



Housing Rights



Vocabulary

- Certificate
- Sanitary
- Rodents

Many migrant farm workers live in temporary housing provided by their employer. Laws exist to be sure safety and health rules are kept in the housing. If you live in housing provided by your employer, you are most likely protected by these laws.

This lesson explains your rights. It is for information, only. It is not legal advice. If you have any complaints, you should speak to your employer or landlord first. If the problems continue, you can make a formal complaint.

Your Basic Rights

Workers with an H-2A visa have a legal contract that describes their job requirements and expectations. Even if you do not have a written contract, certain laws will protect your basic rights.

Who Protects Your Housing Rights?

The Migrant and Seasonal Agricultural Worker Protection Act (MSAWPA) protects your safety and health in any housing your employer provides. The U.S. Department of Labor (DOL) enforces the law with the help of a government agency called OSHA. OSHA stands for the Occupational Safety and Health Administration. Its sole focus is on safety and health in the workplace.

Some states have rules that are different from the ones set by OSHA. Employers must follow whichever set of rules is more strict. That is, they must follow the rules that are in the best interest of their workers. The federal law and OSHA rules apply to housing built after April 3, 1980.

Certificate

Depending upon the number of employees (varies by state), the housing must meet the minimum safety standards set by OSHA. That means, the employer needs permission to house workers there. If the housing passes inspection, the employer will receive a certificate of permission. It is issued by OSHA or by the local state health agency.

Your employer should either post the certificate in the house or give you a written copy of it. You have the right to see the rules that apply to where you live. The certificate should include the following details:

- the name and address of the farm labor contractor, employer, or association providing the housing
- the name and address of the person in charge of the housing
- the mailing address and phone number of the house
- the names of the persons or groups who have permission to live in the housing
- the amount of rent and fees charged for the housing, if any
- whether meals will be provided or not, and how much will be charged for them
- any other rules or charges for living in the house

**Even if your employer provides housing for less than the minimum number of residents required by your state, it should still meet the minimum OSHA standards.

Safety and Freedom:

While living in your employer's housing, you have the same rights that you would if you were living in another place. You have a right to:

- live without harsh rules
- live without violence or threats
- live without illegal entries to the house
- receive visitors and talk with your family
- leave, even if you owe money to your employer

The Department of Labor has the power to enter the housing at all reasonable times to make sure that OSHA rules are being followed.

The employer or landlord must follow legal rules if he/she does not want you to live there anymore and asks you to leave.

All signs should be in English and in the language spoken in the house, if different from English.

Living Conditions:

Health and Safety:

Your housing should follow all fire and safety regulations. First aid supplies should be available.

Power, Heat, and Light:

There should be electricity in every room.

Food:

Your housing should have enough refrigerators and stoves for the number of workers. Individual states have different regulations. The only exception to this rule is if workers are provided with meals.

Toilets:

There should be at least one toilet for every 15 workers. If there are both male and female workers, different toilets for men and women must be provided. Toilets that are not inside the housing cannot be more than 100 feet from the building and no more than 200 feet from where you sleep. Toilets should be cleaned at least one time every day.

Cleanliness/Sanitary Conditions:

Housing should be at least 500 feet away from livestock. It should be away from garbage and free of rodents. Housing should be provided with water and machines to do laundry.

Access to water:

Housing should have hot and cold running water. It should deliver at least 35 gallons of water per person, per day. If the water is not pumped directly into the building, it should not be more than 100 feet away from the housing.

Sleeping and Spacing Conditions:

Each person should have at least 50 square feet of space in sleeping rooms. If sleeping areas are located in the same room as cooking and living spaces, then each person should get a minimum of 100 square feet for their bed. Each person should have his/her own bed. Each bed must be at least 12 inches (1 foot) off the floor and at least 3 feet apart from other beds in all directions.

Payments:

Your employer can take money from your check for the housing given to you. But, you must be told how much before you live there. Your employer needs your permission to take the money. An employer can charge for rent, heat, and electricity, but not for using the toilet or having access to water.

Complaints:

If you have an accident or are hurt because certain rules were not followed in the housing, you have the right to complain. You should be able to complain without being afraid you will be fired. First, contact your employer. If you do not get a response or the situation does not change, contact OSHA. OSHA has a 24-hour emergency hotline at 1-800-321-OSHA (6742). The hotline does not require your name, if you don't want to give it.

