



Date: 2/18/2024

Subject: Fire Inspections and Migrant Labor Camps

The Department of Workforce Development (DWD) recently updated their Admin Code 301- Migrant Labor. This update includes a requirement for “Documentation from the fire department providing fire protection for the migrant labor camp that the structures used for the migrant labor camp meet all local and state fire codes for the number of expected occupants identified on the application. The documentation shall be based on a fire inspection conducted no more than 6 months before submittal of an application for a certificate to operate a migrant labor camp.” DWD has provided a form for use for fire departments: [DETM-19725-E, Local and State Fire Code Compliance Documentation for a Migrant Labor Camp \(wisconsin.gov\)](#) Fire Departments may also provide their fire inspection documents to property owners to submit with their permit applications in lieu of the DWTM-19725-E, as long as it provides equivalent information (inspection date, name of inspector, compliance confirmation, etc.) If a fire inspection shows violations of fire codes, documentation of non-compliance does not need to be provided as these occupancies would not receive permitting.

Information regarding the Migrant Labor Camp Standard can be found here: [DWD 301.pdf](#)

Information regarding the recent changes can be found here: <https://dwd.wisconsin.gov/jobservice/msfw/migrant-intro.htm> The requirements that housing for migrant seasonal agricultural workers comply with all local and state fire and safety laws and federal, state, and local residential commercial building codes existed prior to the February 2024 updates and have not changed. See [DWD 301.07\(21\)\(a\)](#) and [301.07\(11\)\(a\)](#).

According to Wis. Stat. § 103.90(3), a Migrant Labor Camp is defined as:

- (a) “Migrant labor camp” means the site and all structures maintained as living quarters by, for or under the control and supervision of any person for:
 - 1. Any migrant worker; or
 - 2. Any other person who is not related by blood, marriage or adoption to his or her employer and who occasionally or habitually leaves an established place of residence to travel to another locality to accept seasonal employment in the planting, cultivating, raising, harvesting, handling, drying, packing, packaging, processing, freezing, grading or storing of any agricultural or horticultural commodity in its unmanufactured state.
- (b) “Migrant labor camp” does not include:
 - 1. Premises occupied by the employer as a personal residence and by no more than 2 migrant workers.
 - 2. Any accommodation subject to ch. [50](#).

Wisconsin Admin Code SPS 314- Fire Prevention applies to:

SPS 314.01 (1) Scope. These are department rules in addition to the requirements in NFPA 1 section 1.1:

(a) 1. This chapter applies to all public buildings and places of employment that exist on or after September 1, 2014, except as provided in pars. [\(b\)](#) to [\(d\)](#).

According to Department of Safety and Professional Services- Regulation of Industry, Buildings, and Safety a Public building is defined as:

WI SS 101.01 (12) “Public building” means any structure, including exterior parts of such building, such as a porch, exterior platform, or steps providing means of ingress or egress, used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy, or use by the public or by 3 or more tenants.

SPS 314 does not apply to 1-2 family dwellings that are not places of employment or public buildings unless the dwelling exceeds exceptions listed in SPS 314. In cases where SPS 314 does not apply due to occupancy type and number of tenants, fire departments can check the appropriate box on the DWD forms, as not applicable. It should be noted that some dwellings, structures, or buildings may have gone through a change of use or occupancy to accommodate or become migrant labor camps. **In these change of use situations, it is important that fire department’s consult and work with their local or State building inspectors to ensure appropriate compliance.** *Officials and owners may want to check with local municipalities on any additional ordinance or zoning requirements.* SPS 314 and NFPA codes for enforcement in most Migrant Labor Camps and Housing situations can be best associated with lodging or rooming houses (NFPA 101:6.1.8.1.2).

If your fire department has completed an inspection of a migrant labor camp as defined by DWD and consistent with definitions in WI SS 101, you should complete the form as required by DWD or provide your fire inspection records to property owners.

If more information is needed, please reach out to your District Fire Prevention Coordinator:
<https://dsps.wi.gov/Documents/Programs/Maps/FireDeptSafetyHealth.pdf>

If you have questions specifically related to the DWD rules and updates, you may contact Section Chief Kathryn Mueller at:
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