

AMENDED IN SENATE AUGUST 23, 2000
AMENDED IN SENATE AUGUST 8, 2000
AMENDED IN SENATE JUNE 28, 2000
AMENDED IN SENATE JUNE 8, 2000
AMENDED IN ASSEMBLY MAY 11, 2000
AMENDED IN ASSEMBLY MAY 1, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 2306

Introduced by Assembly Member Florez and Senator Ortiz
(Coauthors: Assembly Members Ducheny, Honda, Knox,
Lowenthal, Mazzone, Strom-Martin, Torlakson, Wiggins,
and Wildman)
(Coauthors: Senators Alarcon and Costa)

February 24, 2000

An act to amend Sections 50455, 50517.5, and 50517.6 of, to amend the heading of Chapter 3.2 (commencing with Section 50517.5) of Part 2 of Division 31 of, and to add Sections 1179.6 and 50517.11 to, the Health and Safety Code, relating to farmworkers, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 2306, as amended, Florez. Farmworker programs.

(1) Under existing law, the California Rural Health Policy Council in the California Health and Human Services Agency



is established to improve access to, and the quality of, health care in rural areas.

This bill would require the State Department of Health Services to review and survey the extent to which agricultural workers and their families utilize those public health programs for which they are eligible, in order to provide improved delivery of services to the families of agricultural workers. The bill would specify the components of the survey, require the department, in conducting the survey, to ensure the full participation of entities that provide services to agricultural workers, and require the department to report the survey results to the Legislature on or before March 1, 2001, and to submit an implementation plan based on those results to the Legislature on or before December 31, 2001.

(2) Under existing law, the Department of Housing and Community Development is required to develop a statewide farmworker housing assistance plan and related policies, goals, and objectives for inclusion in the California Statewide Housing Plan.

This bill would require that the farm labor housing assistance plan include specified information regarding availability of, and funding for, housing for farm laborers, and other information.

The bill also would require the department to establish a task force to assist in the development of the farm labor housing assistance plan and would require that the plan be developed or revised with the specified information by ~~January~~ July 1, 2002.

(3) Existing law requires the Department of Housing and Community Development to establish a Farmworker Housing Grant Program to make funds available to local public entities and nonprofit corporations for the construction or rehabilitation of housing for agricultural employees and their families.

This bill would rename this program as the “Joe Serna, Jr. Farmworker Housing Grant Program” and would also create the “Joe Serna, Jr. Farmworker Family Wellness Program” to provide for the integration of, among other things, family health and other family services to agricultural workers in conjunction with these programs.



The bill would also authorize the department to enter into a memorandum of understanding (MOU) or contract, as specified, with a nonprofit corporation that demonstrates statewide experience, capacity, and capability in designing, financing, and implementing programs for providing housing for agricultural workers and integrating health services with the provision of farmworker housing. The bill would also provide that the department shall not enter into a new MOU or contract or commit additional funding to these programs after January 1, 2004, except as specified.

The bill would require the nonprofit corporation to report to the department and would require the department to report the results of the wellness program to the Legislature on or before December 31, 2002.

(4) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1179.6 is added to the Health and
2 Safety Code, to read:
3 1179.6. (a) (1) In order to provide improved
4 delivery of services to the families of agricultural workers,
5 the State Department of Health Services shall review and
6 survey the extent to which agricultural workers and their
7 families utilize those public health programs for which
8 they are eligible. In conducting the survey, the
9 department shall ensure the full participation of entities
10 that provide services to agricultural workers, including
11 clinics, community-based agencies, public health
12 departments, and organizations and associations involved
13 with agricultural worker health and well-being.
14 Programs considered in the survey shall include, but shall
15 not be limited to, all of the following:
16 (A) The Medi-Cal program.
17 (B) The Healthy Families program.
18 (C) The Early and Periodic Screening, Diagnostic,
19 and Treatment Program (EPSDT).