Vocabulary & Definitions

Certificate:

A document that shows the law is being followed. For example, a housing certificate shows that the building meets OSHA standards.

Sanitary:

Clean and healthful, without dirt or bacteria. For example, a clean house, free of garbage.

Rodents:

Small animals like mice, rats, and squirrels. They are generally considered pests that are dirty and can spread disease.

Housing Rights

Lesson Plan

Objective: To teach migrant and seasonal agricultural workers:

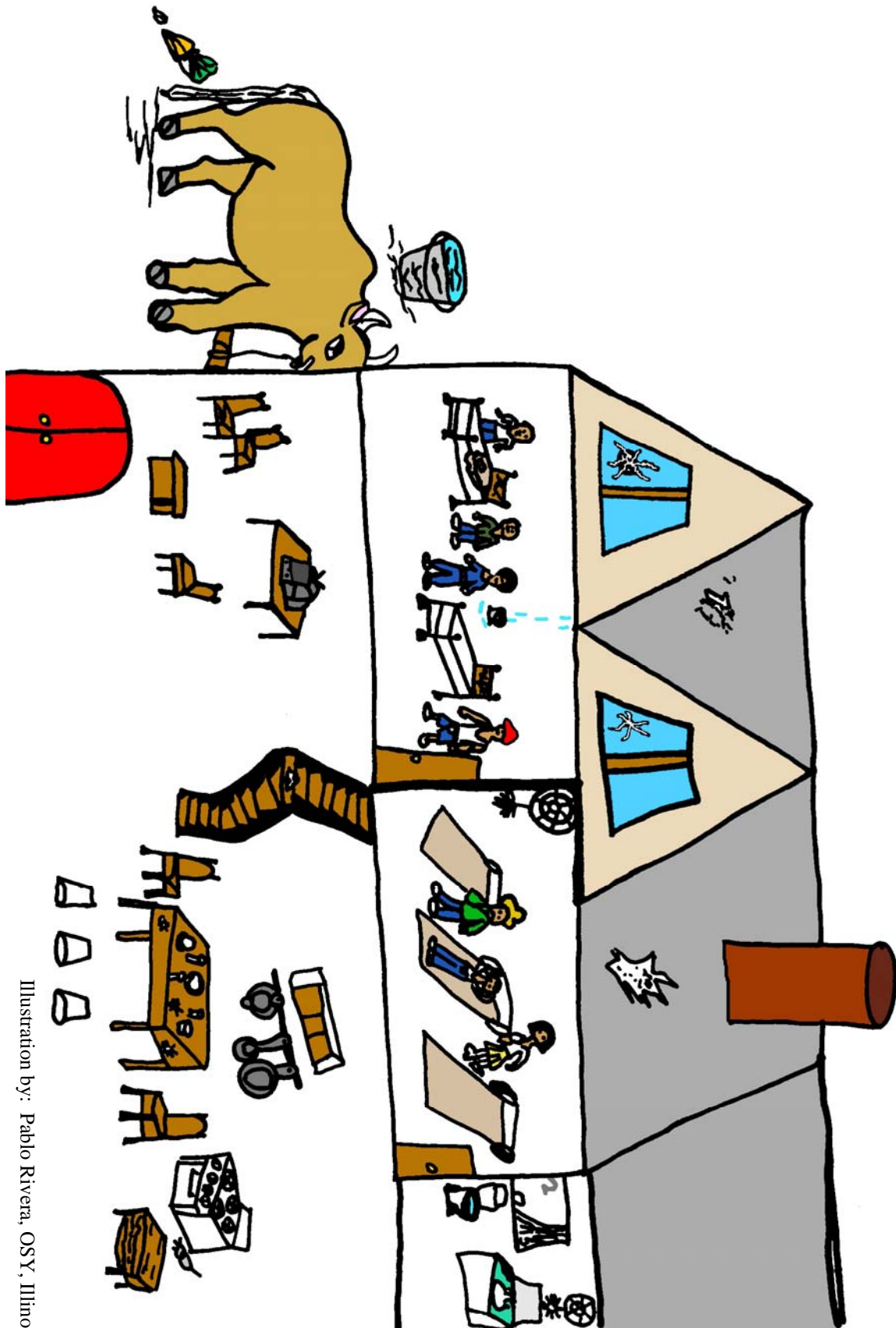
1. their legal rights of living in housing provided for by their employer
2. the living conditions agricultural workers should have in their housing
3. the items that the housing should have

Goals:

- Students will learn what is appropriate and inappropriate for their housing.
- Students will look through different scenarios and determine whether the housing rights are being respected.
- Students will compare pictures of two different sets of housing and identify what is appropriate and inappropriate for the housing.

