Farmworker Housing: Policy Considerations for New York State

By Emily Hamilton and Mary Jo Dudley

Overview of the Study and the Results

Farmworker housing conditions vary greatly in New York State. There is a great interest in the state to examine opportunities for improving farmworker housing. In 2000, the Cornell Farmworker Program, formerly the Cornell Migrant Program, and PathStone, (Rural Opportunities Inc.), provided leadership on a study entitled “Housing for Farmworkers in New York: Analysis and Recommendations 2000.” No significant research had been conducted between 2000-2010 on farmworker housing and in light of growing interest for improving opportunities for farmworkers the two organizations collaborated again on the report, Farmworker Housing in New York State: Obstacles and Options 2010.

The Cornell Farmworker Program works to improve the living and working conditions of farmworkers and their families through research, education, and extension. PathStone’s mission is to build family and individual self-sufficiency by strengthening farmworker, rural and urban communities. Both share interest in examining opportunities to improve farmworker housing in the State.

Between 2000 and 2010, New York State farmworker housing policies remained relatively constant. Providing farmworker housing became more challenging for farm owners and non-profits due to changes in farmworker demographics between 2000 and 2010. Despite these challenges, New York State farm owners need to provide quality affordable housing to maintain a dependable work force. This policy brief is a summary of Farmworker Housing in New York State: Options and Obstacles 2010.

Changing Characteristics of the Farmworker Population in New York State

Our research shows that the demographic characteristics of those working on farms in New York State (NYS) changed significantly since the year 2000. The number of undocumented immigrants in NYS increased as well as the number of year-round farmworkers. However, most farmworkers in NYS are still living below the poverty line.¹

According to the Pew Hispanic Center, from 1990 to 2006 the number of undocumented immigrants residing in the U.S. grew dramatically. In 2006, New York State had the fourth largest population of undocumented immigrants in the country with approximately 925,000.² To estimate the exact number of undocumented immigrants working on farms in NYS is challenging because many farm owners believe that the documents presented at the time of employment demonstrate work eligibility.³ A 2002

1. Various sources including Pfeffer and Parra and PathStone
3. Most workers present social security cards at the time of employment. It is difficult to immediately verify their validity.
study of farmworkers in the Hudson Valley found 71 percent of farmworkers in the Hudson Valley were undocumented immigrants. Based on the observations of outreach workers, PathStone estimates that up to 75 percent of all farmworkers in New York are undocumented.

The research of Pfeffer and Parra highlights that a large majority of farmworkers in NYS are Mexican immigrants who work seasonally on fruit and vegetable farms and more recently on dairy farms. As in other states these farmworkers are staying in NYS rather than migrating to other states or returning to their home of origin. In 2009, PathStone noted 86 percent of the farmworkers applying for the job training program were not leaving the state between agricultural seasons. Increasingly dairy farms are providing year round housing for their employees and some dairy farmers struggle to provide quality year round housing.

Many farmworkers in New York are believed to earn incomes below the poverty line. The average annual income in 2002 for Hudson Valley workers was $8078. For the fiscal year June 2009 - July 2010, the average income for farmworkers served by PathStone’s programs who do seasonal work all year round was $5,332. According to Pfeffer and Parra, who conducted surveys in five towns in NYS, the mean annual individual income for New York farmworkers in 2003 was $6,623. This figure when adjusted for inflation ($7898) still falls below the national median income for migrant and non migrant farmworkers which is $7,487 and $14,859 in 2006 or $8,181 and $16,236 in 2010.

The increase in the prevalence of year-round farmworkers combined with low annual incomes highlights the growing need for quality affordable farmworker housing. In NYS, it has become increasingly important that the housing is properly insulated and heat efficient to endure the winter climate.

**Housing Needs**

Many immigrant farmworkers are living in the State year round in housing in need of great improvements. Our research identified a wide variance among farmworker housing conditions. Some farmworkers live in overcrowded conditions with significant structural problems. Federal government employees and service providers contend that farmworkers

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5. John Wiltse. Senior Operations Director. PathStone. Telephone Interview. 10 Mar. 2010. (This estimate is based on anecdotal information.)
continue to live in these conditions for the following reasons:  

1. Housing regulations for migrant, H2A, and year-round farmworkers are not always enforced.
2. There is a lack of communication between the owner and the farmworkers.
3. Farmworkers are largely unaware of housing violations or how to register a complaint.
4. Farmworkers do not have many housing alternatives.
5. Some farm owners do not register their worker housing with the NYS Department of Health.