- 1 (D) The Child Health and Disability Prevention
- 2 Program (CHDP).
- 3 (E) Health clinics.
- 4 (F) Public health prevention programs.
- 5 (G) Immunization programs.
- 6 (H) Community mental health programs.
- 7 (I) Programs funded under the California Children
- 8 and Families Program.
- 9 (J) Parenting programs.
- 10 (K) Teen pregnancy prevention and case
- 11 management programs.
- 12 (L) Domestic violence and child abuse prevention
- 13 programs.
- 14 (M) Any other relevant programs available in
- 15 communities of agricultural workers.
- 16 (2) The department shall use the results of the survey
- 17 to prepare an implementation plan that maximizes access
- 18 and streamlines service delivery, in order to make
- 19 comprehensive family wellness programs readily
- 20 available to agricultural workers and their families. In
- 21 developing the implementation plan, the department
- 22 shall ensure the full participation of entities contributing
- 23 to the survey of available services. The implementation
- 24 plan shall be based on the principles set forth in
- 25 subdivision (g) of Section 50517.5, including all of the
- 26 following:
 - 27 (A) Involvement of agricultural workers and their
 - 28 families in program design and delivery.
 - 29 (B) Community collaboration on the local level
 - 30 among available public and private agencies.
 - 31 (C) Coordination with the provision of adequate
 - 32 housing.
- 33 (b) (1) The survey shall address the extent to which
- 34 outreach programs are directed to, and succeed in,
- 35 reaching agricultural workers and their families, and shall
- 36 identify any geographical, cultural, linguistic, or other
- 37 barriers that may prevent full utilization of available
- 38 services.



1 (2) The survey shall place significant emphasis on
2 actual experiences of agricultural workers and their
3 families.

4 (c) The department shall report the results of the
5 survey required by this section to the Legislature on or
6 before March 1, 2001, and shall present the Legislature
7 with the implementation plan required by paragraph (2)
8 of subdivision (a) on or before December 31, 2001.

9 SEC. 2. Section 50455 of the Health and Safety Code
10 is amended to read:

11 50455. (a) The department shall develop a statewide
12 farm labor housing assistance plan and related policies,
13 goals, and objectives for inclusion in the California
14 Statewide Housing Plan.

15 (b) The farm labor housing assistance plan shall
16 include, but not be limited to, an identification of
17 impediments to the production of housing affordable to
18 farm laborers, federal, state, and local sources of
19 financing, private sources of funding, innovative
20 approaches to financing that could be used as a model, the
21 ~~current and projected~~ *analysis of the* need for permanent
22 and migrant housing, and measures that need to be
23 implemented to ~~meet the current and projected~~ *address*
24 *the* need for farm labor housing.

25 (c) The department shall establish a task force to assist
26 in the development of the farm labor housing assistance
27 plan. The task force shall include representatives of state
28 housing departments and agencies involved in the
29 planning and production of housing, infrastructure, and
30 services to farm laborers and representatives from local
31 government, agricultural organizations, organizations of
32 farm laborers, and organizations serving farm laborers
33 and low-income residents in rural areas.

34 (d) The department shall develop or revise the farm
35 labor housing assistance plan on or before ~~January~~ *July* 1,
36 2002. In the event the department does not update or
37 provide the next revision of the California Statewide
38 Housing Plan pursuant to Section 50452 on or before
39 ~~January~~ *July* 1, 2002, the department shall release the



1 farm labor housing assistance plan separately from the
2 California Statewide Housing Plan.

3 SEC. 3. The heading of Chapter 3.2 (commencing
4 with Section 50517.5) of Part 2 of Division 31 of the Health
5 and Safety Code is amended to read:

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CHAPTER 3.2. THE JOE SERNA, JR. FARMWORKER HOUSING
GRANT PROGRAM

10 SEC. 4. Section 50517.5 of the Health and Safety Code
11 is amended to read:

12 50517.5. (a) (1) The department shall establish the
13 Joe Serna, Jr. Farmworker Housing Grant Program under
14 which, subject to the availability of funds therefor, grants
15 shall be made to local public entities and nonprofit
16 corporations for the construction or rehabilitation of
17 housing for agricultural employees and their families.
18 Under this program, grants may also be made for the
19 purchase of land in connection with housing assisted
20 pursuant to this section and for the construction and
21 rehabilitation of related support facilities necessary to the
22 housing. In its administration of this program, the
23 department shall disburse grant funds to the local public
24 entities and nonprofit corporations or may, at the request
25 of the local public entity or nonprofit corporation that
26 sponsors and supervises the rehabilitation program,
27 disburse grant funds to agricultural employees who are
28 participants in a rehabilitation program sponsored and
29 supervised by the local public entity or nonprofit
30 corporation. No part of a grant made pursuant to this
31 section may be used for project organization or planning.

