



HOUSING ASSISTANCE COUNCIL

MARCH 2016 · VOLUME 21 · NO. 1

# RURAL VOICES

RURAL  
HOMELESSNESS

4 On The Brink of Change

10 From Storage Shed to  
Stable Home

33 What the Schools Know

# Farmworker Homelessness in Imperial County, California

By Ilene J. Jacobs and Patrick Saldaña

Factors related to the seasonal nature of their work, their low wages, and discrimination may lead to homelessness among farmworkers.



The seasonal nature of agricultural labor, combined with a shortage of affordable housing in rural communities, frequently results in homelessness among farmworkers. The 2014 American Community Survey (ACS) estimates that there are 386,724 agricultural workers in California, with median earnings of \$18,733. The ACS estimates, however, are likely to reflect the historically significant undercount of farmworkers, whose population has been estimated by experts to be between 545,000<sup>1</sup> and as high as approximately 1 million individuals.<sup>2</sup> The ACS estimate of 5,501 farmworkers employed in Imperial County probably is significantly lower



than the true number during the work season and does not include their dependents. California Rural Legal Assistance (CRLA) estimates that it is closer to 8,000 workers.

### Affordable Housing Shortage

The peak of the agricultural season in Imperial County is during the winter months, with significantly less farm work available outside this main season. Most farmworkers have low incomes by virtue of industry rates, with median annual wages in 2015 of \$18,656 per year in Imperial County.<sup>3</sup> The limited farming season, combined with a county unemployment rate that

fluctuates between 20 and 30 percent, means that farmworkers earn the bulk of their annual income during a small portion of the year and receive little income other than unemployment insurance benefits during the remainder of the year. Unexpected expenses, such as medical bills, have the potential to wipe out any savings, leaving many individuals unable to afford rent and resulting in eviction.

Farmworkers who find themselves evicted often have a difficult time obtaining affordable replacement housing or even shelter. There is typically a shortage of beds in homeless shelters in more remote rural communities, such as

*Female-only shelters often impose age limits on male children, resulting in teenage male children being unable to stay in shelters with their mothers.*

Their low wages frequently leave farmworkers unable to afford housing even during the peak of the agriculture season.



Pink Sherbet Photography, Flickr Creative Commons:  
<https://flic.kr/p/7ZYLSW>

Imperial County, as well as a shortage of shelters equipped to accept mixed-gender families. Male and female shelters often are located in separate towns, and female-only shelters often impose age limits on male children, resulting in teenage male children being unable to stay in shelters with their mothers. Female-headed households have to choose between splitting up the family to stay in available shelters or remaining together and staying with friends and relatives, in substandard residential hotels, or on the streets.

Low, seasonal wages and a lack of affordable housing force many farmworkers in Imperial County to live across the border in Mexicali, Baja California and to commute to work every morning. Housing in Mexico is significantly less expensive than in Imperial County, so many individuals choose to move to Mexico in order to avoid homelessness. Some of the individuals crossing the border for work each morning are United States citizens and lawful permanent residents who cannot afford to live in the United States.

These individuals face further hardships related to lost public benefits. They are ineligible for food stamps and Medi-Cal if they move to Mexico. This highly vulnerable population is thereby placed in the unenviable position of choosing between homelessness in the United States, where they might receive food stamps and healthcare, or Mexico, where they can afford housing but will have no health insurance if an emergency arises.

The border crossing wait into the United States during the peak of the winter harvest can be upwards of two hours, and an individual crossing the border can be sent to secondary inspection for any reason. A worker might not make it to their pickup site on time, so the work bus leaves without them, and they run the risk of losing their job, not just a day's work. A temporary homeless/farmworker tent shelter is assembled in a park in Calexico, a town on the U.S. side of the border, and many farmworkers who cannot afford housing in Imperial County sleep in this park during the harvest, when the weather is coldest.

## Poor Quality Housing

Their low wages frequently leave farmworkers unable to afford housing even during the peak of the agriculture season. This leads to exploitation of farmworkers by unscrupulous landlords, who rent severely dilapidated and substandard properties to these individuals. These properties often are crowded and occupied by multiple families, and may be infested with vermin such as mice, bedbugs, and cockroaches. These conditions seriously threaten farmworker health and well-being.<sup>4</sup> Retaliation, including termination of utility services by landlords, and threats are common against tenants who speak out regarding living conditions, so tenants are afraid to seek outside assistance.

Health and building departments in small communities suffer from a lack of resources, and often are ill-equipped to handle local slumlords.<sup>5</sup> CRLA has observed a variety of responses from local code enforcement agencies in these cases. Some tenants have been incorrectly told by enforcement agencies that a residence cannot be inspected without a landlord's consent or without prior payment of an inspection fee by the tenant. Inspectors in other communities in the county have been overzealous in condemning properties, resulting in tenants' immediate homelessness. Some communities have provided written warnings to property owners and demanded repairs, while trying to avoid condemning properties or initiating code enforcement proceedings against the owner. Each of these strategies largely has been ineffective in improving the living situations of tenants in these properties.

A tenant living in a property that is condemned by code enforcement is entitled to relocation benefits under California law. Landlords almost universally refuse to pay these benefits, however, and cash-strapped communities typically are unwilling to advance the payments to tenants and place a lien against the property, despite having the right to do so. Displaced tenants consequently become homeless, do not receive the funds that the state legislature believed would help them obtain alternate housing, and are afraid to contact code enforcement again in the future. CRLA has had limited success in obtaining these benefits for tenants without

resorting to litigation. Our El Centro office has sent numerous demands for relocation benefits over the past years, and has had only one landlord provide payment in response to a demand letter. The former tenants in every other case have had to proceed to small claims court to enforce this right.

