

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2015 (FIRST) Regular Session

Bill No. 53 -33 (COR)

Introduced by:

D.G. RODRIGUEZ, Jr. *DR*

**AN ACT TO ADOPT RULES AND REGULATIONS
GOVERNING THE SANITARY OPERATIONS AND
INSPECTIONS OF TEMPORARY WORKFORCE HOUSING
PURSUANT TO §21102 OF CHAPTER 21 AND §26305 OF
CHAPTER 26A, TITLE 10 GUAM CODE ANNOTATED.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Finding and Intent. Subject to public hearing and legislative review, it is the intent of *I Liheslaturan Guåhan* to provide additional public scrutiny of the proposal governing the sanitary operations and inspections of temporary workforce housing and for the eventual adoption of these rules and regulations.

Section 2. A new Article 17 – Temporary Workforce Housing, is *added* to Chapter 4 of Title 26, Guam Administrative Rules and Regulations.

Section 3. Adoption of Rules and Regulations.

Notwithstanding any other provision of law, rule, regulation and Executive Order, the RULES AND REGULATIONS GOVERNING THE SANITARY OPERATIONS AND INSPECTIONS OF TEMPORARY WORKFORCE HOUSING, pursuant to this Act, are adopted by *I Mina'Trentai Dos Na Liheslaturan Guåhan*, and shall be codified under Article 17 of Chapter 4 of Division 1, Title 26, Guam Administrative Rules and Regulations.

Section 4. Amendment of Rules. The Director, Department of Public Health and Social Services, Division of Environmental Health *shall* pursuant to Article 3-

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1 rule making procedures, of Chapter 9, Title 5, Guam Code Annotated, review and
2 amend, as may be necessary, the Rules and Regulations adopted pursuant to this Act.

3 **Section 5. Severability.** If any provision of this Act or its application to any
4 person or circumstance is found to be invalid or contrary to law, such invalidity shall
5 not affect other provisions or applications of this Act which can be given effect
6 without the invalid provisions or application, and to this end the provisions of this
7 Act are severable.

Title 26

Chapter 4

Article 17

**RULES AND REGULATIONS GOVERNING
SANITATION AND INSPECTIONS OF
TEMPORARY WORKFORCE HOUSING**

§41701. Short Title. These rules and regulations may also be known and cited as the "Temporary Workforce Housing Regulations."

§41702. Authority. Title 10 Guam Code Annotated, Chapter 26A, Section 26A108 authorizes the Director to establish rules and regulations to conduct inspections of temporary workforce housing and carry out other provisions of Chapter 26.

§41703. Purpose. The purpose of these rules and regulations is to protect and promote the health and safety of occupants in a temporary workforce housing and those who may reside in the immediate vicinity of such premises.

§41704. Definitions.

1 (a) *Change of Temporary Workforce Housing Status* shall mean any
2 significant variances to temporary workforce housing in relation to the most recent
3 prior inspection.

4
5 (b) *Division of Environmental Health or DEH* shall mean the division of
6 the DPHSS established through Title 10 GCA, Chapter 20, §20103.

7
8 (c) *Department* shall mean the Guam Department of Public Health and
9 Social Services (DPHSS).

10
11 (d) *Dining Hall* shall mean a cafeteria-type eating place with food
12 furnished by and prepared under the direction of the operator for consumption,
13 with or without charge.

14
15 (e) *Director* shall mean the Director of Public Health and Social Services
16 or his/her designated representative.

17
18 (f) *Failed Inspection (also known as "Unsatisfactory Inspection")* shall
19 mean an inspection resulting in a demerit score of 11 or more.

20
21 (g) *Habitable Room* shall mean a room or space in a structure with a
22 minimum seven foot ceiling used for living, eating, or cooking. Bathrooms, toilet
23 compartments, closets, halls, storage or utility space, and similar areas are not
24 considered habitable space.

1 (h) *Occupant* shall mean any person who uses a temporary workforce
2 housing for lodging purposes.

3
4 (i) *Operator or Temporary Workforce Housing Operator* shall mean a
5 person, or business entity, who owns, leases or manages, or proposes to own, lease
6 or manage, a temporary workforce housing, and includes any person designated in
7 the application for a Sanitary Permit to operate a temporary workforce housing or
8 having an authority to administer day-to-day operation of the facility and to
9 respond to complaints, orders, and other matters as set forth in these rules and
10 regulations.