Essential Questions: What are my housing rights? Who gives me my housing rights? How much can I get charged for housing?
What should my housing conditions be like?

Materials needed		Estimated time
<ul style="list-style-type: none"> • Pre and Post Assessments • Activity #1 (Set A and Set B) with two pictures: one with an appropriate type of housing and another with an inappropriate one. • Activity #2 with scenarios of different housing situations • Student Handout 		1 Hour
Elements	Activities	Notes
Preparation	<ul style="list-style-type: none"> • Introduce the topic – “Housing Rights” Time: 5 minutes • Review the Pre-Assessment Time: 5 minutes 	<ul style="list-style-type: none"> • Have students take the Pre-Assessment. • Ask for volunteers to share their answers.
Instructions	<ul style="list-style-type: none"> • Distribute and read together the student lesson, “Housing Rights.” Time: 15 minutes • The teacher will distribute Activity #1. Time: 15 minutes • The teacher will distribute Activity #2. Time: 10 minutes 	<ul style="list-style-type: none"> • The teacher will explain the meanings of the bold faced words as they appear and give examples of each word. • Students will compare the pictures of the two types of housing and circle the inappropriate parts. • Students will share their responses to make sure they found all of the differences. • There are two different sets of drawings to choose from (Set A and Set B). The teacher will decide which set to use or decide to use both sets • Students will look at the drawings and answer each of the questions. • Students will review the responses.
Concept Check	<ul style="list-style-type: none"> • Students will take the Post-Assessment. Time: 5 minutes 	<ul style="list-style-type: none"> • The teacher will go over the answers and close the lesson by giving each student a list of basic housing rights and contact information.



