



**LEAGUE OF WOMEN VOTERS LEELANAU COUNTY
FARM LABOR TASK FORCE STUDY COMMITTEE**

**Report on Agricultural Migrant/Seasonal Workers in Leelanau County
2013-2015**

Study Scope: To study the continuing and evolving challenges faced by the Leelanau County agricultural sector to secure and sustain a viable and skilled migrant/seasonal workforce.

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The League of Women Voters, a non-partisan political organization, encourages the informed and active participation of citizens in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy. Membership is open to American citizens, male and female, who are eighteen years of age and older.

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1. Overview and Process

“To Michigan Growers and other Agricultural Organizations:

“You may know that in June of this year the Michigan Civil Rights Commission began looking into the conditions of migrant and seasonal farm workers, in part to make sure the state could continue to attract this valuable workforce. ...

As a stakeholder of the agricultural industry, you are aware that migrant farm workers are in demand by growers throughout the Midwest during the short harvest season. As with any mobile laborer, migrant farm workers will seek employment in those communities offering the best conditions. Past attempts to recruit and use a Michigan-based workforce for harvesting our bounty have not been successful. According to a 2006 report, there are an estimated 45,800 migrant and seasonal farm workers in Michigan (49,135 in June, 2013 see MI-MSFW Enumeration Profiles Study). It is very simple: Michigan's economy needs agriculture, and agricultural businesses need migratory farm workers.”

Quote from a letter from the Michigan Department of Civil Rights, October 6, 2009

A seasonal farm worker is *“An individual whose principal employment is in agriculture on a seasonal basis, who has been so employed within the last twenty-four months.”* A migrant farm worker meets the same definition but *“establishes for the purposes of such employment a temporary abode.”*

U.S. Code, Public Health Services Act, “Migrant Health”

In October of 2010, the League of Women Voters Grand Traverse Area Leelanau Unit hosted a public program on “The Migrant Worker in Leelanau County.” The panelists, as well as many of those in the audience engaged in the agricultural economy, confirmed that there was a pressing need in Leelanau County for a skilled, reliable and legal migrant seasonal workforce.

In February 2011, our Michigan District 101 House Representative, Ray Franz, cosponsored HB 4305, the *Support Our Law Enforcement and Safe Neighborhoods Act*, which mirrored legislation passed by Arizona, Alabama and several other states. The Michigan legislation did not move out of committee, yet the impact of proposed legislation is that it deters properly documented Hispanic seasonal workers traveling from Florida and Texas, including those who are U.S. Citizens, from passing through those southern states to the Grand Traverse area. Other restrictive federal and state laws and procedures implemented by the Department of Homeland Security since September 2001 also discouraged migrant seasonal workers from coming to Michigan.

In March 2012, a week-long thaw of 80 degrees was followed by a freezing snow storm that resulted in a more than 90% loss of the farmers’ usual apple and cherry harvest. Migrant workers went elsewhere to find work and employers feared they might not return. In 2013, all local crops, especially apples, were so bountiful, that farm employers were competing for the reduced number of seasonal workers. Apples went unpicked and were left on the ground for lack of harvest laborers. One vineyard manager, whose temporary migrant workers returned to pick apples, pulled out all of his other employees from their duties to harvest grapes.

Many employers search diligently for domestic workers, and some have found relatives, local students and adults who will take non-harvest work such as machinery operation or office positions.

However, according to local employers and the Migrant, Immigrant and Seasonal Worker Services Division of the Michigan Works! Service Center in Traverse City, domestic workers do not take such jobs to begin with or only work a day or two at the physically demanding, repetitive seasonal crop maintenance and harvest jobs, even when pay is competitive or higher than other available work.

It is also important to note the changing population demographic of Leelanau County. The “Changing Leelanau” LWVLC Study Committee reported in June 2014 that the median age in the county in 1990 was 37. In 2010 it had rocketed to 50. As a result, the agricultural and tourism economy of Leelanau County faces a diminishing youthful labor pool from which to draw a physically able and willing domestic seasonal workforce.

Short of streamlined federal foreign agricultural guest worker legislation beneficial to agricultural employers and workers, the issue deemed critical to the local agricultural economy researched by the Farm Labor Task Force is what factors influence migrant workers to travel and work in our county, one of the northern most destinations in the agricultural migrant worker stream, when they might find work elsewhere in the state or country.