11
12 (j) *Person* shall mean any owner, firm, corporation or governmental
13 agency operating a dormitory.

14
15 (k) *Sanitary Permit* shall mean the official document issued by the DPHSS
16 authorizing the establishment to operate its business.

17
18 (l) *Satisfactory* shall mean achieving a letter grade “A” at the conclusion of
19 a compliance inspection of temporary workforce housing.

20
21 (m) *Superficial Floor Area* shall mean the net area within the enclosing
22 walls of the room in which the ceiling heights is not less than seven feet (7’),
23 excluding built-in equipment such as wardrobes, cabinets, kitchen units,
24 bathrooms, toilet rooms, or fixtures.

25
26 (n) *Temporary Worker* shall mean

1 (1) A worker from a point of origin outside of Guam, who is
2 sponsored by an employer, or has come to Guam on his own to seek
3 employment for a specific work project; and

4 (2) Is on Guam for the purpose of being employed for a specific
5 project expected to be completed in a specific period of time; and

6 (3) Will exit Guam upon completion of their work contract on this
7 specific project.

8
9 (o) *Temporary Workforce Housing*, also known as *Dormitory*, shall mean
10 any enclosures of living spaces, reasonably contiguous, together with the land
11 appertaining thereto, established, operated or used as living quarters and, at a
12 minimum, fifty one-percent (51%) of the residents are temporary workers,
13 including but not limited to, facilities known by varying nomenclatures or
14 designations as dormitories, hotels, motels, travel lodges, or tourist homes.

15
16 (p) *Variance* as used in the reference to *Change of Temporary Workforce*
17 *Housing* of these rules and regulations shall include changes to the number of
18 occupants, structure, ownership, and any other changes or deficiencies that impact
19 the operation of the facility, safety or welfare of the occupants, or otherwise
20 contradicts the purpose of these rules and regulations and other Department
21 regulations that govern temporary workforce housing.

22
23 (q) *Workers' Dormitory Permit* shall mean the official document issued by
24 the Department of Public Health and Social Services authorizing a person or
25 business entity to operate a temporary workers' dormitory.

1 **§41705. Requirements to Obtain and Apply for a Workers' Dormitory**
2 **Permit.**

3
4 (a) No person shall directly or indirectly in any manner conduct, control,
5 manage, maintain, or operate a dormitory unless a valid Workers' Dormitory
6 Permit issued by the Department to operate such a facility has been obtained and
7 properly posted.

8
9 (b) An application for a Workers' Dormitory Permit to operate any new or
10 existing dormitory shall be made in writing on a form prescribed by the Director,
11 signed by the applicant or his/her authorized agent, and shall contain such
12 information that will determine that the facility and its operation are in compliance
13 with the applicable provisions of these rules and regulations.

14
15 (c) Before the application for a Workers' Dormitory Permit shall be
16 approved, the Director shall verify that the establishment meets the minimum
17 requirements and standards of these rules and regulations. This shall include the
18 right of entry, inspection, and investigation.

19
20 (d) Before a pre-operation inspection is conducted, plans and specifications
21 shall be submitted to the Director in accordance with the requirements established
22 in these regulations which shall include the following:

23
24 (1) The location of the proposed temporary workforce housing
25 (vicinity map) on a sheet of paper measuring 8 ½ inches by 11 inches,

1 including the streets names, building numbers, and easily identifiable
2 landmarks; and

3
4 (2) A floor plan on a sheet of paper measuring, at a minimum, 8 ½
5 inches x 11 inches, showing:

6
7 i. The dimensions of the proposed establishment;

8
9 ii. The location, number and type of plumbing fixtures
10 including all water supply fixtures and toilet fixtures, and other fixtures
11 and equipment, and;

12
13 iii. If a newly-constructed building, the general layout of water
14 supply lines, wastewater lines or methods of wastewater disposal.

15
16 (e) If pre-operation inspection indicates that the establishment does not
17 meet the minimum requirements, the Workers' Dormitory Permit shall not be
18 issued until such time as the requirements are met.