BAD HOUSE

Illustration by: Pablo Rivera, OSY, Illinois

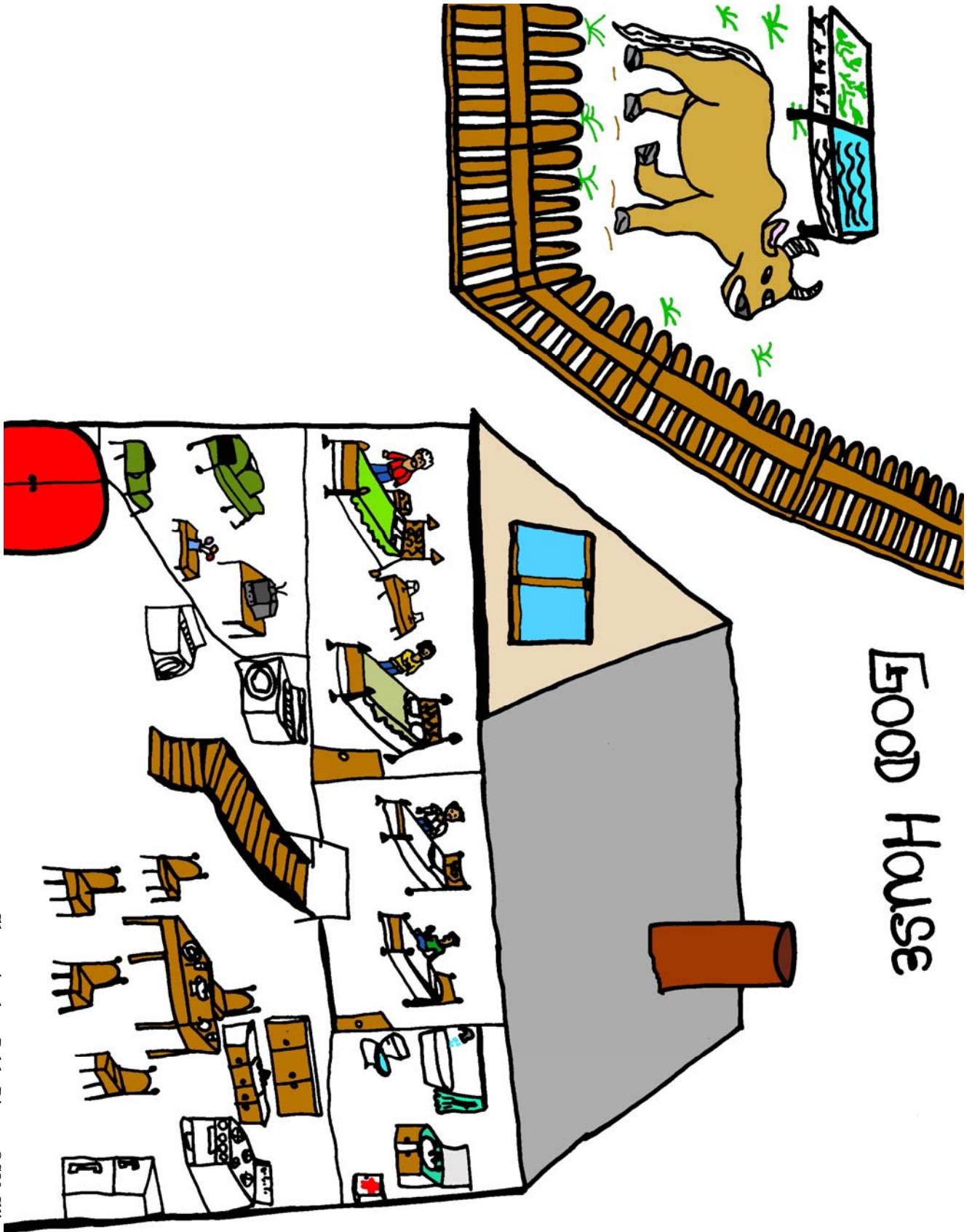


Illustration by: Pablo Rivera, OSY, Illinois

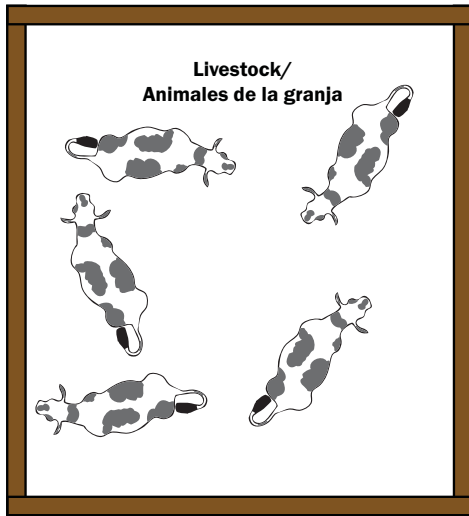
Bad House / Vivienda No Apropiada