CRLA's offices throughout the state assist farmworkers and other low-income individuals in obtaining and maintaining access to safe, affordable housing. Our offices participate in local housing planning efforts to ensure that rural communities allow for the development of affordable housing, and defend tenants who are threatened with termination of subsidized housing for alleged lease violations. We also have brought numerous habitability cases against landlords and mobile home park owners who rent substandard properties, with great success. This advocacy is essential to preventing homelessness among farmworkers and their families.



Bob Nichols, United States Department of Agriculture: <https://flic.kr/p/fEiYqs>

Farmworkers often face housing discrimination because they are farmworkers, or because of their national origin or race

## Discrimination

Farmworkers often face housing discrimination because they are farmworkers, or because of their national origin or race. Our office often provides assistance for farmworkers who cannot obtain access to decent, affordable housing due to discrimination. We frequently bring fair housing cases against housing providers who have engaged in housing discrimination, and we assist many disabled former farmworkers with making reasonable accommodation and reasonable modification requests. Through this work we have been able to prevent evictions as well as obtain relief for clients who have faced discrimination.

We have also been working to ensure that low-income housing providers that receive federal funds are complying with their duty under Title VI of the Civil Rights Act of 1964 to provide language access services to Limited English Proficient (LEP) individuals. We discovered that many subsidized housing providers in Imperial County, including those operating farmworker housing within mere blocks of the Mexican border, were providing leases and notices to Spanish-speaking tenants in English only, and using these English documents to terminate the tenancies of monolingual Spanish speaking tenants. We have since made language access advocacy a local priority, and have represented

a number of Spanish-speaking tenants and regularly provide community presentations discussing the rights of LEP tenants. We have been able to negotiate the development and adoption of language access policies by local low-income housing providers.

The housing situation is further complicated for LGBT farmworkers, for whom rural communities like Imperial County typically have few resources available. Discrimination against LGBT farmworkers is rampant, both on the job and in the community. Our El Centro office recently provided assistance to a transgender individual who had been denied admission to several homeless shelters. Each shelter was a single-gender facility, and the client, who identified as female, was questioned regarding the specifics of her transition, denied admission to each of the women's shelters, and referred to a male-only shelter which also denied admission because she physically presented as female. Our office was able to resolve this case by contacting each shelter and explaining the law on this issue, and each women's shelter agreed to update its admissions policies and provide training to staff regarding the rights of transgender applicants. We were also able to obtain admission to a shelter for our client, where she was provided with a private unit.





## Solutions

The first solution to address many of the homelessness issues faced by farmworkers would be funding and construction of decent, affordable housing, in a variety of types to provide housing affordable to farmworker families, complex households, and unaccompanied farmworkers, in rural agricultural communities like Imperial County. Next would be expanded and appropriate funding for enforcement of fair housing laws and enforcement of applicable health and safety codes, designed to require repair of substandard housing conditions, to prevent retaliation and to require relocation assistance when displacement is the only alternative. Finally would be the creation of additional shelters, particularly mixed-gender shelters. Many communities resist the idea of building additional shelters and low-income housing.

The creation of affordable housing in rural farmworker communities must become a priority, or our society will continue to be one in which too many of the individuals who harvest the food on our tables are unable to afford a roof over their heads.

**Ilene J. Jacobs** is Director of Litigation, Advocacy & Training and **Patrick Saldaña** is El Centro Directing Attorney at California Rural Legal Assistance.

1. Edward Kissam. Census Enumeration of Immigrant Communities in Rural California: Dramatic Improvements But Challenges Remain, Published online in *Proceedings of the Conference on Survey Methods for Hard-to-Reach Populations*, American Statistical Association, December, 2012.

2. Akhtar Khan, Philip Martin and Phil Hardiman, "Expanded Production of Labor-intensive Crops Increases Agricultural Employment." *Cal Ag California Agriculture* 58.1 (2004): 35–39. See also Brandon Hooker, Philip Martin, and Andy Wong, "California Farm Labor: Jobs versus Workers in 2012", State of California Employment Development Department, November 25, 2014.

3. *Detail Occupational Guide – Farmworkers and Laborers, Crop, Nursery, and Greenhouse in Imperial County*. State of California Employment Development Department, n.d. Web, January 5, 2016.

4. T.A. Arcury, I.J. Jacobs and V. Ruiz, "Farmworker Housing Quality and Health"; S.A. Quandt, C. Brooke, K. Fagan, A. Howe, T. K. Thornburg, and S. A. McCurdy, "Farmworker Housing in the United States and Its Impact on Health"; B. Marsh, C. Milofsky, E. Kissam and T. A. Arcury, "Understanding the Role of Social Factors in Farmworker Housing and Health," *NEW SOLUTIONS: A Journal of Environmental and Occupational Health Policy* 25.3 (2015).

5. A. Moss Joyner, L. George, M. L. Hall, I. J. Jacobs, E. Kissam, S. Latin, A. Parnell, V. Ruiz, N. Shadbeh, and J. Tobacman, "Federal Farmworker Housing Standards and Regulations, Their Promise and Limitations, and Implications for Farmworker Health," *NEW SOLUTIONS: A Journal of Environmental and Occupational Health Policy* 25.3 (2015): 334–52.