19
20 (f) All Workers' Dormitory Permits shall be issued for a maximum period
21 of no more than 12 months and renewed on June 30 of each year. An application
22 for new or renewal of a Workers' Dormitory Permit shall be filed at least 15 days
23 before a new establishment intends to open, or before current Workers' Dormitory
24 Permit expires.

1 (g) Any person or establishment denied a Workers' Dormitory Permit, or
2 whose Workers' Dormitory Permit has been suspended or revoked, may appeal
3 the Director's action in accordance with the provisions of the Administrative
4 Adjudication Law.

5
6 **§41706. Requirements to Obtain and Maintain a Sanitary Permit.**

7
8 (a) If upon inspection the Director is satisfied that the establishment meets
9 the minimum requirements of these rules and regulations as the Director may
10 prescribe and a Workers' Dormitory Permit is issued, a non-transferable Sanitary
11 Permit designating the type and location by physical address and lot number of
12 establishment shall also be issued.

13
14 (b) Failure to comply with any of the requirement listed below shall be a
15 reason to deny the issuance of a Sanitary Permit:

16
17 (1) Locking of doors;

18
19 (2) Unapproved or inadequate water supply or plumbing;

20
21 (3) Denying access to inspectors;

22
23 (4) Receiving a demerit of more than 40; or

24
25 (5) Repeating a violation assigned 2, 4 or 6 demerit points.
26

1 **§41707. Maximum Occupancy.** The maximum capacity for
2 Temporary Workforce Housing shall be based on:

3
4 (a) The square footage of the housing facility; and

5
6 (b) The number of bathing, handwashing, laundry, and toilet facilities

7
8 **§41708. Location and Premises.**

9
10 (a) Facility sites used for dormitory shall be adequately drained. They
11 shall not be subject for periodic flooding, nor located within 200 feet of swamps,
12 pools, sink-holes or other surface collections of water unless such quiescent water
13 surfaces can be subjected to mosquito control measures. The facility shall be
14 located so the drainage from and through the facility will not endanger any
15 domestic or public water supply.

16
17 (b) Grounds within the facility site shall be maintained so as to be free from
18 debris, noxious plants, uncontrolled weeds, or brush.

19
20 (c) Facility sites shall have recreation space for the occupants based on the
21 maximum facility capacity.

22
23 (d) Facility sites shall be graded, ditched and rendered free from
24 depressions in which water may become a nuisance.

1 (e) Facility sites shall be adequate in size to prevent overcrowding of
2 necessary structures. The facility in which food is prepared and served and where
3 sleeping quarters are located must be at least 500 feet from any area in which
4 livestock is kept.

5
6 (f) Grounds within the facility shall be maintained in a clean and sanitary
7 condition free from rubbish, debris, waste paper, garbage, or other refuse.

8
9 **§41709. Shelter.**

10
11 (a) Every shelter in the dormitory shall be constructed in a manner which
12 will provide protection against the elements.

13
14 (b) Each room used for sleeping purposes shall contain at least 50 square
15 feet of superficial floor area for each occupant. At least a 7-foot ceiling shall be
16 provided.

17
18 (c) Sleeping arrangements (beds, metal frame cots, or bunks complete with
19 springs, mattresses, and mattress covers) in good repair shall be provided for
20 facility occupants. Sleeping arrangements shall be cleaned and maintained in a
21 sanitary condition. No bed shall be used by more than two occupants.

22
23 (d) Beds, cots, or bunks, and suitable storage facilities such as wall lockers
24 for clothing and personal articles shall be provided in every room used for sleeping
25 purposes. Such beds or similar facilities shall be spaced not closer than 36 inches
26 both laterally and end to end, and shall be elevated at least 12 inches from the

1 floor. If double-deck bunks are used, they shall be spaced not less than 48 inches
2 laterally and end to end. The minimum clear space between the lower and upper
3 bunk shall not be less than 27 inches. Triple-deck bunks are prohibited.

4
5 (e) The floors of each shelter shall be constructed of wood, concrete or
6 other materials approved by the Department. Wooden floor shall be smooth and of
7 tight construction. The floor shall be of such construction as to be easily cleanable,
8 and shall be kept clean and in good repair.

9
10 (f) All wooden floors shall be elevated not less than 1 foot above the
11 ground level at all points to prevent dampness and to permit free circulation of air
12 beneath.

