

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS
An Internal Audit of the Migrant Labor Housing Program
Audit Report # 19-002

Executive Summary

The Office of Internal Audit (OIA) reviewed TDHCA's Migrant Labor Housing program, and its policies and procedures that are currently in place. Based on our reviews and testing, the processes for inspecting facilities in the Migrant Labor Housing Facilities could be improved. Efforts to bring more migrant farmer housing into the licensing and inspection program have been commenced recently.

Findings and Recommendations

- OIA recommends that TDHCA maintain a manager-level point of contact to serve as liaison between TDHCA and MHD, and to monitor the effectiveness and progress of the program.
- All licenses should be supported by valid inspections, and evidence of re-inspections and follow ups (as needed).
- The inspection form should include a signature line for the representative of the facility to sign; along with inspector's signature, acknowledging that the non-compliant item (s) will be corrected.
- The inspector, or the Department, should provide the facility representative with a report indicating non-compliant items shortly after the inspection.
- Management should study how to evaluate occupancy during inspections.
- The program should monitor inspectors' reported hours and travel expenses to ensure that the correct codes and hours are being reported for migrant labor inspection related activities.
- OIA recommends that the logo be revised to include contact information of the TDHCA for any questions or concerns, and additional information such as "Licensed Migrant Labor Housing Facility".

Response:

Management agreed with the findings. Detailed responses are included in the body of the report.

Objective, Scope and Methodology

Our scope included a review of the Texas Government Code (TGC), and the Texas Administrative Code (TAC). We visited five Migrant Labor Worker facilities and reviewed records of inspections conducted by the Manufactured Housing Division. Based upon our preliminary understanding of the Migrant Labor Housing Program, we identified critical points and risks; in order to develop audit objectives and an audit plan including methodology.



Mark Scott, CPA, CIA, CISA, CFE, MBA
Director, Internal Audit

3/12/2019
Date Signed



TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

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March 12, 2019

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Board Members of the Texas Department of Housing and Community Affairs ("TDHCA")

RE: INTERNAL AUDIT REVIEW OF TDHCA'S LICENSING, INSPECTION, AND OUTREACH FOR MIGRANT LABOR HOUSING

Dear Board Members:

This report presents the results of the Office of Internal Audit ("OIA") "*Review of Migrant Labor Housing.*" This audit was identified in the Fiscal Year 2019 Annual Audit Plan and was conducted in accordance with applicable audit standards. We reviewed the TDHCA activities related to subchapter LL of TGC 2306.

Our scope included a review of the Texas Government Code (TGC), and the Texas Administrative Code (TAC). We also reviewed policies, processes, and procedures in TDHCA guidance, Occupational Safety and Health Administration (OSHA), Environmental Protection Agency/Department of Labor (EPA/DOL), Migrant Seasonal Agricultural Protection Act (AWPA), Immigration and Nationality Act (H-2A Worker Program), Department of State Health Services (DSHS), Health and Human Service Commission (HHSC), Texas Comptroller of Public Accounts (CPA), Texas Workforce Commission (TWC) Texas Department of Agriculture (TDA), and various other reports and documents. Based upon our preliminary understanding of the Migrant Labor Housing Program, we identified critical points and risks; in order to develop audit objectives and an audit plan including methodology.

The Texas Department of Housing and Community Affairs (TDHCA) administers the Migrant Labor Housing Program on behalf of the State of Texas, in rural and urban parts of the state. This audit

covered activities and processes in place for fiscal year 2018 and prior, as well as processes currently in place.

This report is organized in accordance with the organization of the TGC requirements of Title 10, General Government, Subchapter G, Economic Development Programs Involving Both State and Local Governments, Chapter 2306, Texas Department of Housing and Community Affairs.

Audit Results

The processes for inspecting facilities in the Migrant Labor Housing Facilities Program could be improved. Efforts to bring more migrant farmer housing into the licensing and inspection program have been commenced recently.

Background

Effective September 1, 2005, responsibility for the licensing and inspection of migrant labor housing facilities was transferred from the Department of State Health Services (DSHS) to the Texas Department of Housing and Community Affairs (TDHCA). The law that governs these matters, formerly found at Chapter 147, Texas Health and Safety Code, was transferred to Texas Government Code, Chapter 2306. The law, as amended, also empowered the Board of TDHCA to set the fee for the license required to operate a migrant labor housing facility at up to \$250 for a one-year license (Texas Government Code §2306.929).

The original legislation, HB 1099, in 2005 required TDHCA to “survey and research” the quantity, availability, need, and quality of migrant labor housing facilities in this state and produce reports on its findings. The bill did not require that housing be provided for migrant workers. A special report on Migrant Labor Housing Facilities in Texas was issued on September 1, 2006.

A subsequent bill related to migrant farm workers, SB 2288 in 2009, did not pass, but the discussions about the bill resulted in the procurement by TDHCA of a report by Bowen National Research. The report, referred to as “the Bowen Report”, which was issued in September 2012, was the subject of a Rural Housing Workgroup (RHW). The Bowen Report is discussed further in the section of this internal audit report titled Prior Studies and Reports on Migrant Labor Housing.