32 (2) The program shall be administered by the
33 Director of Housing and Community Development and
34 officers and employees of the department as he or she
35 may designate.

36 (3) It is the intent of the Legislature that, in
37 administering the program, the director shall facilitate, to
38 the greatest extent possible, the construction and
39 rehabilitation of permanent dwellings for year-round
40 occupancy and ownership by agricultural employees,



1 including ownership of the sites upon which the dwellings
2 are located.

3 (b) (1) The Joe Serna, Jr. Farmworker Housing Grant
4 Fund is hereby created in the State Treasury.
5 Notwithstanding Section 13340 of the Government Code,
6 all money in the fund is continuously appropriated to the
7 department for making grants pursuant to this section
8 and for costs incurred by the department in
9 administering the grant program.

10 (2) There shall be paid into the fund the following:

11 (A) Any moneys appropriated and made available by
12 the Legislature for purposes of the fund.

13 (B) Any moneys that the department receives in
14 repayment or return of grants from the fund, including
15 any interest therefrom.

16 (C) Any other moneys that may be made available to
17 the department for the purposes of this chapter from any
18 other source or sources.

19 (c) Grants made pursuant to this section shall be
20 matched by grantees with at least equal amounts of
21 federal moneys, other cash investments, or in-kind
22 contributions.

23 (d) With respect to the supervision of grantees, the
24 department shall do the following:

25 (1) Establish minimum capital reserves to be
26 maintained by grantees.

27 (2) Fix and alter from time to time a schedule of rents
28 that may be necessary to provide residents of housing
29 assisted pursuant to this section with affordable rents to
30 the extent consistent with the maintenance of the
31 financial integrity of the housing project. No grantee shall
32 increase the rent on any unit constructed or rehabilitated
33 with the assistance of funds granted pursuant to this
34 section without the prior permission of the department,
35 which shall be given only if the grantee affirmatively
36 demonstrates that the increase is required to defray
37 necessary operating costs or avoid jeopardizing the fiscal
38 integrity of the housing project.

39 (3) Determine standards for, and control selection by
40 grantees of, tenants and subsequent purchasers of



1 housing constructed or rehabilitated with the assistance
2 of funds granted pursuant to this section.

3 (4) (A) Require as a condition precedent to a grant of
4 funds that the grantee be record owner in fee of the
5 assisted real property and that the grantee shall have
6 entered into a written agreement with the department
7 binding upon the grantee and successors in interest to the
8 grantee. The agreement shall include the conditions
9 under which the funds advanced may be repaid. The
10 agreement shall include provisions for a lien on the
11 assisted real property in favor of the State of California for
12 the purpose of securing performance of the agreement.
13 The agreement shall also provide that the lien shall
14 endure until released by the Director of Housing and
15 Community Development.

16 (B) In the event that funds granted pursuant to this
17 section constitute less than 25 percent of the total
18 development cost or value, whichever is applicable, of a
19 project assisted under this section, the department may
20 adopt, by regulation, criteria for determining the number
21 of units in a project to which the restrictions on
22 occupancy contained in the agreement apply. In no event
23 may these regulations provide for the application of the
24 agreement to a percentage of units in a project that is less
25 than the percentage of total development costs that funds
26 granted pursuant to this section represent.