13
14 (g) All living quarters shall be provided with windows in which the total
15 area shall not be less than one-tenth of the total floor area. At least one-half of
16 each window shall be so constructed that it can be opened for purposes of
17 ventilation.

18
19 (h) All exterior openings shall be effectively screened with 16-mesh to the
20 inch material. All screen doors shall be equipped with self-closing devices.

21
22 (i) In a room where occupants cook, live, and sleep a minimum of 100
23 square feet of superficial floor area per person shall be provided. Adequate
24 facilities and proper methods for the preparation, refrigeration, and storage of food
25 shall be provided.

26

1 (j) In dormitory where cooking facilities are used in common, stoves (in
2 ratio of one stove to 10 persons) shall be provided in an enclosed and screened
3 shelter and shall be equipped with an electric exhaust fan connected to the outside
4 air. Adequate facilities and proper methods for the preparation, refrigeration, and
5 storage of food shall be provided.

6
7 (k) All communal kitchens shall have a floor area of at least 100 square feet
8 (10 ft. x 10 ft. rooms).

9
10 (l) All heating, cooking, and water heating equipment shall be installed in
11 accordance to applicable laws of Guam and rules and regulations governing such
12 installations.

13
14 (m) All rooms shall have sufficient ventilation to keep them free of
15 excessive heat, carbon dioxide, steam, condensation, vapors, obnoxious odors,
16 smoke, and fumes. Ventilation system shall be installed and operated according to
17 applicable laws of Guam, and when vented to the outside, shall not create an
18 unsightly, harmful, or unlawful discharge.

19
20 **§41710. Water Supply.**

21
22 (a) An adequate supply of potable water from an approved source and
23 under pressure shall be provided at all times in each dormitory for drinking,
24 cooking, bathing and laundry purposes.

25 (b) Drinking water dispensed by means of drinking fountains, cups, and
26 water coolers shall conform to the following:

1
2 (1) Drinking Fountain shall be kept clean and in good repair and
3 conform to the latest editions of the International Plumbing Code and the
4 International Building Code adopted on Guam.

5
6 (2) Single service cups shall be used for water dispensed from bottled
7 water or water coolers. Single service cups shall be stored, handled, and
8 dispensed in a sanitary manner.

9
10 (3) Water coolers used for dispensing drinking water shall be
11 provided with a cover, and shall be kept clean. Dipping the cups into the
12 water cooler is prohibited. Water coolers shall be adequately protected to
13 prevent any contamination.

14
15 (4) Other cups such as individually owned cups shall be used only by
16 one owner.

17
18 (c) All water outlets shall be protected from backflow either by air gap or
19 backflow prevention devices. There shall be no existing or potential cross-
20 connection or back-siphonage problems anywhere in the building or its premises.

21
22 (d) Any water outlet with a threaded, serrated, or quick coupling nozzle
23 shall be provided with a vacuum breaker.

24
25 **§41711. Toilet Facilities.**
26

1 (a) Toilet facilities shall be of adequate capacity based on latest applicable
2 codes.

3
4 (b) Each toilet shall be located so as to be accessible without any
5 individual passing through any sleeping room. Toilet rooms shall have window
6 not less than 6 square feet in area opening directly to the outside area or otherwise
7 be satisfactorily ventilated. All outside openings shall be screened with 16-mesh to
8 the inch material. No toilet fixtures shall be located in a room used for other than
9 toilet purposes.

10
11 (c) A toilet room shall be located not more than 200 feet of travel distance
12 from the door of each sleeping room.

13
14 (d) Where the toilet rooms are shared, such as in barrack types facilities,
15 separate toilet rooms shall be provided for each sex. These rooms shall be
16 distinctly marked for "Men" and "Women" by signs printed in English and in the
17 language of the persons occupying the camp, or marked with easily understood
18 pictures or symbols. If the facilities for each sex are in the same building, they
19 shall be separated by solid walls or partitions extending from the floor to the roof
20 or ceiling.

21
22 (e) Where toilets facilities are shared, the number of water closets provided
23 for each sex shall be based on the maximum number of persons of that sex which
24 camp is designed to house at any one time, in the ratio of one such unit to each 10
25 persons, with a minimum of two units for any shared facility.