Migrant Labor Housing Facility

A Migrant Labor Housing Facility is defined in TGC 2306.921, and the Texas Administrative Code, Title 10 Community Development, Part 1 Texas Department of Housing and Community Affairs, Chapter 90 Migrant Labor Housing Facilities definitions, for the purposes of this audit and HB 1099 (“The Act”), as “a facility that is established, operated, or used for more than three days as living quarters for two or more seasonal, temporary, or migrant families or three or more seasonal, temporary, or migrant workers, whether or not rent is paid or reserved in connection with the use of the facility.” In Texas, an application to operate a migrant labor housing facility must be submitted to TDHCA between

45 to 60 days prior to the intended operation date of the facility. Each facility must meet the minimum standards set by The Act prior to receiving their license.

Migrant Labor Housing Facility Standards

Licensed migrant labor housing facilities must meet standards of construction, sanitation, equipment, and operation. In Texas, these standards address:

1. Facility construction;
2. Sanitary conditions;
3. Water supply;
4. Toilets;
5. Sewage disposal;
6. Storage, collection, and disposal of refuse;
7. Light and air;
8. Safety requirements;
9. Fire protection;
10. Equipment;
11. Maintenance and operation of the facility; and
12. Any other matter appropriate or necessary for the protection of the health and safety of the occupants.

Migrant Labor Farm Worker

A migrant labor farm/agricultural worker, as defined in the Act, is “an individual who is (a) working or available for work seasonally or temporarily in primarily an agricultural or agriculturally related industry and (b) moves one or more times during a year from one place to another to perform seasonal or temporary employment, or to be available for seasonal or temporary employment.” Migrant laborers who move within the U.S. may go from picking onions in Texas, to picking tomatoes in Florida, to picking strawberries in Michigan. The harvests may last a month or two; then the workers must seek work in a different harvest as seen in the map of the agricultural regions of Texas (see Appendix 1).

Migrant laborers are defined as the following two categories:

- US citizens and permanent legal residents are individuals who travel to agricultural work sites, defined by distance as greater than 75 miles is “migrant” labor; traveling less than 75 miles to the worksite is a “seasonal” farm worker.
- H2A visa holders are persons born outside the U.S. who have temporary legal permits to work in the U.S. They follow Department of Labor (DOL) protocol, which requires the agricultural employer and the visa holder to be registered with DOL.

Need for Housing

Texas agriculture is a \$25 billion per year industry¹. According to the Texas Department of Agriculture website, Texas leads the nation in number of farms and ranches, with 248,000 covering 130.2 million acres². Much of the production is labor intensive. Because crops are seasonal, workers who harvest crops move from one place to another throughout the year and during different seasons. These workers are termed “migrant agricultural workers.” The agricultural worker population in Texas includes domestic individuals, who are U.S. citizens, H2A visa holders and a large percentage of undocumented workers.

As further described in this internal audit report, different housing facilities may be necessary depending on the nature of the work and type of the harvest. For example; tomatoes and the pesticides used in their growing require more extensive washing facilities than for migrant workers who are truck drivers.

Employers must provide housing for H2A visa holders. For domestic farm workers, the employers are not required to provide housing; however, if the employer does provide housing it must be licensed by TDHCA. The H2A visa holders comprise from 5 to 20% of the migrant labor workforce. In the case of H2A visa holders the employers must provide housing for the farm workers. Both the employer and the farm worker are registered with DOL through a petition process, which is the application that the agricultural employer files with DOL when they want to hire H2A visa workers.

TDHCA started reviewing the DOL job opportunity listing and the Texas Workforce Commission records to locate the H2A housing facilities that might be subject to TDHCA license requirements too. As of December 2018, the coordination between TDHCA’s efforts and the records and data available through DOL and TWC has increased the number of inspected and licensed facilities to 88 (approximate).

The domestic farm worker housing, which is estimated at 30% of the migrant labor population, does not have the same housing registration requirement as H2A visa holders. Approximately 58% of this farm worker group lives in single family housing³.

Current Housing

Migrant laborers include US citizens and H2A visa holders. They are documented workers. Estimates of documented migrant workers vary widely (Details are available in appendix 2 of this report). Some estimates may include undocumented workers. Some estimates seem to include entire families. Some of the children do work the fields. Also some estimates include workers who do not travel the 75 mile distance which defines a migrant laborer situation.

¹ United States Department of Agriculture, 2014

² Texas Department of Agriculture, 2012

³ Motivation, Education and Training (MET), 2015

According to the record of the currently licensed migrant labor housing facilities the aggregate capacity of workers who could reside in these facilities is approximately 4,200. This information is based on the data available on the TDHCA website as of the start of this audit.

Memorandum of Understanding

TDHCA and the Manufactured Housing Division (MHD) agreed that MHD could provide the required inspections and administer the issuance of licenses under the Migrant Labor Housing program through a Memorandum of Understanding (MOU). Under this MOU, which was last revised in March 2016, MHD staff have been tasked with conducting all inspections required under the program, which may include both inspections required in connection with obtaining and maintaining a required license as well as inspection or other observation of facilities that may be conducting unlicensed housing activity. MHD staff performing such inspections is reimbursed by TDHCA for time worked and for their travel expenses. Licenses prepared by MHD are executed by the Executive Director of TDHCA or his designee.

Under this MOU the responsibility for the development and implementation of outreach strategies to support compliance with Tex. Gov. Code, Chapter 2306, Subchapter LL remained with TDHCA’s Division of Policy and Public Affairs. In November 2017 the function was moved to the Program Controls and Oversight. TDHCA’s current outreach activities and efforts will be discussed further under the “Outreach Opportunities” section of this audit report.