27 (C) Contemporaneously with the disbursement of the
28 initial funds to a grantee, the department shall cause to
29 be recorded, in the office of the county recorder of the
30 county in which the assisted real property is located, a
31 notice of lien executed by the Director of Housing and
32 Community Development. The notice of lien shall refer
33 to the agreement required by this paragraph for which it
34 secures and it shall include a legal description of the
35 assisted real property that is subject to the lien. The notice
36 of lien shall be indexed by the recorder in the Grantor
37 Index to the name of the grantee and in the Grantee
38 Index to the name of the State of California, Department
39 of Housing and Community Development. The
40 department shall adopt by regulation criteria for the



1 determination of the lien period. This regulation shall
2 take into account whether the property is held by
3 multifamily rental, single-family ownership, or
4 cooperative ownership and whether it is new
5 construction or rehabilitative construction.

6 (D) Pursuant to regulations adopted by the
7 department, the department may execute and cause to
8 be recorded in the office of the recorder of the county in
9 which a notice of lien has been recorded, a subordination
10 of the lien. The regulations adopted by the department
11 shall provide that any subordination of the lien shall not
12 jeopardize the security interest of the state and shall
13 further the interest of farmworker housing. The recitals
14 contained in the subordination shall be conclusive in
15 favor of any bona fide purchaser or lender relying
16 thereon.

17 (5) Regulate the terms of occupancy agreements or
18 resale controls, to be used in housing assisted pursuant to
19 this section.

20 (6) Provide bilingual services and publications, or
21 require grantees to do so, as necessary to implement the
22 purposes of this section.

23 (7) The agreement between the department and the
24 grantee shall provide, among other things, that both of
25 the following occur:

26 (A) Upon the sale or conveyance of the real property,
27 or any part thereof, for use other than for agricultural
28 employee occupancy, the grantee or its successors shall,
29 as a condition for the release of the lien provided pursuant
30 to paragraph (4), repay to the fund the department's
31 grant funds.

32 (B) Upon the sale or conveyance of the real property
33 or any part thereof for continued agricultural employee
34 occupancy, the transferee shall assume the obligation of
35 the transferor and the real property shall be transferred
36 to the new owner; provided that the transferee agrees to
37 abide by the agreement entered into between the
38 transferor and the department and that the new owner
39 takes the property subject to the lien provided pursuant
40 to paragraph (4), except that this lien shall, at the time of



1 the transfer of the property to the new owner, be
2 extended for an additional lien period determined by the
3 department pursuant to paragraph (4), and the new
4 owner shall not be credited with the lien period that had
5 run from the time the transferor had acquired the
6 property to the time of transfer to the new owner, unless
7 the department determines that it is in the best interest
8 of the state and consistent with the intent of this section
9 to so credit the lien period to the new owner. However,
10 the lien shall have priority as of the recording date of the
11 lien for the original grantee, pursuant to paragraph (4).

12 (e) The department may do any of the following with
13 respect to grantees:

14 (1) Through its agents or employees enter upon and
15 inspect the lands, buildings, and equipment of a grantee,
16 including books and records, at any time before, during,
17 or after construction or rehabilitation of units assisted
18 pursuant to this section. However, there shall be no entry
19 or inspection of any unit that is occupied, whether or not
20 any occupant is actually present, without the consent of
21 the occupant.

22 (2) Supervise the operation and maintenance of any
23 housing assisted pursuant to this section and order repairs
24 as may be necessary to protect the public interest or the
25 health, safety, or welfare of occupants of the housing.

26 (f) The department shall include in its annual report
27 required by Section 50408, a current report of the Joe
28 Serna, Jr. Farmworker Housing Grant Program. The
29 report shall include, but need not be limited to, (1) the
30 number of households assisted, (2) the average income of
31 households assisted and the distribution of annual
32 incomes among assisted households, (3) the rents paid by
33 households assisted, (4) the number and amount of grants
34 made to each nonprofit corporation and local public
35 entity in the preceding year, (5) the dollar value of
36 funding derived from sources other than the state for
37 each project receiving a grant under this section, and an
38 identification of each source, (6) recommendations, as
39 needed, to improve operations of the program and
40 respecting the desirability of extending its application to



1 other groups in rural areas identified by the department
2 as having special need for state housing assistance, and
3 (7) the number of manufactured housing units assisted
4 under this section.