1 (f) Each toilet facility shall be completely enclosed and shall have a tight
2 fitting, self-closing door. Toilet partitions shall begin not more than one (1) foot
3 from the floor and extend to a height of not less than five (5) feet.

4
5 (g) Urinals shall be provided on the basis of one unit to each 10 men. The
6 floor from the wall and for a distance not less than 15 inches measured from the
7 outward edge of the urinals shall be constructed of impervious materials to
8 moisture. Where water under pressure is available, urinals shall be provided with
9 adequate water flush.

10
11 (h) Each toilet room shall be lighted naturally or artificially by a safe
12 lighting at all hours of the day and night.

13
14 (i) Floors shall be of impervious material, and floor drains shall be
15 provided.

16
17 (j) Walls, ceilings, and floors shall be impervious to moisture and have
18 smooth surfaces.

19
20 (k) Walls and ceilings shall be light colored as determined by the
21 Department to aid in the distribution of light to facilitate thorough cleaning, and
22 the observation of general sanitary procedures.

23
24 (l) Each toilet facility shall be completely enclosed and shall have a tight-
25 fitting, self-closing door.

1 (m) An adequate supply of toilet paper in a dispenser shall be provided in
2 each water closet.

3
4 (n) All toilet rooms shall be provided with an approved trash container.

5
6 (o) Toilet rooms shall be kept in a sanitary condition. They shall be
7 cleaned at least daily.

8
9 **§41712. Sewage Disposal.** An approved sewage disposal system which is
10 located, constructed, and operated in conformance with the standards established
11 for such systems by the Guam Environmental Protection Agency and the Guam
12 Waterworks Authority.

13
14 **§41713. Laundry, Hand-washing, Bathing and Cleaning Facilities.**

15
16 (a) Laundry, hand-washing, bathing, and cleaning facilities shall be
17 provided in the following ratio:

18
19 (1) One lavatory to each ten persons in shared facilities;

20
21 (2) One shower head to each eight persons;

22
23 (3) Laundry tray or tub for every 30 persons if a centralized laundry
24 facility is not provided; and
25

1 (4) Utility sink (also known as mop sink) in each building used; the
2 number and placement of utility sink shall be determined by DPHSS.

3
4 (b) Floors shall be of smooth finish but not slippery materials; they shall be
5 impervious to moisture. Floor drain shall be provided in all shower baths, shower
6 rooms, or laundry rooms to remove waste water and facilitate cleaning. All
7 junctions of the curbing and the floor shall be coved.

8
9 (c) The walls and partitions of shower rooms shall be smooth and
10 impervious to the height of the splash.

11
12 (d) An adequate supply of hot and cold running water shall be provided for
13 bathing and laundry purposes.

14
15 **§41714. Lighting.**

16
17 (a) Each habitable room in a dormitory shall be provided with at least one
18 ceiling-type light fixture and at least one separate floor- or wall-type convenience
19 outlet.

20
21 (b) Laundry and toilet rooms and rooms where people congregate shall
22 contain at least one ceiling- or wall-type fixture.

23
24 (c) Light levels in toilet and storage rooms shall be at least 20 foot-candles
25 at 30 inches from the floor.

1 (d) Other rooms, including kitchens and living quarters, shall be at least 30
2 foot-candles at 30 inches from the floor.

3
4 **§41715. Refuse Disposal.**

5
6 (a) All refuse shall be disposed of as often as necessary and in such a
7 manner as to prevent a public health nuisance.

8
9 (b) Fly-tight, rodent-tight, impervious and easily cleanable containers shall
10 be provided for the storage of garbage and rubbish.

11
12 (c) Refuse containers shall be elevated to at least 12 inches from the
13 ground surface and around the containers shall be kept clean so as not serve as
14 harborage for vermin. Bulk refuse containers shall be located on impervious
15 asphalt or concrete. At least one such refuse container shall be provided for each
16 shelter and shall be located within 100 feet of each shelter on a metal or concrete
17 surface.

18
19 (d) Refuse containers shall be emptied when full but not less than twice a
20 week.

21
22 **§41716. Construction and Operation of Kitchen, Dining Halls, and**
23 **Feeding Facilities**

24
25 (a) In a dormitory where central dining or feeding operations are permitted
26 and provided, adequate facilities and proper methods for the preparation, serving,

1 refrigeration, and storage of food shall be provided in conformance with applicable
2 Department rules and regulations governing food facilities.

