

CHAPTER 16 - MIGRANT HOUSING

SECTION .0100 - GENERAL

13 NCAC 16 .0101 PURPOSE

This Chapter sets forth the rules of procedure for implementing G.S. 95, Article 19, Migrant Housing Act of North Carolina.

History Note: Authority G.S. 95-4(2); 95-222; 95-224; 95-227;
Eff. June 1, 1991;
Amended Eff. July 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.

13 NCAC 16 .0102 FORMS

History Note: Authority G.S. 95-227; 150B-11;
Eff. June 1, 1991;
Repealed Eff. July 1, 1998.

13 NCAC 16 .0103 DEFINITIONS

The term "Department" shall mean the Department of Labor of North Carolina.

History Note: Authority G.S. 95-4(2);
Eff. July 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.

SECTION .0200 - INSPECTIONS

13 NCAC 16 .0201 PREOCCUPANCY INSPECTIONS

- (a) Following the filing of an "application for inspection" by an operator, the Department shall contact the operator, at which time, the Department shall provide information regarding the inspection of the migrant housing facility.
- (b) During an inspection, the Commissioner or assigned designees may take measurements, samples, photographs, videos, conduct interviews or employ other reasonable investigative techniques.
- (c) The migrant housing operator or representative shall be afforded an opportunity to provide pertinent information regarding conditions in the housing.
- (d) At the conclusion of an inspection, the Commissioner or assigned designees shall provide a written statement of any identified health or safety violation(s) to the migrant housing operator or representative.

History Note: Authority G.S. 95-4(2); 95-226; 95-227;
Eff. June 1, 1991;
Amended Eff. July 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.

13 NCAC 16 .0202 MIGRANT HOUSING CERTIFICATE

- (a) If no violations are identified during the preoccupancy inspection, the Department shall issue a migrant housing certificate to the operator.
- (b) Upon notification of any violations, the operator shall correct the violation(s) and so certify on the form supplied by the Department. The operator shall provide any access or information requested by the Department to verify that the identified violations have been abated. When the violative conditions are corrected, the Department shall issue a migrant housing certificate to the operator.
- (c) Except as provided in G.S. 95-226(d) and (e), no migrant housing shall be occupied prior to the receipt and posting, in a place accessible to all migrants, of a migrant housing certificate.

History Note: Authority G.S. 95-4(2); 95-136(g); 95-226; 95-227;
Eff. June 1, 1991;
Amended Eff. July 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.

13 NCAC 16 .0203 CERTIFICATION DENIED
13 NCAC 16 .0204 CONTESTING DENIAL
13 NCAC 16 .0205 ISSUANCE OF CERTIFICATES
13 NCAC 16 .0206 POSTING REQUIREMENTS
13 NCAC 16 .0207 REPEAT PREOCCUPANCY VISITS
13 NCAC 16 .0208 ENFORCEMENT VISITS

History Note: Authority G.S. 95-136(g); 95-226; 95-227; 150B-23;
Eff. June 1, 1991;
Repealed Eff. July 1, 1998.

SECTION .0300 - PROVISIONAL OCCUPANCY

13 NCAC 16 .0301 PROVISIONAL OCCUPANCY
13 NCAC 16 .0302 PROVISIONAL OCCUPANCY DENIED
13 NCAC 16 .0303 INSPECTION OF PROVISIONALLY OCCUPIED HOUSING

History Note: Authority G.S. 95-136(g); 95-225; 95-226; 95-227; 130A-337;
Eff. June 1, 1991;
Repealed Eff. July 1, 1998.

SECTION .0400 - ENFORCEMENT

13 NCAC 16 .0401 ENFORCEMENT INSPECTIONS
Enforcement inspections shall be conducted in accordance with G.S. 95-227 and applicable 13 NCAC 7 rules.

History Note: Authority G.S. 95-4(2); 95-227;
Eff. July 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.

13 NCAC 16 .0402 CITATIONS AND PENALTIES
Pursuant to G.S. 95-227, citations and penalties for violating the provisions of this Chapter or G.S. 95, Article 19 shall be issued in accordance with G.S. 95-137 and G.S. 138(a).

History Note: Authority G.S. 95-4(2); 95-227;
Eff. July 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.

SECTION .0500 - APPEALS

13 NCAC 16 .0501 APPEALING NON-ISSUANCE OF A MIGRANT HOUSING CERTIFICATE
An operator who is denied a migrant housing certificate requested pursuant to G.S. 95-226 may, within 15 days of the denial, request that the Commissioner, or his designee, review the decision. The Commissioner's decision may be appealed in accordance with Article 3 of G.S. 150B.

History Note: Authority G.S. 95-4(2); 95-227;
Eff. July 1, 1998;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.

13 NCAC 16 .0502 APPEALING VIOLATIONS OF THIS CHAPTER AND/OR G.S. 95, ARTICLE 19
Citations and penalties issued pursuant to this Chapter may be contested in accordance with G.S. 95-137 as provided in G.S. 95-227.

*History Note: Authority G.S. 95-4(2); 95-227;
Eff. July 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.*