Limited Number of Registered Beds

Through our research we found very little quantitative data exists on farmworker housing. The only source of quantitative data shows a lack of registered beds. By examining data from the USDA Census of Agriculture and the New York State Department of Health we found that although the numbers of farmworkers increased in some counties between 1997-2007 the number of registered beds have not increased. This trend might occur because many farmworkers are not living in registered housing. Perhaps because fewer farmworkers are living in registered housing current mechanisms for inspecting farmworker housing might not be relevant. While the graph below illustrates the lack of sufficient data for farmworker housing, it points to possible trends in farmworker housing in NYS.

The graph demonstrates how the farmworker population grew in Monroe County from 1,336 in 1997 to 1,713 in 2007, in Onondaga County from 1,181 in 1997 to 1,357 in 2007, in Oswego County from 892 in 1997 to 953 in 2007, in Putnam County from 126 in 1997 to 174 in 2007, in Ulster County from 1,706 in 1997 to 1,958 in 2007, and in Wayne County from 4,771 in 1997 to 4,985 in 2007. At the same time the number of registered beds decreased from 222 in 2000 to 169 in 2009 in Monroe County, from 131 in 2000 to 125 in 2009 in Onondaga, from 280 in 2000 to 161 in 2009 in Oswego County, from 97 to 91 in Putnam County, 1050 in 2000 to 973 in 2009 in Ulster County, and 2345 in 2000 to 2244 in 2009 in Wayne County.

Figure 1: Increases in the Farmworker Population in Six Counties from 1997-2007 and the Decrease in the Number of Registered Beds from 2000-2009

Sources: Total Farmworkers, USDA Agricultural Census National Agriculture Statistics Survey, 1997 and 2007
Number of Registered beds, Nancy M. Port, Principal Sanitarian, NYS Department of Health, Bureau of Community Environmental Health and Food Protection (2009)
Farm Labor

Our research also indicates farm owners face several challenges to maintaining a stable labor force. These challenges include reliance on workers of questionable immigration status, an aging farm owner population, possible changes in state regulations, and land development pressures. Despite these challenges, there continues to be a need for farmworkers to harvest labor-intensive crops such as fruits and vegetables. Quality housing is linked to maintaining a satisfied labor force. While housing is important to NYS agriculture, farm owners have few choices for government loans or grants to improve farmworker housing for the current population.

Limited Public Funding Available for Farmworker Housing

Our research outlines funding for farmworker housing has restrictions for New York farm owners. United States Department of Agriculture’s (USDA) Farm Labor Housing Loan program is only for farmworkers who are citizens and legally admitted permanent residents. The New York State Homes and Community Renewal’s (HCR) Farmworker Housing Program is only for farm owners who have the financial capacity to repay the loan. There are few entitlement counties like Orange County with large groups of farmworkers who have access to Community Development Block Grant (CDBG) and HOME funds. Rural counties can apply for non-entitlement CDBG funding but it is a very competitive process. A lack of public funding combined with current farmworker demographics make developing and improving farmworker housing challenging.

The table below illustrates that not all counties with large populations of farmworkers take advantage of HCR loans for farmworker housing. These ten counties were the only counties that received more than three loans between 1997-2009 out of the total 31 counties that received loans.

Table 1: Numbers of Farmworkers in Ten NYS Counties and the Number of HCR Loans Disbursed from 1997-2009 in These Counties

<table>
<thead>
<tr>
<th>County</th>
<th>Total Farmworkers 2007 (NASS)</th>
<th>Number of HCR loans 1997-2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>New York State</td>
<td>59683</td>
<td>199</td>
</tr>
<tr>
<td>Cayuga</td>
<td>1512</td>
<td>5</td>
</tr>
<tr>
<td>Columbia</td>
<td>885</td>
<td>6</td>
</tr>
<tr>
<td>Cortland</td>
<td>461</td>
<td>4</td>
</tr>
<tr>
<td>Onondaga</td>
<td>1357</td>
<td>11</td>
</tr>
<tr>
<td>Ontario</td>
<td>1641</td>
<td>6</td>
</tr>
<tr>
<td>Orange</td>
<td>1550</td>
<td>5</td>
</tr>
<tr>
<td>Orleans</td>
<td>2016</td>
<td>19</td>
</tr>
<tr>
<td>Ulster</td>
<td>1958</td>
<td>12</td>
</tr>
<tr>
<td>Wayne</td>
<td>4985</td>
<td>82</td>
</tr>
<tr>
<td>Wyoming</td>
<td>1648</td>
<td>6</td>
</tr>
</tbody>
</table>