In our review we’ve noted that prior to November 2017 there was no TDHCA point of contact assigned to manage TDHCA’s responsibilities under the statute and under the 2016 MOU. A point of responsibility is an essential element of any agreement of a state agency. It enables efficiency and effectiveness of the agreement between two parties. This situation resulted historically in lack of communication and coordination between TDHCA and MHD in matters such as review and quality control of the inspections and licenses. Because no manager level point of contact had historically been specifically assigned, TDHCA is also lacking formal procedures and central location for managing complaints, as well as records and outcomes of each complaint.

Finding Item Number	Status Pertaining to the Recommendations and Action to be Taken	Target Completion Date	Responsible Party
19-002.01	OIA recommends that TDHCA maintain a manager level point of contact to serve as liaison between TDHCA and MHD, and to monitor the effectiveness and progress of the program.	Implemented	T. Gouris

Management response

Management agrees maintaining a management level point of contact responsible for its migrant labor housing facility activity is important to the success of the activity and has assigned the responsibility for this activity to the Director of HOME and Homelessness and Special Initiatives under Programs Oversight and Controls. TDHCA will reevaluate the MOU with MHD and make the necessary changes to clarify roles and oversight.

Inspection and Licensing of Migrant Labor Housing Facilities

A license from the TDHCA is required to establish, maintain, and operate a migrant labor housing facility. As stated earlier, the task of inspection and licensing of migrant labor housing facilities has been delegated to MHD under a MOU with TDHCA. Our review of licensing and inspections included tours of the housing facilities, and tours of the work sites, in addition to review of the inspection records and applications. We think it is important to note that the type of work done by farm workers has an effect on the type of facilities needed. We toured the facilities in the winter, not during a cotton, tomato or chile harvest season when extensive showers, etc., would be needed. With that caveat, the facilities we reviewed appeared to be well-kept.

We visited and toured a total of five licensed facilities that provided housing to domestic migrant farm workers and H2A visa holders. Two of these facilities are apartment complexes located in south Texas and provide housing to migrant farm workers as well as low income families. The tenants are mainly families and they work in a variety of different fields and crops in the surrounding areas. The facilities provide them with flexibility to vacate the apartment at any time without any penalties to follow the harvesting season at a different location. We toured three vacant units at each facility and they all seemed to meet the minimum standards required under The Act.

The third facility was in closer proximity to Austin. It houses mainly H2A visa holders who work as truck drivers for the farm. All the units at this facility were occupied at the time of our visit and we were unable to tour the inside of the unit as the farm workers were sleeping. Based on the description that was provided to us by the representative; the 5 bedroom house is used to house 32 workers, and the 4 bedroom house is used for 22 workers. Due to the nature of their work, and the fact that drivers are on the road several days at a time, a large number of farm workers were assigned to each unit.

The other two facilities are owner-operated facilities and seemed to be in good condition and in compliance with the minimum standards. In both cases the owner/operator of the facility gave us a tour of the inside of the units, and provided us with information regarding the nature of the work performed by the farm workers. This helped us in better understanding the housing needs of farm workers.

We also reviewed records of license applications, inspection reports, and licenses that have been issued to migrant labor housing facilities since the program was transferred to TDHCA. A sample of 40 licensees was tested and reviewed for completion, consistency, and compliance. In our review we noted the following:

- Discrepancies exist on the inspection list as it relates to items such as showers, marked differently, as "N/A" one year and "noncompliant" another year for the same facility.
- Discrepancies exist in the number of units and/or total capacity between the license application and the inspection report, and in some cases the discrepancies continued for multiple years.
- In multiple cases the inspection report indicated areas of non-compliance along with the inspector's note that "the owner will be fixing the issues". Licenses were issued without records of re-inspection.

- In one case the facility’s total capacity increased from 1300 to 1400 in 2016 with no changes in the number of units and no explanations or justification on the application or the inspection report. License was issued for 1400. In 2017 the total capacity was back to the original 1300.
- The inspection reports for 2012 through 2015 for a facility lists the exact same findings every year and the same notes from the inspector. The license was issued each year.
- Two licenses were issued for the same facility and for the same year, but with different application and inspection reports.
- In multiple cases the inspection date was either prior to receipt of the application or after the effective date of the license.
- In multiple cases the inspection date was more than 30 days after the receipt of the application
- In 3 cases the effective date of the license seems to have been back dated to prior to receipt of the application and date of the inspection.

The process could be improved by better documentation of the inspections and follow ups. A follow up and evidence of corrections, such as photos and receipts of necessary repairs, should also be documented along with the re-inspection report. A verbal assertion by the owner/representative of the facility should not be accepted.

