


**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF FINANCIAL ASSISTANCE**

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August 14, 2018

**MEMORANDUM FOR:** Office of Migrant Services Contractors and Interested Parties

**FROM:** Maziar Movassaghi, Assistant Deputy Director  
Division of Financial Assistance 

**SUBJECT:** Updates to Office of Migrant Services, Statute SB-850, regarding the 50-mile rule and reporting requirements

This memorandum is to provide information and guidance for the implementation of recent statutory changes to the Office of Migrant Services (OMS) Program.

**Summary of statutory changes**

On June 27, 2018, Governor Brown signed SB 850, which added Section 50710.3 and Section 50717 to the California Health and Safety Code. These sections update Health and Safety Code Sections 50710 – 50715, and are intended to provide migrant farmworker families with school-aged children an opportunity to reside within the community year round and remain eligible for the OMS program.

**Section 50710.3**

Under subsection (a), a migratory agricultural worker that is eligible for housing pursuant to these provisions must reside outside of a 50-mile radius of the migrant farm labor center for at least three months out of the preceding six-month period (a.k.a. "the 50-mile rule"), as specified in the OMS regulation definition of a migratory agricultural worker. However, this does not apply to immediate family members of the migratory agricultural worker. At the end of the season, immediate family members of a migratory agricultural worker must still vacate the migrant center, but may reside within a 50-mile radius of the migrant farm labor center on a year-round basis.

Subsection (b) provides a process for up to 50 percent of a migrant center's units to be reserved for non-migratory families with school-aged children. For there to be a reservation of units for non-migratory workers, the entity operating the migrant farm labor center must submit a detailed proposal for non-migratory occupancy to the California Department of Housing and Community Development (HCD) for review

and approval. The proposal must comply with all requirements of SB 850 and have been previously presented at a public meeting of the migrant farm labor center's resident council. If the proposal is approved by HCD, the contracted entity operating the migrant farm labor center must submit an annual report that identifies the number of units rented to migratory and non-migratory households at each migrant center.

This section is in effect only until January 1, 2024.

**Please note:** This section does not provide for the year-round operation of migrant centers. Per Section 50710.1, a migrant center's standard 180-day occupancy period, combined with any extended occupancy periods, shall not exceed a cumulative operating period of 275 days in any calendar year.

### Section 50717

Section 50717 requires reporting information about the agricultural workers that resided at the migrant farm labor center during the previous calendar year. This report is due on or before January 1, 2019, and annually thereafter, and must include the following information:

- Where the migratory agricultural workers are migrating from;
- Household incomes;
- Race or ethnicity of members of each household;
- Genders of the members of each household;
- Number of school-aged children, including number of participants in the Migrant Education Program, and the number of residents enrolled in K-12 programs;
- Information regarding the intended schooling for the children once the migrant farm labor center closes;
- Where members of the household reside when not in the migrant farm labor center, and whether they own or rent;
- If members of households are elderly or disabled; and
- If the migrant farm labor center has an approved proposal allowing for an exemption pursuant to subparagraph (A) of paragraph (1) of subdivision (b) of Section 50710.3, the number and percentage of units allocated to non-migrant agricultural workers.

Attached to this memo are Sections 50710.3 and 50717 for your reference. These sections more fully identify the requirements for OMS contractors. If you have any questions, please contact Lindy Suggs, Occupancy Compliance Section Chief, at (916) 263-1013 or [lindy.suggs@hcd.ca.gov](mailto:lindy.suggs@hcd.ca.gov).

Attachment