Rules Posted on Wall

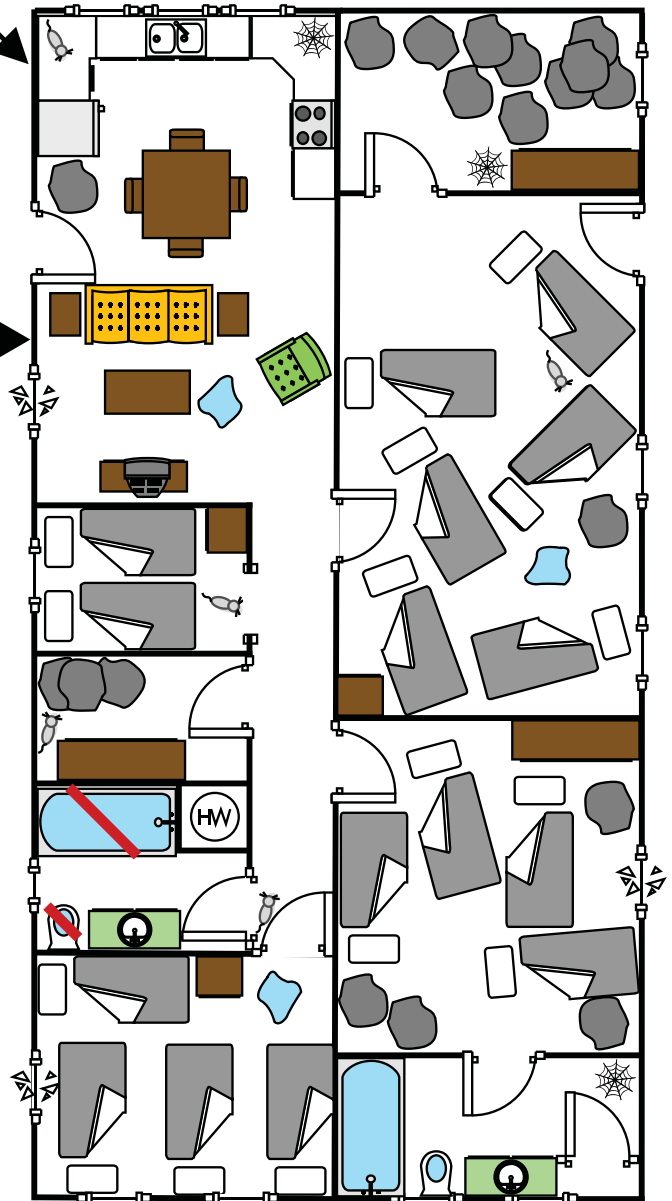
1. No Visitors!
2. Pay \$100 a week

Reglas Sobre la Pared

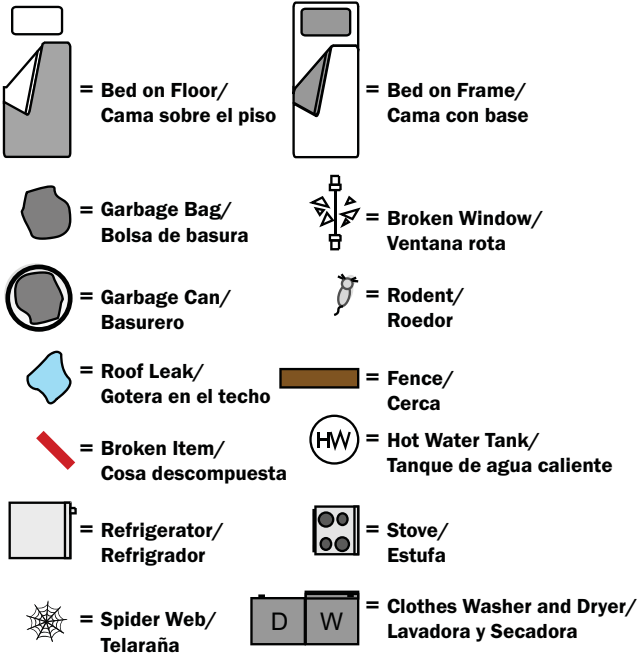
1. ¡No se permiten las visitas!
2. Pagar \$100 a la semana