3

4 (b) A properly constructed kitchen and dining hall adequate in size,
5 separate from the sleeping quarters shall be provided in connection with all food
6 handling facilities. There shall be no direct opening from living or sleeping
7 quarters into kitchen or dining hall.

8

9 (c) No person with any communicable disease may be employed or
10 permitted to work in the preparation, cooking, serving or other handling of food,
11 foodstuffs or materials used in any kitchen or dining room operated in connection
12 with a camp or regularly used by persons living in a camp.

13

14 **§41717. Insect and Rodent Control.**

15

16 (a) Effective measures shall be taken to prevent infestation by and
17 harborage of animal or insect vectors or pests.

18

19 (b) Every door opening directly to outdoor space shall be equipped with a
20 self-closing device for protection against mosquitoes, flies, and other insects. If a
21 screen door is provided it must have a self-closing device, and screening shall not
22 be less than 16-mesh to the inch material.

23

24 (c) Every window or other device with openings to outdoor space, used or
25 intended to be used for ventilation shall likewise be equipped with screening not
26 less than 16-mesh to the inch material.

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§41718. Safety and First Aid.

(a) Approved first aid supplies shall be provided and be accessible at all times. The supplies shall be equivalent to the 16 unit first aid kit recommended by the American Red Cross, and shall be provided in the ratio of one to each 50 persons. First aid kits shall be distributed and placed conspicuously throughout the temporary workforce housing.

(b) Flammable or volatile liquids or materials, except those needed for household use other than use as fuel, shall not be stored in or adjacent to rooms used for living purposes.

(c) Pesticides and toxic chemicals other than those commonly regarded as being used for household use, such as cleaning agents, shall not be stored within the temporary workforce housing site. Any pesticide or other toxic materials, and any potentially hazardous materials or equipments kept within 500 feet of the facility site shall be stored in a secure, locked enclosure.

§41719. Animals and Poultry. No cats, dogs, livestock, or poultry shall be permitted in the dormitory, kitchen, dining or other buildings used for housing purposes.

§41720. Reporting of Communicable Disease.

1 (a) It is the duty of the owner or operator to report immediately to the
2 Department the name and address of any individual in the facility known to have
3 or suspected of having a communicable disease.

4
5 (b) Whenever there occurs in any temporary workforce housing a case of
6 suspected food poisoning or an unusual prevalence of any illness in which fever,
7 diarrhea, sore throat, vomiting, or jaundice is a prominent symptom, it will be the
8 duty of the operator to report immediately the existence of the outbreak to the
9 Department by telephone, electronic mail or any method that is equally fast.

10
11 **§41721. Compliance.**

12
13 (a) All new temporary workforce housing shall be in compliance with these
14 rules and regulations. The owner shall designate a responsible employee to
15 manage the daily operation of establishment.

16
17 (b) All temporary workforce housing shall comply with these rules and
18 regulations upon renovation, extension or remodeling of an existing building.
19 Temporary workforce housing in existence at the time these rules and regulations
20 take effect shall be deemed acceptable if it is determined by the Director that no
21 serious health hazard or discomfort will occur that would affect the occupants of
22 such facility.

23
24 **§41722. Inspections.**

1 (a) Sanitary Inspections, Phases: For the purposes of sanitary
2 regulation, permitting of temporary workforce housing shall be required during
3 each of the following phases:

4
5 (1) Primary Inspection Phase

6
7 i. During the Primary Inspection Phase, sanitary inspection
8 shall be conducted quarterly following the issuance of the initial
9 Sanitary Permit.

10
11 ii. The Primary Inspection shall apply to all temporary
12 workforce housing, new or currently existing, and shall endure and
13 achieve four (4) consecutive quarters of satisfactory inspections.

14
15 iii. Inspection during the Primary Inspection Phase shall be
16 performed no sooner than forty-five (45) days of the previous
17 inspection conducted. If an inspection occurs sooner than forty-five
18 (45) days of the previous inspection conducted, the inspection shall not
19 qualify as one of the quarterly inspection required.