5 (g) As used in this section:

6 (1) "Agricultural employee" has the same meaning as
7 specified in subdivision (b) of Section 1140.4 of the Labor
8 Code, but also includes any person who works at a
9 packing shed for a labor contractor or other entity that
10 contracts with an agricultural employer in order to
11 perform services in connection with handling, drying,
12 packing, or storing any agricultural commodity in its raw
13 or natural state, whether or not this person is
14 encompassed within the definition specified in
15 subdivision (b) of Section 1140.4 of the Labor Code.

16 (2) "Grantee" means the local public entity or
17 nonprofit corporation that is awarded the grant under
18 this section and, at the request thereof, may include an
19 individual homeowner receiving direct payment of a
20 grant for rehabilitation under this section who occupies
21 the assisted housing both before and after the
22 rehabilitation and who is a participant in a rehabilitation
23 program sponsored and supervised by a local public
24 entity or nonprofit corporation.

25 (3) "Housing" may include, but need not be limited to,
26 conventionally constructed units and manufactured
27 housing.

28 (h) The department may offer the assistance offered
29 pursuant to this chapter in any area where there is a
30 substantial unmet need for farmworker housing.

31 SEC. 5. Section 50517.6 of the Health and Safety Code
32 is amended to read:

33 50517.6. (a) The department may set aside the
34 amount of funds authorized by subdivision (d) for the
35 purposes of curing or averting a default on the terms of
36 any loan or other obligation by the recipient of financial
37 assistance, or bidding at any foreclosure sale where the
38 default or foreclosure sale would jeopardize the
39 department's security in the dwelling unit assisted
40 pursuant to this chapter.



1 (b) The department may use the set-aside funds made
2 available pursuant to this chapter to repair or maintain
3 any dwelling unit assisted pursuant to this chapter that
4 was acquired to protect the department's security
5 interest in the dwelling unit.

6 (c) The payment or advance of funds by the
7 department pursuant to this section shall be exclusively
8 within the department's discretion, and no person shall
9 be deemed to have any entitlement to the payment or
10 advance of those funds. The amount of any funds
11 expended by the department for the purposes of curing
12 or averting a default shall be added to any grant amount
13 secured by the lien and shall be payable to the
14 department upon demand.

15 (d) On the effective date of the act that adds this
16 section, the department may set aside up to two hundred
17 thousand dollars (\$200,000) from the Joe Serna, Jr.
18 Farmworker Housing Grant Fund for the purposes
19 authorized by this section. On July 1 of each subsequent
20 fiscal year, the department may set aside, for the purposes
21 of this section, up to 4 percent of the funds available in the
22 Joe Serna, Jr. Farmworker Housing Grant Fund on that
23 date.

24 SEC. 6. Section 50517.11 is added to the Health and
25 Safety Code, to read:

26 50517.11. (a) The Legislature finds and declares all of
27 the following:

28 (1) California's hard-working agricultural workers
29 have made critical contributions to California's
30 agricultural economy for many generations.

31 (2) The health, housing, and economic and social
32 conditions of agricultural workers have been long
33 ignored by public policy, such that this lowest-paid
34 segment of our labor force has lived in poverty conditions,
35 with inadequate health care, housing, and other services.

36 (3) The late Mayor of Sacramento, Joe Serna, Jr., who
37 grew up as a farmworker and provided an inspiration by
38 making invaluable contributions to society, maintained a
39 lifelong interest in improving the conditions of
40 agricultural workers and their families and children.



1 (4) Housing is a primary determinant of health.

2 (5) While California has established a Farmworker
3 Housing Grant Program, it has not attempted to integrate
4 its housing programs with broader programs to ensure
5 the health and improve the conditions of agricultural
6 worker families.

7 (b) It is the intent of the Legislature to enact the “Joe
8 Serna, Jr. Farmworker Family Wellness Act,” to provide
9 for all of the following:

10 (1) Integration, coordination, and expansion of health
11 services to achieve the goal of advancing comprehensive
12 strategies for improving the health status of agricultural
13 workers and their families.