Finding Item Number	Status Pertaining to the Recommendations and Action to be Taken	Target Completion Date	Responsible Party
19-002.02	All licenses should be supported by valid inspections, and evidence of re-inspections and follow ups (as needed).	Immediately	J. Garcia
19-002.03	The inspection form should include a signature line for the representative of the facility to sign along with inspector’s signature, acknowledging that the non-compliant item (s) will be corrected.	Immediately.	J. Garcia and T. Gouris
19-002.04	The inspector, or the Department, should provide the facility’s representative with a report indicating non-compliant items shortly after the inspection.	Immediately.	J. Garcia
19-002.05	Management should study how to evaluate occupancy during inspections. The number of rooms and shower facilities required for summer cotton harvesting will differ from what is required for truck driver’ sleeping quarters, for example.	September 2019	T. Gouris

Management response:

The new internal SOP that was created is being revised and the staff will be trained on the revised procedures. Additionally, over the next 30 days, MHD staff will be reviewing every file after license is issued to ensure that all requirements have been met, every inconsistency is noted and addressed, and that all supporting documents are in the licensing file. Following that, we intend to conduct a quality control sampling of 10 processed applications each month.

Management agrees with the proposed actions and has implemented those identified in findings 2.02 -.04 and will revise forms, as necessary. MHD has provided OLA a detailed response and has revised internal SOP's to cover each of the noted concerns.

Finding 2.05 proposes TDHCA consider a new occupancy standard for inspectors to address. TDHCA will evaluate and consider the feasibility of a rule to propose for consideration in the next rule making cycle regarding an overall maximum capacity for each building or facility to be published with the list of facilities on the Department's website and noted on the face of the license issued.

The following explanation and future changes are being provided for each of the concerns noted.

- Discrepancies exist on the inspection list as it relates to items such as showers, marked differently, as "N/A" one year and "noncompliant" another year for the same facility.

Inspection items that could be noted as "N/A" one year and non-compliant the next would be a urinal, for example, as it is not required, but must pass inspection if present.

- Discrepancies exist in the number of units and/or total capacity between the license application and the inspection report, and in some cases the discrepancies continued for multiple years.

This has been addressed. When the field conducts the inspection, they are inspecting the unit as it was reported and is seen, they have no idea what was reported the previous year or what is listed on the application and the Austin staff did not compare what was on the inspection reports with the application.

Moving forward, the inspector will be provided with a copy of the application at the time the inspection request is forwarded to the field. Additionally, the Austin staff will begin contacting the applicant if any information on the application varies from the previous year and make notation of the conversation. Finally, the Austin staff will also compare the data on the inspection report with the application.

- In multiple cases the inspection report indicated areas of non-compliance along with the inspector's note that "the owner will be fixing the issues". Licenses were issued without records of re-inspection.

As provided by § 90.3(h)(2) of the Administrative Rules, the inspectors would allow verbal confirmation that deviations noted on the inspection report were corrected then they would send in the original report leaving the deviations so there would be a record of deviations encountered.

Moving forward, the inspectors will note deviations on the inspection report and provide a copy to the applicant within 24 hours and send the report to the Austin staff who will place application on hold until confirmation of corrections is received from the application in writing along with any photos then forwarded to Austin to verify all requirements have been met and the license will be issued with all required supporting documentation.

- In one case the facility's total capacity increased from 1300 to 1400 in 2016 with no changes in the number of units and no explanations or justification on the application or the inspection report. License was issued for 1400. In 2017 the total capacity was back to the original 1300.

In this case, the housing is provided by the local housing authority and number of units used may vary from year to year. Moving forward, the Austin staff will contact the applicant for justification of information which varies from previous years.

- The inspection reports for 2012 through 2015 for a facility lists the exact same findings every year and the same notes from the inspector. The license was issued each year.

We have addressed this issue. Apparently, our inspector used the inspection report from previous years with each inspection to streamline the form preparation and data entry process. The problem is that the inspector failed to remove comments from past years from the form. Moving forward, the inspectors will print a blank copy of the inspection report for each inspection performed.

- Two licenses were issued for the same facility and for the same year, but with different application and inspection reports.

This was an internal error where the employee listed the wrong effective and expiration date.

- In multiple cases the inspection date was either prior to receipt of the application or after the effective date of the license.

Inspection date prior to receipt of application: To minimize travel time, the inspectors would take the initiative to stop by neighboring migrant labor housing facilities while in the area and ask if they planned on renewing their license. If so, they would conduct an inspection so they would not have to drive back to that area.

In other cases, the license holder would request an inspection before the application and fee was received to expedite the licensing process and allow them to house their employees right away.

Moving forward, it is recommended that we continue this practice but document it better for future reference.

Inspection date after effective date of renewal application: The Austin staff maintained the same effective date as initially issued with each license renewal received, licenses were not “back dated”. This is the same practice used with the MHD’s occupational licenses. Since the facilities were vacant at the time of inspection there was no issue with the validity of the license but clearly it appears that the license holder was authorized to work before they were inspected.

Moving forward, the effective date placed on each license will be the day after the facility passes inspection so the dates will coincide.

- In multiple cases the inspection date was more than 30 days after the receipt of the application. *An inspection legitimately performed beyond 30 days from the date the application was received by TDHCA occurs occasionally when the applicants has scheduling issues. Moving forward, the applicant will be required an provide a written request for an inspection date that is beyond the required 30 day period and added to the application file.*

There were a couple of instances, however, where the inspection was not conducted in time. Moving forward, the inspections assigned to the field will be monitored to ensure that they are completed in within the required 30 days.

- In 3 cases the effective date of the license seems to have been back dated to prior to receipt of the application and date of the inspection.

The license effective and expiration assigned at when the license was initially issued has been maintain throughout the history of the licensed which is why the inspection may have been performed after the “effective date” of the license. This did not seem to be an issue as the facility was vacant at the time of inspection so it was not in operation.