Sources: Total Farmworkers, USDA Agriculture Census National Agriculture Statistics Survey (NASS), 2007
HCR loans, James Gavagan, Farmworker Housing Program Manager, not an official record of HCR, 2009

Farmworker Housing built with CDBG/HOME funds in Orange County, NY
Obstacles to Developing Farmworker Housing

In addition to insufficient public funding for farmworker housing, our research points to other obstacles to developing farmworker housing. Research indicates that farmworkers are leery of interactions with unknown service providers and representatives of government agencies because of increased immigration enforcement. Migrant and seasonal farmworkers’ limited incomes make it difficult to charge farmworkers an affordable rent without a large subsidy. PathStone’s staff contends that many migrant and seasonal farmworkers would rather live in overcrowded housing than be charged rent. Many farmworkers do not meet the credit criteria non-profits use for low-income housing. Residents in rural areas express concerns about living near farmworker housing because they are worried about land value reductions or sometimes feel that farmworkers are undesirable neighbors.\textsuperscript{13} Farm owners who live outside agricultural districts face more restrictions on increasing the number of farmworker housing units on their land than those who live in agricultural districts.\textsuperscript{14}

\textsuperscript{13} As articulated in the Empire State Poll, some residents of New York State rural areas responded by stating farmworkers waste taxpayers’ money by taking resources away from the health care system, education system, and legal system. Other respondents expressed a concern that farmworkers “cause trouble.” These residents do not want farmworkers in their communities. Source: Cornell Farmworker Program, Empire State Poll Data, 2008

\textsuperscript{14} If a farm is located in an agricultural district, the development of farmworker housing is protected under New York Agriculture and Markets Law Section 305a unless the additional units threaten the public health or safety of local residents.

Progress of Other States

Despite challenges agencies face to develop farmworker housing, non-profits in Puerto Rico, Oregon, Washington, and Colorado are able to do so successfully. Recently, PathStone was successful in developing farmworker housing in Puerto Rico. Oregon provides incentives for the development of farmworker housing through state tax credits. Washington gives local housing authorities and non-profits access to funds from the State’s housing trust fund. Non-profit developers in Oregon and Washington both incorporate green building techniques in their farmworker housing. Non-profit developers in Oregon and Colorado also provide important services such as English classes and daycare to farmworkers at their housing developments.

Future Directions

We are seeking possible alternative funding sources to help interested farm owners improve farmworker housing on their land. PathStone is providing leadership for bringing together farm owners, funders, and construction industry experts to develop a business model for farmworker housing. If you are interested in learning more contact Emily Hamilton, Farmworker Housing Developer at ehamilton@pathstone.org.

Farmworker Housing in Cayuga County, NY
The farm owner used his own funding to build this house.
POLICY RECOMMENDATIONS

Our research on farmworker housing underscores the need for a serious reconsideration of policies at the federal, state, and level.

Recommendation at the Federal level:
Adopt legislation similar to the AgJOBS bill to give those immigrants who have worked as farmworkers a path to legal residency and help to address eligibility for USDA farmworker housing funds.

Recommendation at the local level and State level:
Funding

Recommendation to farm owners, local governments and farmworker advocates: To improve farmworker housing, farm owners and farmworker advocates should be encouraged to work together through coalitions. Farm owners should work collaboratively to form cooperatives to provide housing. As organized groups, they can advocate together for the various types of public funding described in the recommendations below.

New York State Legislature needs to set aside part of the New York State Housing Trust Fund for farmworker housing. The New York Housing Trust Fund’s 2009-2010 budget for low-income housing was $216,575,729. New York State Homes and Community Renewal (HCR) needs to set aside an amount of their future budgets for farmworker housing and ensure this money would be available to farm owners, local governments and non-profits. In the 2000 housing study, PathStone recommended $2 million be set aside for the development of farmworker housing.

