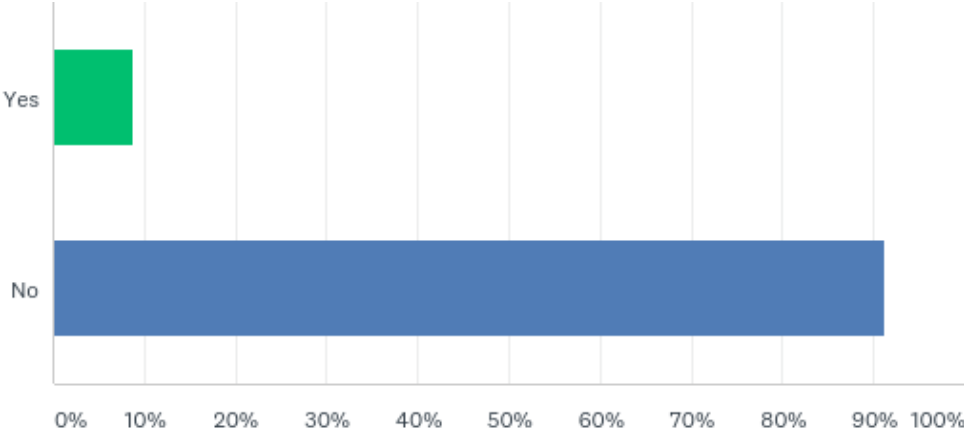
If yes, what?

- ✓ USDA New woman farmer program
- ✓ Grant.gov
- ✓ MSHDA Mod single family home program
- ✓ MSHDA Bond
- ✓ USDA loans
- ✓ MI landbank
- ✓ LIHTC
- ✓ HUD programs
- ✓ USDA rural development programs
- ✓ MDARD grants



Q33: Have you explored the use of philanthropic/non-profit resources for food and agriculture housing?

Answered: 92 Skipped: 30

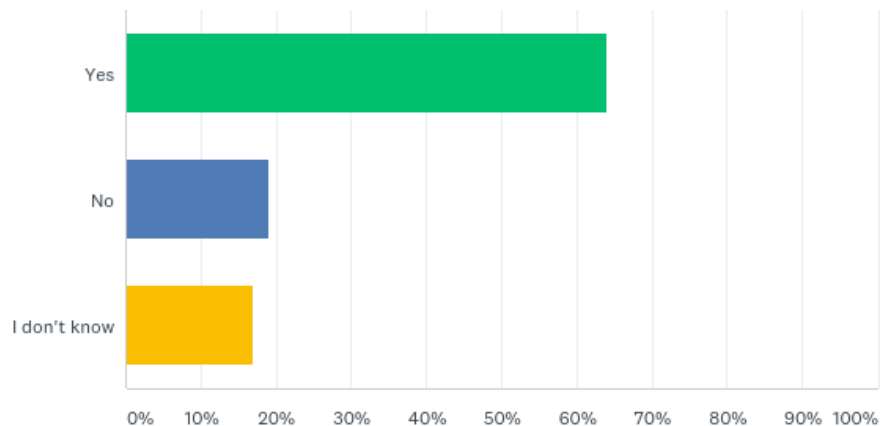


ANSWER CHOICES	RESPONSES	
Yes	8.70%	8
No	91.30%	84
TOTAL		92



Q35: Would creating more food and agriculture housing in your area be beneficial to your business?

Answered: 89 Skipped: 33



ANSWER CHOICES	RESPONSES	
Yes	64.04%	57
No	19.10%	17
I don't know	16.85%	15
TOTAL		89



Q36: In your opinion, what are the top three impediments for adequate food and agriculture housing in your area?

Answered: 80 Skipped: 42

Majority of responses fell into the following themes:

- ✓ Costs of building housing
- ✓ Acquiring land
- ✓ Local zoning
- ✓ Local perception
- ✓ Lack of state incentive
- ✓ Variable worker needs
- ✓ Lack of developers/construction
- ✓ Lack of support from various agencies



Q37: What tools should the State of Michigan have to address food and agriculture housing?

Answered: 74 Skipped: 48

Majority of responses fell into the following themes:

- ✓ Cheap loans or subsidies
- ✓ Funding, funding, funding
- ✓ Work with locals on zoning ordinances
- ✓ Working with communities to understand need and importance
- ✓ Create networks to tackle the issues with multiple agencies and organizations
- ✓ More focus broadly on rural communities
- ✓ Data base or heat map of need or availability