Moving forward, the effective date of each license will be the first day after the facility successfully passes inspection.

During our testing of inspection records we also reviewed the time reporting and payroll coding of a sample of 26 inspections. In 6 instances out of a total of 26 the inspectors did not report their hours accurately and under the correct coding as MGTLB, which is the proper code for Migrant Labor Inspections activities. Better tracking and reporting of migrant labor housing inspection related hours would facilitate better understanding of the total cost of administering the program, and also seeking funding for inspection activities.

Finding Item Number	Status Pertaining to the Recommendations and Action to be Taken	Target Completion Date	Responsible Party
19-002.06	The program should monitor inspectors’ reported hours and travel expenses to ensure that the correct codes and hours are being reported for migrant labor inspection related activities.	Immediately	J. Garcia and T. Gouris

Management response:

Management agrees and MHD staff has been directed to accurately document and input correct time and travel codes to activities conducted with regard to Migrant Labor Housing Facilities inspections and licensing. In addition, the TDHCA point of contact will begin receiving and reviewing monthly expenditure reports from accounting to ensure that travel and time for migrant housing licensing activities are being reported.

As part of the new initiative and outreach program that started in summer of 2018 TDHCA has created a logo for the program to create awareness of the licensed facilities (see below). The decal of this logo is intended to be distributed to licensed facilities each year when a license is issued or renewed, and to be displayed in public view to identify the facility as a licensed facility. During our tour of the five facilities mentioned earlier we noticed that one facility had the decal displayed on the window at the leasing office along with other notices and information. The logo, as seen below, can be a great eye-catcher for workers and tenants, however, it lacks the necessary information to convey its intended message.



Finding Item Number	Status Pertaining to the Recommendations and Action to be Taken	Target Completion Date	Responsible Party
19-002.7	OIA recommends that the logo be revised to include contact information of the Department for any questions and concerns, and additional information such as “Licensed Migrant Labor Housing Facility”.	September 2019	T. Gouris

Management response:

Management agrees, generally, with the recommendation, and TDHCA will research and consider adding words to the decal or propose a rule requiring the decal to be posted in an outward facing window at the front of the building or other conspicuous locations with the license.

This concludes the audit results on inspections. The next part of the audit report addresses outreach opportunities. This section contains no formal findings. These are opportunities and not legal requirements.

Prior Studies and Reports on Migrant Labor Housing

Conducted by TDHCA

OIA reviewed and analyzed the two primary reports on Migrant Labor Housing compiled between 2005 and 2019. The 2006 TDHCA report, A Report on the Quantity, Availability, Need and Quality of Migrant Labor Housing in the State, and the 2012 Bowen Report. The highlights of each are presented below:

In September 2006, TDHCA presented the report required by HB 1099, A Report on the Quantity, Availability, Need and Quality of Migrant Labor Housing in the State (hereafter called the “2006 Report”). It stated in a fiscal note that sufficient funding existed within the agency to cover the costs of these responsibilities. The report presents the baseline numbers of 31 licensed migrant labor housing facilities at that time with potential to house 3,245 persons, an estimated count of 132,034 agricultural workers in Texas, and 78,078 non-farm workers. It addresses the location of work having much to do with migrant labor housing facilities, the substandard quality of much of the housing, defines migrant and seasonal farm workers, and says that Texas is the second leading state in agricultural production. The 2006 report states that migrant workers are eligible for many of TDHCA’s programs.

The Bowen Report was commissioned in May 2011, subsequent to SB 2288 of the 81(R) Legislative Session in 2009, at a cost of \$86,440 to TDHCA. The report’s purpose was to address several requests to identify rural and agricultural worker housing needs in Texas. A workgroup, the Rural Housing Workgroup (RHW) was formed and began meeting in January 2010, around the time the research for The **Bowen Report** was being conducted. The workgroup apparently disbanded in November 2012. **The Bowen Report** was presented to the TDHCA Board on May 10, 2012. Since then, **The Bowen Report** has been referenced in the **State Low Income Housing Plan and Annual Report**. Like the **2006 Report**, **The Bowen Report** references other states’ strong programs such as those in California, Florida and Oregon.

No studies have been done on migrant labor housing since the Bowen Report. **The 2018 State of Texas Low Income Housing Plan and Annual Report** says that periodic studies are conducted on farmworker needs. OIA reviewed the above mentioned reports and subsequently identified and researched resources and interviewed individuals cited in the reports.

Outreach observation:

Outreach is not specifically addressed in T.G.C. 2306 Subchapter LL Migrant Labor Housing Facilities. The TDHCA duties of enforcing the licensing and inspection aspects of the subchapter require knowledge of the location of the facilities. In November 2017, TDHCA began a program of outreach designed to locate facilities and bring them under the TDHCA licensing purview.

The outreach efforts are still being developed. Additional outreach networks and sources of information to increase outreach to the migrant labor population about housing opportunities could be pursued.

Outreach efforts to date are effective in regard to the H-2A visa housing population. It is required and is petition driven by the farmers who want to use this labor source. The domestic farm worker labor housing sector is still much an unknown and TDHCA is in the planning phase of how to approach that.

In 2017 TDHCA created a Migrant Labor Housing Program so that a senior manager was placed in charge of inspection and finding unlicensed migrant labor housing locations. At that time there was no database of those. The first efforts were made with the H2A housing, which comes from the Department of Labor (DOL), where there are H2A applications and DOL job postings for labor.