THE STUDY

Studies are part of the League program. Any resulting position is used to affect public policy. Studies and resulting positions have three parts: 1) selection of an issue; 2) study of that issue, coming to consensus and formulating a position; and 3) use of that position to influence public policy. The purpose of a study at the national, state or local level is to educate League members so that they may be informed participants in civil engagement and discourse on the issue studied.

The League of Women Voters Statement of Position on Immigration, as announced by LWVUS in April 2008, believes that “Immigration policies should: meet the economic, business and employment needs of the United States, including seasonal or sporadic labor needs; and be responsive to those facing political persecution or humanitarian crises. All persons should receive fair treatment under the law.”

The Leelanau Unit study, undertaken in 2011 and presented in February 2012, focused on the “past, current and proposed employment methods and work visa programs used by the agricultural employers in our area.” On May 15, 2012, the League of Women Voters Grand Traverse Area (LWVGTA), including the Benzie and Leelanau Units, adopted the position to support “...the agricultural sector in its efforts to meet the challenges of hiring an adequate number of skilled agricultural workers.”

In April 2013 the members of the League of Women Voters Leelanau County (LWVLC), established June 2012, chose not to adopt the LWVGTA Agricultural Migrant Worker Visa Position. Instead, LWVLC members approved continuing the Farm Labor Task Force (FLTF) committee. In October 2013, after consultation with LWV Michigan President Sue Smith and LWVMI Board Member, Fran Hamburg, the FLTF chose to build on the foundation of the LWVTGA study with a new study focused on Leelanau County:

“To study the continuing and evolving challenges faced by the Leelanau County agricultural sector to secure and sustain a viable and skilled migrant and seasonal workforce.”

The resulting study draws from over 50 interviews with Leelanau County farm, vineyard and crop processing employers, migrant and seasonal farm workers, local governmental representatives, and area employer and worker support agencies. Pertinent local, state and federal statistics round out the research. Interviews were conducted by committee members in person or by phone from the fall of

2013 through the fall of 2014 using a questionnaire designed specifically for the employer, worker or agency. Interviewee names are confidential, and each interviewee chose how completely he or she wished to answer each question. Workers were the most challenging to interview due to their caution with non-Hispanics unknown to them, language barriers and physically demanding workdays. The Diocese of Gaylord Hispanic Apostolate reports that 94% of their clients speak Spanish and are from Mexico or of Mexican origin. Their clients, as well as others of Latin or indigenous origin, often need translation services.

Each agricultural employer is ultimately responsible for attracting enough skilled workers to meet his or her needs. The federal government is responsible for legislating a streamlined guest worker visa program as long as domestic workers won't take or stay in agricultural labor jobs. State government, too, has its role in supporting agricultural employers and workers to insure a strong local economy.

Interviews with local agricultural employers, workers and related support agencies have led the LWVLC to consider the role our local elected officials and their appointees may play in support of Hispanic migrant/seasonal workers and the local agricultural economy. This includes good housing, transportation, educational opportunities, social services such as childcare and health care, as well as fair treatment by law enforcement and the judicial system. These corollary services are critical in attracting skilled, hardworking and reliable migrant/seasonal workers to our area.

Further information may be found in the **Addendum**.

2. Law and Governmental Relations Impacts on Migrant Seasonal Workers in Leelanau County

In May of 2012, the Michigan State University Product Center announced that Michigan's food and agriculture system grew by about \$20 billion since 2009, generating \$91.4 billion in economic activity each year.¹ Crops utilizing migrant/seasonal labor account for almost 58% of the total economic activity. Migrant/seasonal farm workers in Michigan are predominantly foreign-born.² According to a 2008 study by the Perryman Group, if all unauthorized immigrants were removed from Michigan, the state would lose \$3.8 billion in economic activity, \$1.7 billion in gross state product, and approximately 20,339 jobs, even accounting for adequate market adjustment time.³ In short the migrant/seasonal workforce is an essential component of our Michigan economy.

This portion focuses on the challenges migrant/seasonal workers may face in encounters with the Michigan legal system and law enforcement. Migrant/seasonal workers have interaction with federal, state and local law enforcement. Observations from the national perspective may be added when relevant to understanding our local conditions.

The concerns found for Leelanau based migrant/seasonal workers are language barriers, fear of family disruption due to enforcement by Immigration and Customs Enforcement (ICE), drivers' license impediments, as well as perceived and sometimes real, harassment or intimidation by local law enforcement.