14 (2) Integration, coordination, and expansion of
15 community-based services, including housing,
16 educational, recreational, and social services, to serve the
17 varied needs of agricultural worker families.

18 (3) A means for integration and coordination of public,
19 private, and nonprofit services in conjunction with the
20 Joe Serna, Jr. Farmworker Housing Grant Program to
21 maximize the effectiveness of services to agricultural
22 worker families.

23 (c) (1) There is hereby created the Joe Serna, Jr.
24 Farmworker Family Wellness Program, to provide for
25 the integration of family health and other family services
26 with the housing component of Section 50517.5. The
27 program shall contain elements that provide for all of the
28 following:

29 (A) The provision of housing and the provision of
30 health and other family services for agricultural workers
31 in a coordinated manner.

32 (B) Involvement of agricultural workers in decisions
33 about priorities for programs and services that are
34 needed.

35 (C) The participation of other community partners,
36 including schools, in a collaborative effort to provide
37 these programs and services in conjunction with the
38 construction of new housing or the rehabilitation of
39 existing housing.



1 (2) Subject to funding in the Budget Act of 2000 for a
2 program to link up farmworker housing grant funds to
3 housing developments that also provide health and other
4 family services, the Department of Housing and
5 Community Development may enter into a
6 memorandum of understanding (MOU) or contract for
7 the implementation of this program with a nonprofit
8 corporation that demonstrates statewide experience,
9 capacity, and capability in designing, financing, and
10 implementing programs for providing housing for
11 agricultural workers and integrating health services with
12 the provision of farmworker housing. The MOU or
13 contract shall provide that the nonprofit corporation shall
14 process and approve applications received from potential
15 grantees, oversee project development and
16 implementation, and oversee the long-term monitoring
17 and compliance required by Section 50517.5 and this
18 section. The MOU or contract shall include the criteria for
19 consultation with the department or department
20 approval of various components of the program and an
21 expedited process with the intent of providing approvals
22 in a shortened timeframe. The department may
23 prescribe conditions related to the deposit, use, and
24 accounting of funds for operation of the program. The
25 MOU or contract shall further provide that the
26 department funds awarded to any grantee by the
27 nonprofit corporation be used in conjunction with the
28 nonprofit corporation's funds in both the housing
29 construction or rehabilitation component as well as the
30 health and family services component. The nonprofit
31 corporation's funds may be used as all or a portion of the
32 match required by subdivision (c) of Section 50517.5.

33 (3) The department shall not be subject to the
34 requirements of Chapter 3.5 (commencing with Section
35 11340) of Part 1 of Title 2 of the Government Code.

36 (4) A nonprofit corporation selected pursuant to
37 paragraph (2) shall report the information required by
38 this paragraph to the Department of Housing and
39 Community Development and the department shall
40 report to the Legislature the results of the Joe Serna, Jr.



1 Farmworker Family Wellness Program on or before
2 December 31, 2002. The report shall include all of the
3 following:

4 (A) Details of the MOU.

5 (B) Number of grants awarded to grantees.

6 (C) Details about the projects operated using grant
7 funds identifying information related to all of the
8 elements provided in paragraph (1).

9 (D) Number of new housing units built, rehabilitated,
10 or under construction.

11 (E) Details about the physical and other benefits
12 received by agricultural workers and their families from
13 participation in the health and family services programs
14 while living in the housing units assisted by this program.

15 (d) The department shall not enter into a new MOU
16 or contract or commit additional funding to the program
17 after January 1, 2004, except for costs and activities
18 related to long-term compliance and monitoring of
19 projects assisted pursuant to this section.

20 SEC. 7. This act is an urgency statute necessary for the
21 immediate preservation of the public peace, health, or
22 safety within the meaning of Article IV of the
23 Constitution and shall go into immediate effect. The facts
24 constituting the necessity are:

25 In order to improve the health and well-being of
26 agricultural workers and their families by improving
27 delivery of public health services and making available
28 grant funds for housing at the earliest possible time, it is
29 necessary that this act take effect immediately.