“Motivation, Education and Training”, a migrant labor advocacy group, put out a report in 2015 that says 58% of migrant farmworkers live in single family housing. Texas Rio Grande Legal Aid (TRLA) states that many migrant workers, single or with families, will double up or more in the available facilities, so it is difficult to accurately assess need.

Future outreach efforts could help to locate and encourage licensing and inspection of migrant labor housing, increasing the licensing fees collected. OIA conducted a companion review of funding sources available and utilized in other states. Information on this was communicated separately to management.

Possibilities for outreach sources for migrant labor housing:

Request that USDA fund the development of a survey to identify the needs of migrant labor and farmworker services, the community resources available to them, and the gaps that exist so that as TDHCA crafts a plan it is as effective as possible. In 2005, USDA performed a similar survey in Florida that gave the state the data needed to develop the migrant farmworker resources they now have available.

Create a collective page for migrant labor services, using Florida and California as examples.

Create various media migrant farmworker contact pages: Facebook page, website, phone number, and one page flyers.

Move the migrant housing program to the program tab on the TDHCA website. Under Support Services, its current location is not where individuals would look first.

Put a translation application on the website for applicants

Use the Community Health Workers, CHWs, as a network to reach the migrant labor/farmworkers. They are within these communities and trusted, often making direct service referrals for TWC.

Use TDA’s Office of Rural Affairs hospital network to place TDHCA flyers and post contact information.

Use TWC’s 13 centers to work with the migrant labor specialist in each one as a source for learning the gathering places and time of year the farmworkers can be found, put information at those gathering places; work sites, laundromats, grocery stores are examples.

Utilize the migrant outreach network described by TWC to disseminate housing information through crop groups, local boards, state agency work groups, advocacy groups, and local council of governments.

OIA extends our sincere appreciation to management and staff of the Migrant Labor Housing Program for their cooperation and assistance during the course of this audit.

Sincerely,



Mark Scott, CPA, CIA, CISA, CFE, MBA
Internal Audit Director

MS/CK, NS

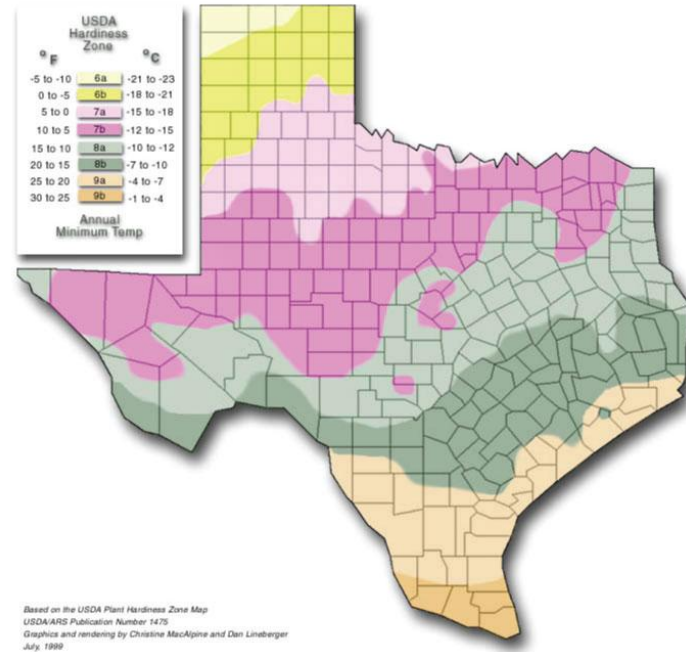
Appendix 1 – Texas Crop Growing Seasons

<https://www.ufseeds.com/learning/planting-schedules/texas-vegetable-planting-calendar/>

Texas: Vegetable Planting Calendar

Planting vegetable seeds or transplants at the correct time is important to getting the most out of your garden. Knowing your first and last frost dates will help you start your vegetable seeds at the right time.

Texas is in USDA plant hardiness zones 6-9.



Texas Last & First Frost Dates

City	Last Frost Date	First Frost Date
Arlington	3/21	11/14

Austin	2/17	11/5
Corpus Christi	2/1	12/21
Dallas	3/21	11/14
El Paso	3/24	11/8
Fort Worth	3/21	11/14
Laredo	2/9	12/5
Houston	3/1	11/29
Plano	3/20	11/13
San Antonio	3/20	11/12

