

## CONTACT THE DEPARTMENT OF HEALTH

### Bureau of Community Environmental Health and Food Protection

Contact your local county Health Department  
or

### Bureau of Community Environmental Health and Food Protection

Empire State Plaza  
Corning Tower  
Room 1395  
Albany, NY 12237  
518-402-7600

### Helpful links:

[health.ny.gov/environmentalcontacts](https://health.ny.gov/environmentalcontacts)

[health.ny.gov/regulations/nycrr/title\\_10/part\\_15/](https://health.ny.gov/regulations/nycrr/title_10/part_15/)

[health.ny.gov/environmental/water/drinking/  
doh\\_pub\\_contacts\\_map.htm](https://health.ny.gov/environmental/water/drinking/doh_pub_contacts_map.htm)

## CONTACT THE DEPARTMENT OF LABOR

### Division of Compliance and Education

*(formerly known as Division of Immigrant Policies and Affairs)*

#### Statewide locations

Contact your local Compliance and Education  
Specialist by calling:  
877-466-9757

#### Foreign Labor Certification Unit (H-2A)

290 Main Street, Suite 213  
Buffalo, NY 14202  
716-803-0402  
H2A@labor.ny.gov

### Helpful links:

[dol.ny.gov/services-agricultural-employers-0](https://dol.ny.gov/services-agricultural-employers-0)

[dol.ny.gov/h-2a-employers-and-agents](https://dol.ny.gov/h-2a-employers-and-agents)



## MIGRANT SEASONAL FARMWORKER HOUSING

### Inspection and Permitting Requirements in New York State

**WE ARE YOUR DOL**



The New York State Department of Labor is an Equal Opportunity Employer/Program.  
Auxiliary aides and services are available upon request and free of charge to individuals  
with disabilities TTY/TDD 711 or 1-800-662-1220 (English) / 1-877-662-4886.

P733 (03/24)

**WE ARE YOUR DOL**



## STATE AND FEDERAL REGULATORY AGENCIES AND REQUIREMENTS

Farmers and other employers providing housing to migrant seasonal farmworkers may be required to comply with the requirements of State and/or Federal agencies. These agencies are responsible for ensuring regulatory compliance regarding the safety of farmworker housing. Farm owners providing housing may be required to submit information about their employment activities, obtain permits and allow for inspection of their housing facilities.

This brochure lists the responsibilities of the Department of Labor and the Department of Health regarding the inspection of housing for migrant seasonal farmworkers in New York State and outlines requirements of each agency.

## NEW YORK STATE DEPARTMENT OF HEALTH REQUIREMENTS

The Department of Health is responsible for inspecting and permitting seasonal farmworker housing facilities occupied by one or more persons. An annual operating permit must be obtained for both on-site and off-site housing provided by the employer. A pre-operational inspection must be conducted by State/County Department of Health staff prior to any occupancy of the facility by workers as described above. The Department of Health also routinely inspects this housing during the operating season to ensure it meets the requirements contained in Part 15, "Migrant Farmworker Housing," of the New York State Sanitary Code.



## REGISTERING A NEW LABOR CAMP?

The Department of Health process for obtaining a labor camp permit for a new facility can range from six months to a year or longer. The permitting process requires the review of a detailed permit application and an evaluation of the following items:

- Structural integrity and maintenance
- Fire safety
- Water supply
- Sewage treatment system
- Laundry facilities
- Food service
- General sanitation and trash disposal

## HOW CAN AN EMPLOYER HELP THE PROCESS?

To expedite the permitting process, the employer should provide the following information regarding the facility (if known):

- Type, on-site location and any treatment of the private water supply serving the facility (drilled well vs. dug well)
- Components and location of sewage disposal system
- Engineered plans detailing the water supply and sewage treatment system, and a Copy of the Certificate of Occupancy or Certificate of Compliance issued by local Code Enforcement may be required
- Employers are required to schedule the mandatory pre-operational inspection when the permit application and engineered plans (when required) have been approved, construction is complete, and the facility meets all requirements of Part 15

## NEW YORK STATE DEPARTMENT OF LABOR REQUIREMENTS

The Agricultural Recruitment System requires that all housing offered to workers on all local, intrastate and interstate job orders be inspected and approved. Housing offered as a benefit with local job orders for recruitment and intrastate job orders for statewide recruitment must be inspected by the appropriate agency. Additionally, the Department of Labor assists New York employers by processing job orders for the H-2A temporary labor program. The H-2A job order process is part of Interstate recruitment. All employers must demonstrate that they will provide suitable housing for their H-2A and domestic farmworkers.

For H-2A purposes, the Department of Labor works with the Department of Health to coordinate housing inspections, utilizing Part 15 regulations. The Department of Labor will advise the Department of Health of the H-2A job order application and Federal regulatory timeline. During the course of processing the H-2A job order, the Department of Labor also advises the employer to contact the Department of Health to schedule the inspection. Housing regulations also require that water available to workers for drinking, cooking and bathing be potable. Therefore, employers must provide compliant well-water testing results as part of the housing inspection process.

Employers seeking foreign guest workers under the H-2A program must submit their initial paperwork to the United States Department of Labor's FLAG system 60-75 days prior to the start of work. They must have an approved housing inspection no less than 32 days prior to the start of work.