Language Challenges

In Michigan, 86.6% of children with immigrant parents were considered "English proficient" as of 2009.⁴ It is not uncommon for children to translate for their parents. Placing children in this position

is not always advantageous or appropriate. We found that no local law enforcement branches have Spanish speaking officers or staff. They often rely on others in the community to translate, sometimes flagging down other travelers during a traffic stop or making a phone call to a bilingual individual. At times ICE is called to translate. This is not ideal as ICE has been known to use information gained toward enforcement.⁵ All law enforcement interviewed indicated that some type of basic Spanish skills or having bilingual officers would be desirable. Some recalled previous training efforts elsewhere in the state.⁶ Basic on-line research found ample opportunities to advance officers' basic Spanish language proficiency from on-line courses to community college classes.⁷

Compared to law enforcement, translation services are required by state statute and court rule and are now routinely provided by local courts. Anyone who has travelled to a foreign country can appreciate the disadvantage of not speaking and/or understanding the local language should a legal issue arise. As noted above English speaking younger family members often translate for parents in schools and while shopping. This is less appropriate and effective in court or law related scenarios.

At their request, a person with limited English proficiency (LEP person) is appointed a translator by the court to best insure meaningful participation in court proceedings. Every court in Michigan has a language access plan in place to get a person the help they need.⁸ Locally, if a translator cannot be secured for a particular language, the court may utilize an on-line translation service. Similarly many court forms have been translated into other languages. Translated court forms do not replace, but merely supplement, the English versions. These translated court forms are provided in print and online to help limited English-proficient and non-English speaking persons better understand the English court forms.⁹ Several types of informational hand-outs are also available in a variety of languages to assist those with limited English proficiency navigate government agencies.¹⁰ Further, Michigan Legal Help is a website to assist with simple civil legal problems without a lawyer. There is a translation tool into Spanish at the top right of its site.¹¹ Leelanau County now offers a translation option for nearly 75 languages on its website www.leelanau.cc.¹²

Interaction with Law Enforcement

One interviewee in this current study provided an account of a recent negative interaction with local law enforcement. One grower repeated an incident that occurred more than a decade ago which greatly disturbed him. Questionable, misunderstood or intimidating actions by local law enforcement do take on a life and vitality of their own and were repeated in several interviews. Further, racial profiling, whether occurring here or not at this time, does exist elsewhere in Michigan and the United States. As migrant/seasonal workers come to Michigan from many other states, they bring their stories of police harassment with them. A migrant/seasonal worker, regardless of legal status, may have family members who do not have proper documentation. Migrant/seasonal workers, even when U.S. citizens or legally documented, have knowledge of unsettling encounters with law enforcement. Hence, regardless of the actual current behaviors or policies of local law enforcement, seasonal workers maintain a level of distrust and anxiety when interacting with police.

Data is not readily available for the number of deportation/detention orders issued for individuals in Leelanau County or even the broader Grand Traverse Area. A person may be detained on immigration related matters in a couple of different scenarios: an ICE raid or an ICE detainer and then arrest based on a criminal arrest by local community law enforcement.

Leelanau County, one of 83 counties in Michigan, joined Secure Communities on September 27, 2011. Secure Communities, launched in October 2008, is a Department of Homeland Security (DHS) program for detecting non-citizens who come into custody of law enforcement. Ordinarily, when someone is arrested and taken to a police station or jail, their fingerprints are scanned and sent to

the FBI to check against federal criminal databases. Under the Secure Communities program, those prints are also checked against DHS immigration databases, and information about matching prints is sent to the local DHS Immigration and Customs Enforcement (ICE) field office and the originating jail or police station. ICE may initiate deportation proceedings as a result of the detainee's identification through Secure Communities.¹⁴

Our study learned that once a person is arrested for a crime and taken into custody in Leelanau County his or her name and date of birth will be entered into a database known as the Law Enforcement Information Network (LEIN). The LEIN provides the officer information regarding any prior criminal history, the existence of any Personal Protection Orders and any outstanding bench warrants. The LEIN also connects to the Immigration and Customs Enforcement (ICE) database. That data base may indicate whether any immigration related concerns exist. Under the Secure Communities program, when local police make an arrest, they are compelled to send fingerprint information to a federal immigration database which frequently triggers detainer requests.