20
21 (2) Secondary Inspection Phase

22
23 i. Secondary Inspection Phase shall be applied following
24 successful completion of the Primary Inspection Phase.

1 ii. During the Secondary Inspection Phase, inspections shall be
2 conducted on a semiannual basis.

3
4 iii. Inspection during the Secondary Inspection Phase shall be
5 performed no sooner than ninety (90) days from the previous inspection
6 conducted. If an inspection occurs sooner than ninety (90) days of the
7 previous inspection conducted, the inspection shall not qualify as one
8 of the semiannual inspections required.

9
10 iv. Successful completion of the Secondary Inspection Phase
11 shall consist of two (2) consecutive semiannual inspections that were
12 rated satisfactory.

13
14 v. Following a failed inspection or Change of Temporary
15 Workforce Housing Status, the temporary workforce housing in
16 question shall return to the Primary Inspection Phase.

17
18 (3) Tertiary Inspection Phase

19
20 i. During the Tertiary Inspection Phase, inspections will be
21 conducted on an annual basis.

22
23 ii. Inspection during the Tertiary Phase shall be performed no
24 sooner than one hundred eighty (180) days of the previous inspection
25 conducted. If an inspection occurs sooner than one hundred eighty

1 (180) days from the previous inspection conducted, the inspection will
2 not qualify as one of the annual inspections required.
3

4 iii. Following a failed inspection or Change of Temporary
5 Workforce Housing Status, the temporary workforce housing in
6 question shall return to the Primary Inspection Phase.
7

8 (b) Access
9

10 An employee or representative of the Department shall, after proper
11 presentation of credentials, have access to any temporary workforce housing at any
12 reasonable time for the purpose of making inspections to determine compliance
13 with these rules and regulations. Denial of access shall be cause for suspension of
14 the Sanitary Permit.
15

16 (c) Report of Inspections
17

18 Whenever an inspection of a temporary workforce housing is conducted, the
19 findings shall be recorded on a form authorized by the Director, and shall
20 summarize the requirements of these rules and regulations, and shall set forth a
21 demerit value for each requirement. Inspection remarks shall be written to
22 reference, by section number, the section violated and shall state the correction to
23 be made. The rating score of the establishment shall be the total of the demerit
24 values for all violations. A copy of the completed inspection report form shall be
25 issued to the operator of the establishment at the conclusion of the inspection. The

1 completed form is a public document that shall be made available for public
2 disclosure to any person who requests it according to law.

3

4 (d) Appeal

5

6 The report of inspection of a temporary workforce housing shall state that an
7 opportunity for appeal from any notice or inspection findings will be provided if a
8 written request for a hearing is filed with the Director within the period of time
9 established in the notice for correction.

10

11 (e) Grading

12

13 (1) Grades of temporary workforce housing shall be as follows:

14

15 i. Grade A: An establishment having a demerit score of not
16 more than ten (10);

17

18 ii. Grade B: An establishment having a demerit score of more
19 than ten (10) but not more than twenty (20);

20

21 iii. Grade C: An establishment having a demerit score of more
22 than twenty (20) but not more than forty (40); and

23

24 iv. Grade D: An establishment having a demerit score of more
25 than forty (40).

26

1 (2) Notwithstanding the grade criteria established above, whenever a
2 second consecutive (“repeat”) violation of the same item is discovered, the
3 Workers’ Dormitory Permit may be suspended or the establishment shall be
4 downgraded to the next lower grade.

5
6 (3) DPHSS shall issue a placard reflecting the letter grade of the most
7 recent inspection.

8
9 (f) The temporary workforce housing operator shall ensure that he/she, or a
10 designee, be present during inspections of temporary workforce housing by the
11 Department.

12
13 **§41723. Fees.**

14
15 (a) Pursuant to §26A105 of Title 10 GCA, Chapter 26A, an operator shall
16 pay a fee for new and renewal Workers’ Dormitory Permits, which are separate
17 and apart from the fees for the issuance of a Sanitary Permit.

18
19 (1) New Workers’ Dormitory Permit shall be Twenty Five Dollars
20 (\$25.00) for each; and

21
22 (2) Renewal Workers’ Dormitory Permit shall be Twenty Five Dollars
23 (\$25.00) for.