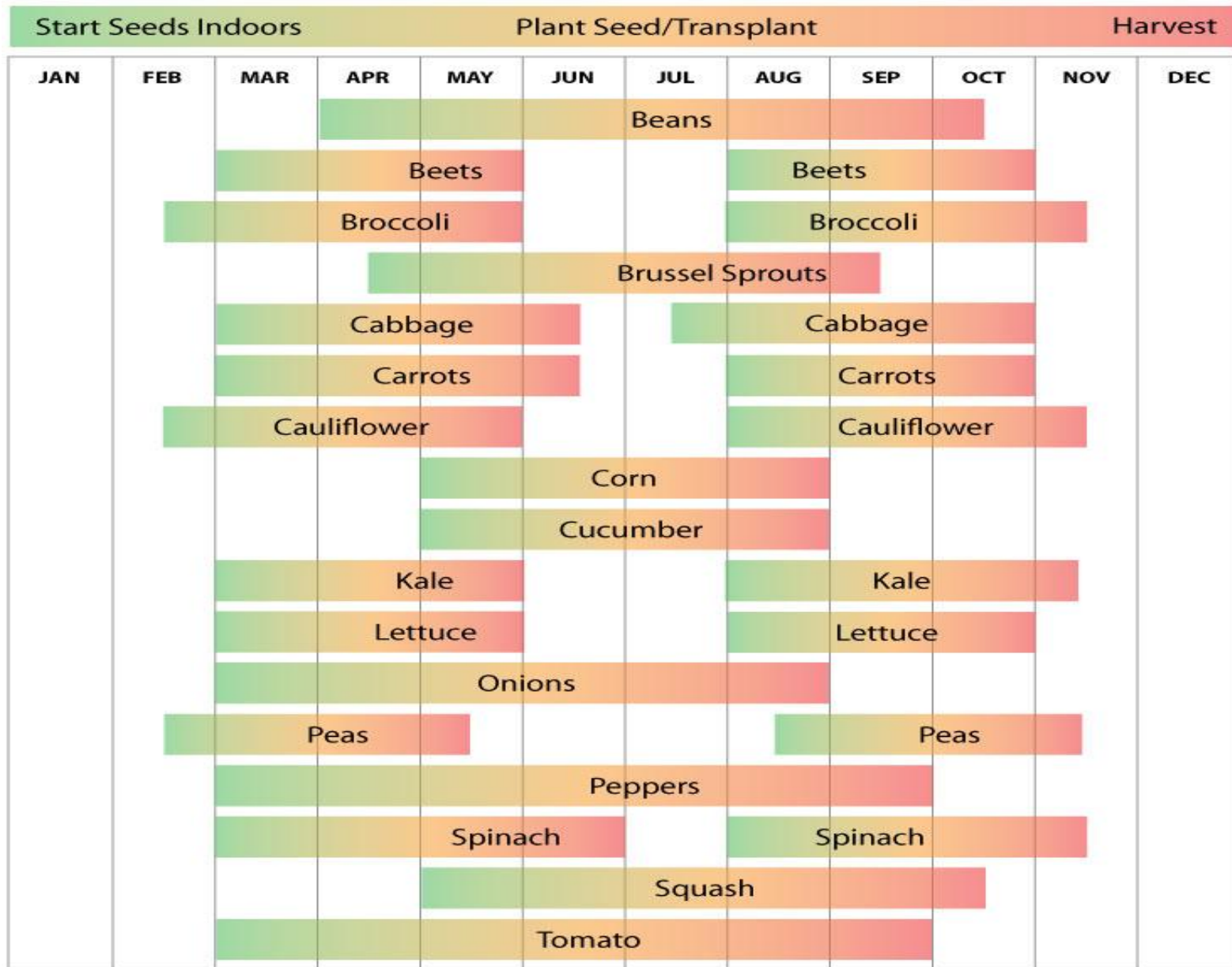
*Based on statistics there is a 10% chance that frost will occur before or after these dates. Watch your local weather for more accurate dates.

Texas on average has approximately 250 days between the last and first frost. Using the planting schedules below will help you get the most out of your garden.