100 Feet/Pies



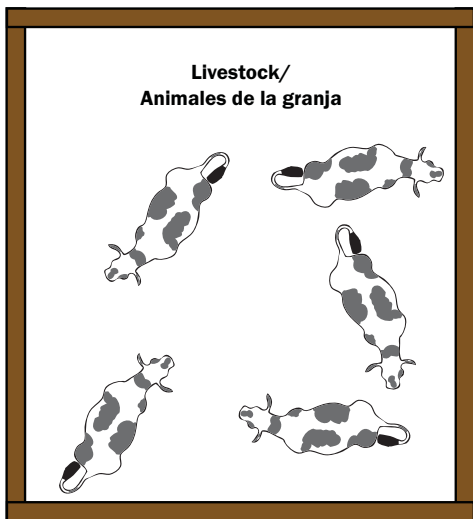
Key/Código



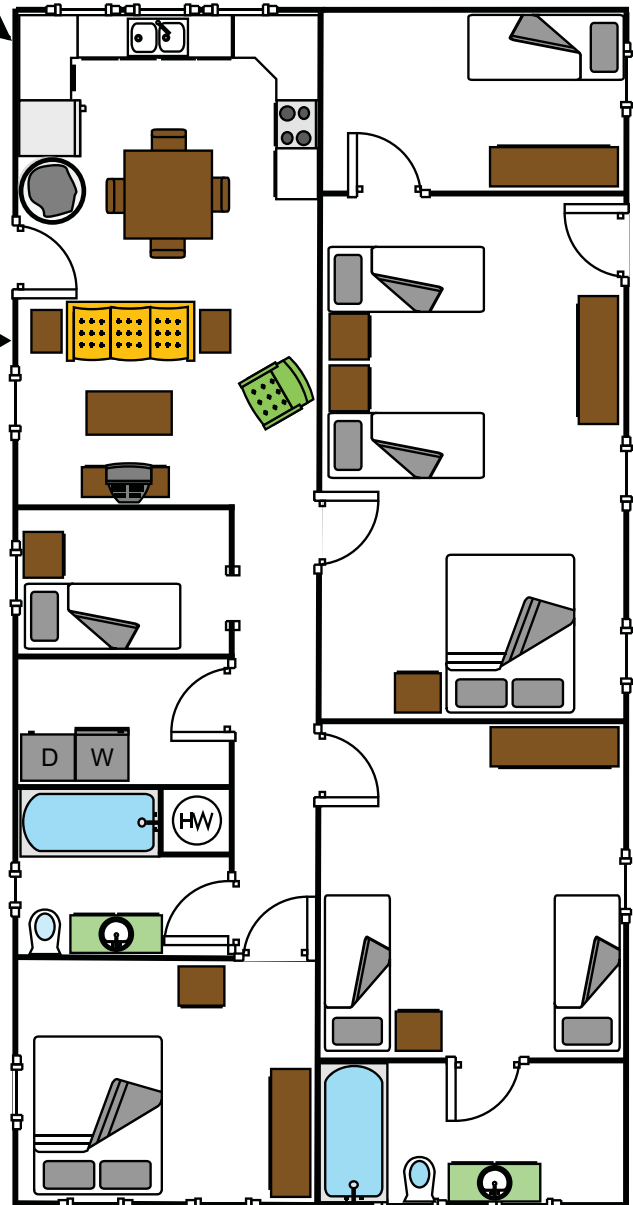
Good House / Vivienda Apropiada

Rules Posted on Wall
OSHA
 - Family Farm
 Farm Town , IL.
 - Farm Owner
 Contact Info:
 (555) 123-4567
 - Permit: Juan, Jose,
 Maria, Guadalupe
 - No Rent, Meals Free
 - Keep Clean

Reglas Sobre la Pared
OSHA
 - Granja Familiar
 Comunidad Granja, IL.
 - Dueño de la Granja
 Comunicarse con:
 (555) 123-4567
 - Personas autorizadas:
 Juan, Jose, Maria
 Guadalupe
 - No Rent, Meals Free
 - Keep Clean



500 Feet/Pies



Key/Código

- | | | | |
|--|---------------------------------------|--|--|
| | = Bed on Floor/
Cama sobre el piso | | = Bed on Frame/
Cama con base |
| | = Garbage Bag/
Bolsa de basura | | = Broken Window/
Ventana rota |
| | = Garbage Can/
Basurero | | = Rodent/
Roedor |
| | = Roof Leak/
Gotera en el techo | | = Fence/
Cerca |
| | = Broken Item/
Cosa descompuesta | | = Hot Water Tank/
Tanque de agua caliente |
| | = Refrigerator/
Refrigerador | | = Stove/
Estufa |
| | = Spider Web/
Telaraña | | = Clothes Washer and Dryer/
Lavadora y Secadora |