24
25 (b) Pursuant to §26A105 of Title 10 GCA, Chapter 26A, an operator shall
26 pay a fee for new and renewal Sanitary Permits.

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(1) The cost for the issuance of a new Sanitary Permit shall be the current fee established in the “Sanitary Permit Rules and Regulations” (Title 26 GARR, Chapter 4, Article 5) at the time of application.

(2) Renewal of Sanitary Permit for temporary workforce housing shall be based on sanitary inspection phases pursuant to §26A104 of Title 10 GCA Chapter 26A, which shall also be the cost of the inspection.

(3) The cost of the renewal fee, which includes the required inspection, shall be determined by the floor space of the temporary workforce housing, and shall be assessed accordingly:

- i. 600 square feet or less: \$30.00
- ii. 601 – 1,200 square feet: \$60.00
- iii. 1,201 – 1,800 square feet: \$90.00
- iv. 1,801 – 2,400 square feet: \$120.00
- v. 2,401 – 3,000 square feet: \$150.00
- vi. 3,001 – 3,600 square feet: \$180.00
- vii. 3,601 – 4,200 square feet: \$210.00

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2 viii. 4,201 – 4,800 square feet: \$240.00

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4 ix. 4,800 – 5,400 square feet: \$270.00

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6 x. 5,401 – 6,000 square feet: \$300.00

7
8 xi. More than 6,000 square feet: \$0.05 per square foot.

9
10 (4) Upon the completion of an inspection, the Department shall
11 provide an invoice to the temporary workforce housing operator or his/her
12 representative.

13
14 (5) Within 7 calendar days of receipt of the invoice from the
15 Department, the operator or his/her representative shall make the appropriate
16 payment to the Department so to be issued its renewal Sanitary Permit.
17 Failure to make such payment within the required allotted time shall cause
18 the Sanitary Permit to become suspended, at which time the operator must
19 cease the operation of the temporary workforce housing immediately.

20
21 (6) In addition to all other required fees, and before the initial
22 Sanitary Permit is issued, the operator shall provide to DPHSS an
23 “inspection security deposit” which shall equal to that of the facility’s
24 applicable Sanitary Permit renewal fee cited in §41723(b)(3) of these rules
25 and regulations. This non-refundable inspection security deposit shall be
26 used as payment to DPHSS in the event the temporary workforce housing

1 operator fails to timely make payment for an inspection conducted by the
2 Department. The use of the inspection security deposit for payment to
3 DPHSS shall not relieve the same operator from resubmitting another
4 inspection security deposit before the suspension of its Sanitary Permit is
5 withdrawn.

6
7 (7) The inspection security deposit may be used by the temporary
8 workforce housing operator as payment for the last inspection required of
9 the operator prior to close of its business, provided the operator submits a
10 written notification to the Department. Such written notification shall
11 include the name and signature of the operator; the official date of the
12 temporary workforce housing's close of business, which shall be no later
13 than the next required inspection date had the operator remained in
14 operation; and a request for the use of the inspection safety deposit to make
15 such payment. The written notification shall be submitted concurrently with
16 the applicable invoice to the Department.

17
18 (c) There will be no charges for the following types of inspections,
19 provided a current permit has been issued:

20
21 (1) Validation inspections; and

22
23 (2) Complaint verification inspections.

24
25 **§41724. Posting of Documents.** The Sanitary Permit, Workers' Dormitory
26 Permit, grade placard, and a copy of the most recent inspection report shall be

1 posted in a conspicuous location designated by the Director. No person other than
2 the Director shall remove, deface, conceal, or destroy such permit or report.

3
4 **§41725. Miscellaneous.**

5
6 (a) Effective Date. These rules and regulations are effective immediately
7 upon their adoption pursuant to the Administrative Adjudication Law.

8
9 (b) Severability. If any provision or application of any provision of these
10 rules and regulations is held invalid, that invalidity shall not affect the other
11 provision or applications of these rules and regulations.

12
13 **§41726. Exemptions.** In the event that an establishment or person is unable
14 to comply with certain requirements of these regulations, the Director may
15 authorize and exempt that particular section, but shall be augmented by increased
16 requirements in other sections in order to provide adequate protection for the
17 workers. These requirements will be determined by the representatives of the
18 DEH, and the establishment on a case by case basis.