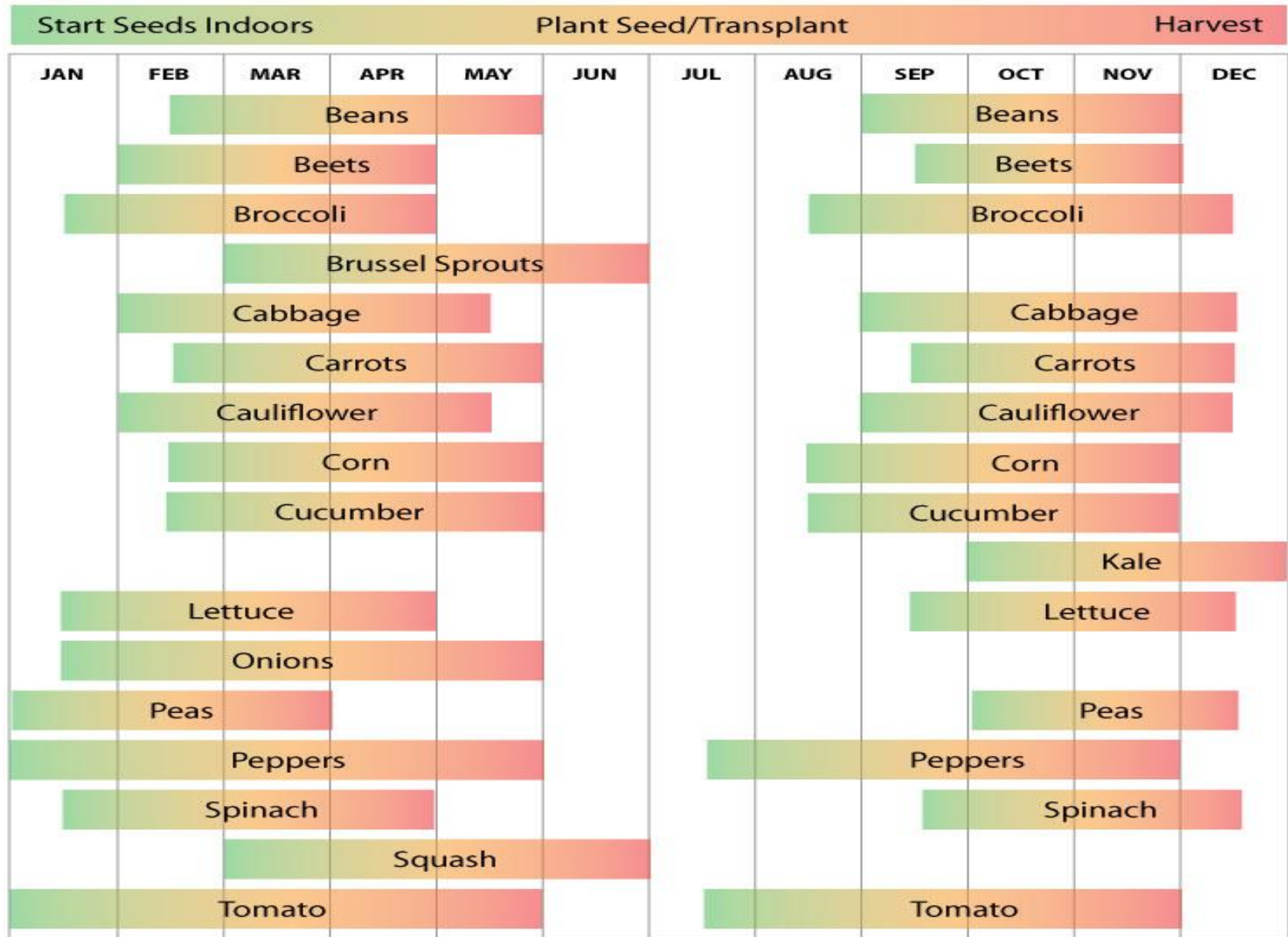
Zone 6 Planting Schedule

Start Seeds Indoors			Plant Seed/Transplant							Harvest	
JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
						Beans					
			Beets				Beets				
		Broccoli					Broccoli				
				Brussel Sprouts							
				Cabbage							
			Carrots				Carrots				
		Cauliflower									
				Corn							
				Cucumber							
		Kale					Kale				
		Lettuce					Lettuce				
				Onions							
		Peas					Peas				
				Peppers							
		Spinach					Spinach				
				Squash							
				Tomato							

Zone 7 Planting Schedule



Zone 9 Planting Schedule



Start Seeds Indoors Plant Seed/Transplant Harvest

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
			Beans					Beans			
	Beets							Beets			
Broccoli							Broccoli				
		Brussel Sprouts									
	Cabbage							Cabbage			
	Carrots							Carrots			
	Cauliflower							Cauliflower			
	Corn							Corn			
	Cucumber							Cucumber			
									Kale		
Lettuce								Lettuce			
Onions											
Peas									Peas		
Peppers						Peppers					
Spinach								Spinach			
		Squash									
Tomato							Tomato				

Appendix 2 - Population Estimates, #19-002

The migrant labor population is comprised of three primary farm worker population groups: undocumented workers, 50%, H2A visa holders, 20%, and domestic farm workers, 30%¹.

The migrant labor population cites we found vary widely: 132,064², to 411,209³, 360,000⁴, and 34,520⁵. The USDA self-reported migrant labor number is 4,915 for 2012. Agency personnel states they suspect this number is low. The USDA will have new estimates in April of this year.

These totals are cited for context, as an exact count is problematic for various reasons beyond the scope of this audit. A representative number of migrant farm workers from the estimate approach that the Migrant Labor Housing Program uses is illustrated here:

The Migrant Labor Housing Program uses data from the DOL/ETA report <https://www.foreignlaborcert.doleta.gov/map/2016/TX.pdf>:

number of H2A positions applied for of 3,116⁶, and percentage of total positions applied for, 4.29% + .01 and from the NAWS_Research_Report_13⁷ report equals 5% is the percentage of H2A⁸ workers of all migrant labor workers.

$3,116 / .05 =$ estimated number of domestic farm workers, 62,320.

$3,116 + 62,320 = 65,436$ total estimated domestic and H2A migrant labor workers, and if 50% are undocumented as MET estimates in footnote 1, then, the estimated total migrant labor populations is:

$65,436$ (estimated domestic and H2A) + $65,436$ (undocumented) = $130,872$ total migrant labor workers

This number more conservative than the other estimates cited, illustrating the difficulty of gathering accurate information on migrant labor housing needs⁹. It is also important to point out that the NAWS does not include seasonal workers in their migrant labor population number.

¹ MET 2015 (Data from 2000)

² Migrant Labor Housing Facilities in Texas, A Report Required by HB 1099. Michael Gerber, ED, TDHCA, September 1, 2006

³ National Advisory Council on Migrant Health (NACMH) Presentation, San Antonio,, May 4 - 5, 2015, US HHS

⁴ "What You Don't Know About Farm Workers May Surprise You", Texas State Affordable Housing Corporation, Michael Wilt, March 4, 2016 (This is based on data from 2000)

⁵ The Bowen Report, Bowen National Research, 2012

⁶ <https://www.foreignlaborcert.doleta.gov/map/2016/TX.pdf>

⁷ NAWS_Research_Report_13

⁸ NASS

⁹ Cite, Bowen Report, 2012 and National Center for Farmworker Health, 2012