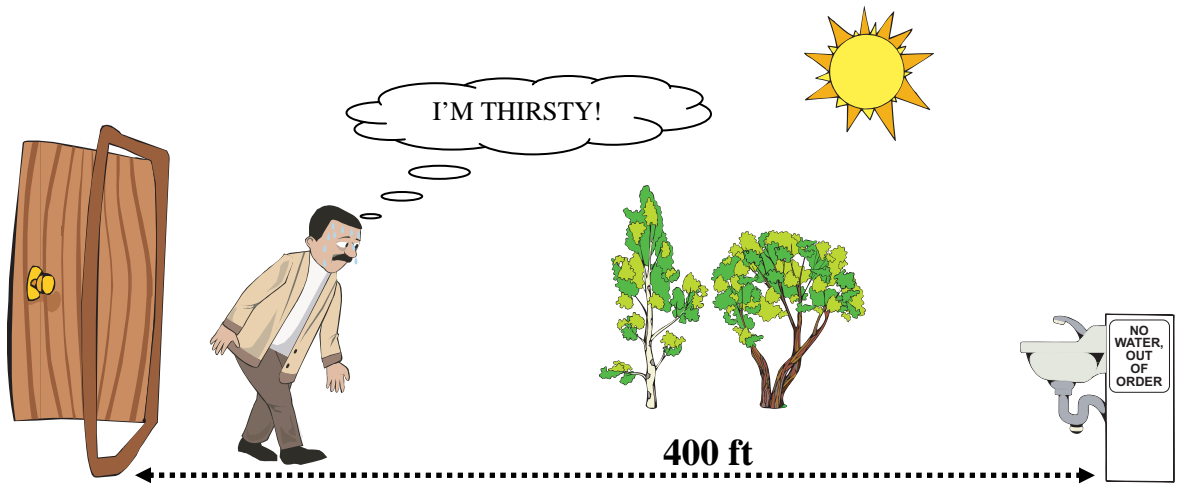
Housing Rights

Activity 2



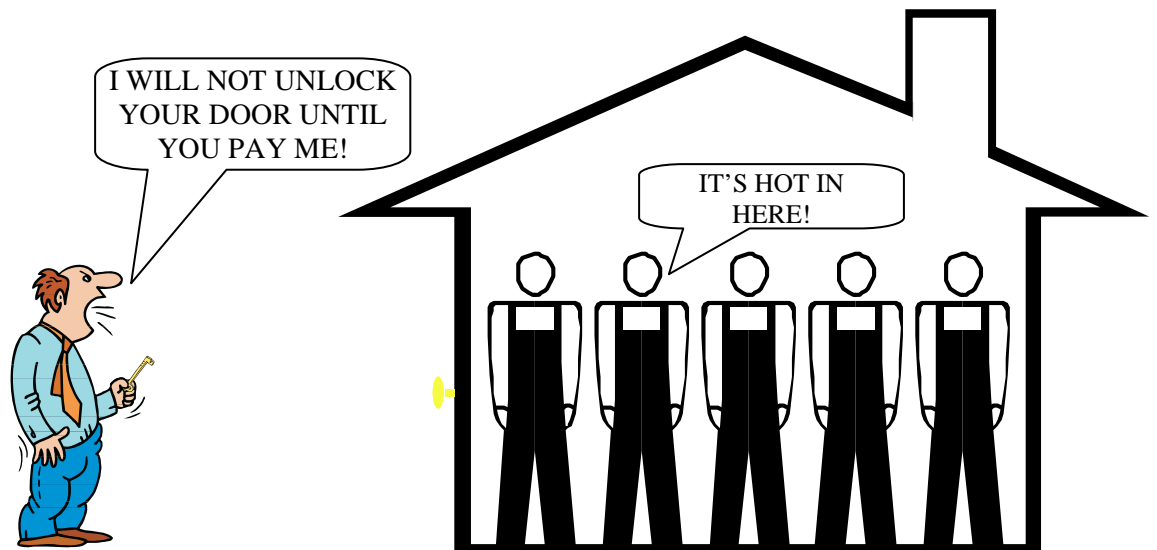
Scene # 1, Clean, Safe Drinking Water

Is the rule for clean safe drinking water being followed? If yes, explain how. If not, write or draw what should be done in order to follow the rules for drinking water.