Inspections

The County Health Department should visit all fruit and vegetable farms in the county to inspect housing. Research shows some farm owners do not report their worker housing. In order to ensure farmworkers are living in conditions that are up to the sanitary code, the DOH should locate farmworker housing that is not reported by visiting all county farms.

Some violations are found during the pre-occupancy inspections and many violations are found when post occupancy inspections are performed.

Code inspectors must hold year-round farmworker housing to the same standards as all other housing. Code inspectors need to pay more attention to all housing that needs improvements and is overcrowded as well as year-round farmworker housing with structural problems. Service providers should work together to establish housing networks to provide alternatives for year round farmworkers living in substandard conditions.

New York State Homes and Community Renewal:

New York should add farmworkers as a “special needs” group to the consolidated plan. If farmworkers are the lifeblood of the farm operations in New York and their low incomes allow them to qualify for CDBG and HOME funds then HCR needs to include them in the State Consolidated Plan. If farmworkers were included in the State Consolidated Plan, HCR could award bonus points for farmworker housing in the scoring of non-entitlement CDBG grant applications, which would encourage non-profit housing agencies and municipalities to include some farmworker housing in their proposals.

HCR needs to provide state tax credits as an incentive to improve farmworker housing. Using Oregon as an example, New York can give state tax credits to farm owners and to non-profits for the building or improving of farmworker housing. This policy can be used to improve all types of farmworker housing.

HCR needs to expand their Manufactured Home Replacement Program to include farmworker housing. This program replaces dilapidated manufactured homes with new energy efficient manufactured homes and presently the program is only for owner occupied housing.

HCR needs to create an office dedicated to farmworker housing. The report from 2000 also made this recommendation. There are several agencies in the State government who are responsible for the inspection, zoning, and funding of farmworker housing (DOH, New York Department of Agriculture and Markets, and HCR). New York needs one office to coordinate the inspection and rehabilitation process of farmworker housing. This office could compile a statewide comprehensive study on farmworker housing.

Public funding sources for farmworker housing need to be available for all farmworkers. In 2008, New York dairy farmers brought in $2,306,400,000 in revenue. It is evident that the state’s agricultural sector relies heavily on year round farm labor as well as seasonal farm labor. Also considering the number of year-round farmworkers is increasing, farmworkers can no longer be considered as primarily migrants. When considering new sources of funding for farmworker housing, HCR needs to give year-round farmworkers the same privileges as migrant farmworkers.

Local communities and non-profit developers

A key issue to improving farmworker housing is to build community support through building relationships and providing opportunities for positive interaction. To address Not In My Back Yard issues, non-profits could bring together farmworkers and their employers to participate in community meetings and inform the greater public on the need for affordable housing. Establishing communication between farmworkers, their employers, and the public

17. PathStone has five Program Area Advisory Committees for farmworkers to be able to gain insights on farmworker concerns and interests.
In response to the needs that arose from this research, we formed a NYS Farm Labor Housing Leadership team. The purpose of this leadership team is to address farmworker housing needs and explore opportunities to improve farmworker housing options. The members of the NYS Farm Labor Housing Leadership Team that contributed to this report are:

Stuart Mitchell
President and CEO
PathStone Corporation

Paul Baker
Executive Director
New York State Horticultural Society
Board Member
PathStone Corporation

Lee Beaulac
Senior Vice President
Community and Economic Development
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Joseph Bowes
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could contribute to building an understanding of the importance of farmworkers in NYS communities and the need for community based farmworker housing. If building community based housing for farmworkers became more feasible for non-profits, farm owners would not have to invest in housing for workers on their land. One option would be that farm owners could contribute a percentage of the development costs in lieu of maintaining housing on their land.

Summary

While Farmworker Housing in New York State: Obstacles and Options 2010 points to the critical need of addressing farmworker housing conditions, it also explores some of the obstacles to maintaining the agricultural economy of New York State. Some of these obstacles include concerns about labor force variability and a decrease in land dedicated to agricultural production. We believe the State needs to find ways to overcome these obstacles to maintain the current diversity of agriculture products. The implementation of these recommendations by federal agencies, state agencies, local governments, farm owners, non-profit developers and advocacy groups are likely to ensure the improvement of farmworker housing and the continuation of the agricultural economy of New York State.