Scene # 2, Security and Freedom

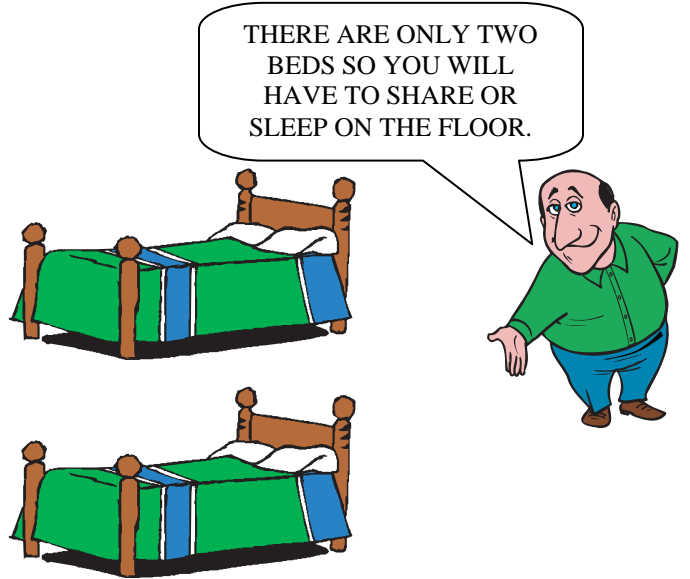
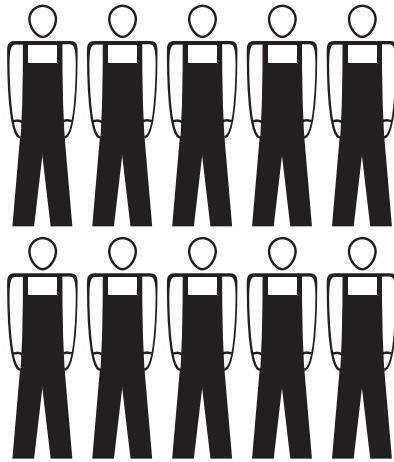
Is the right to security and freedom being respected? If yes, explain how. If not, write or draw what should be done for the right to security and freedom to be respected.





Scene # 3, Sleeping Conditions

Is the right to proper sleeping conditions being respected? If yes, explain how. If not, write or draw what should be done.



Scene # 4, Certification

Are the rules for certification being followed? If yes, explain how the rules of certification are being followed. If not, write or draw what should be done to follow the rules for certification.





**Housing
Rights**

Scene # 1 Clean Safe Drinking Water

No, because access to water is more than 100 feet away and the faucet does not work. As another option the students can draw a working faucet, which is outside the house or less than 100 feet away.

Scene # 2, Security and Freedom

No, because the door is locked and the employer has the key saying that the workers cannot leave. Also, he is not allowing anybody to visit them.

Scene # 3, Sleeping Conditions

No, because there are not enough beds. Also, the workers have to share beds and some even have to sleep on the floor.

Scene # 4, Certification

Yes, because there is an OSHA certificate and all of the appropriate things are listed.



Housing Rights

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1. I have the right to live in an area free of insects and rodents.



2. I have the right to live in clean housing.



3. I have the right to have clean toilets.



4. I have a right to clean, safe water for hand washing and drinking.



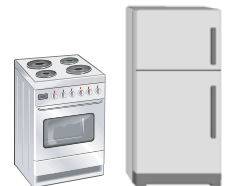
5. I have the right to have my bed raised off the floor.



6. I have the right to electricity in every room.



7. I have the right to a kitchen containing a refrigerator and stove (unless the employer provides my meals).





Housing Rights
Pre-Assessment

Date: _____

Name: _____

1. Can your employer charge you for the housing he/she provides?

Circle the correct answer.

Yes

No

2. Which of these rights do you have while living in your employer's housing?

- a. living without violence
- b. employer not entering your house without notice
- c. living without harsh rules
- d. all of the above

3. If the employer provides you with a bed to sleep in, how far off the floor must it be?

one foot

three feet

4. Does your housing have to be *sanitary*?

Yes

No

5. Your employer is supposed to provide you with hot and cold running water.

True

False

Total Correct: _____



Housing Rights
Post-Assessment

Date: _____

Name: _____

Circle the correct answer.

1. Can your employer charge you for the housing he/she provides?

Yes

No

2. Which of these rights do you have while living in your employer's housing?

- a. living without violence
- b. employer not entering your house without notice
- c. living without harsh rules
- d. all of the above

3. If the employer provides you with a bed to sleep in, how far off the floor must it be?

one foot

three feet

4. Does your housing have to be *sanitary*?

Yes

No

5. Your employer is supposed to provide you with hot and cold running water.

True

False

Total Correct: _____

Describe the living conditions you should have in the housing your employer provides. (not scored) _____