If there are immigration related concerns, local law enforcement contacts ICE and leaves it up to ICE to decide whether they want to detain the individual. Immigration detainers instruct police to continue to detain individuals after the local police's authority has expired until ICE officers arrive to take the individuals into physical custody. Government regulations provide ICE 48 hours to pick up a detained individual. However, recent federal court decisions have ruled that immigration detainers are a *voluntary* request to state and local law enforcement to detain the person for an additional 48 hours (excluding weekends and holidays) so that ICE can possibly assume physical custody. Courts have held that the detainer imposes no mandatory obligation on states and localities and cited approvingly to various local laws that limit cooperation on immigration detainers, including Cook County, Illinois, Santa Clara County, California, New York City, Chicago, and San Francisco.¹⁵ Whether local law enforcement in Leelanau County or elsewhere in Michigan continue to honor mere verbal requests to hold a person remains to be seen. Civil rights organizations such as the Michigan Immigrant Rights Center and the ACLUMI are reviewing challenges to this practice. The Migrant and Seasonal Farmworkers 2014 report issued on May 19, 2014 provides the following recommendation to its committee: "Work with Michigan State Police to clarify, and to inform both the public and law enforcement agencies about the laws and regulations affecting the enforcement of immigration laws by police officers."¹⁶

Local law enforcement interviewed indicate that they do not stop or question persons just to learn their immigration status. However, if a person is stopped regarding a criminal investigation, he or she is asked for identification. When there is a traffic stop, the officer sometimes ask passengers in a vehicle for ID to determine witnesses' names or to determine if any others in the vehicle have a valid license should the driver not to have a valid license or if the driver's ability to drive is impaired.

Although there is no concrete data, anecdotal accounts suggest the number of persons held on ICE detainers in Leelanau County this year appears to have been very low. The local prosecutor and court staff could not recall a single case in 2014. However, the *Northern Express*, an area newspaper, quoted Rev. Wayne Dziekan, who works with detained immigrants, saying that he knows of roughly 20 instances this season where an immigrant has been detained in northern Michigan to face a deportation hearing. "I can say for sure I am getting more and more calls for help from people in extreme circumstances," Dziekan said.¹⁷ This writer spoke with Rev. Dziekan regarding the lack of detentions being reported in Leelanau County. He indicated that in most, if not all of the cases he has seen, local law enforcement does not appear to have been involved. Rather, detainees and family members he has spoken with report that ICE agents just appeared, questioned and then detained individuals. Rev. Dziekan further reports that he is aware of only one case wherein ICE actually had a warrant and targeted a specific individual. He offered that only 2 of the 20 were released on humanitarian grounds.

Again, as Leelanau migrant/seasonal workers come here from throughout the United States, Mexico, Central America and abroad, national immigration enforcement policies do impact the mindset

of many of these workers as well as the agricultural employers. Hence, a look at some national statistics:

- * From January through August of 2014 Immigration Court judges have ordered 82,878 individuals deported.
- * Only one out of every five deportations was based on criminal or other activity that posed a threat to public safety. The remainder involved various immigration charges.
- * Deportation was ordered in just over half (50.2 percent) of Immigration Court dispositions.
- * The highest percentage of deportation orders was issued by immigration courts in Georgia (77.4 percent); Louisiana (75.4 percent) and Guam (66.9 percent). The lowest proportion of deportation orders this year was issued by the courts in Oregon (25.8 percent) and New York (30.0 percent).
- * Michigan ranked 4th with 66.9% of immigration court cases resulting in deportation orders.
- * From January 2014 through August 2014, 977 persons out of 1460 processed through immigration court in Detroit were deported. 767 were deported based on immigration law violations. The remaining were deported based on criminal charges or national security concerns.¹⁸

Although priorities have been set in the past to seek removal of individuals primarily due to serious criminal activities, the new Executive Orders issued by President Obama on November 19, 2014 set new standards and priorities. Some of the changes may very well be beneficial to migrant/seasonal workers and their families.

For a more full explanation of new Executive Orders see: Fixing Our Broken Immigration System Through Executive Action - Key Facts, <http://www.dhs.gov/immigration-action>.¹⁹ Some of the envisioned changes include:

Revise Removal Priorities

DHS will implement a new department-wide enforcement and removal policy that places top priority on national security threats, convicted felons, gang members, and illegal entrants apprehended at the border; the second-tier priority on those convicted of significant or multiple misdemeanors and those who are not apprehended at the border, but who entered or reentered this country unlawfully after January 1, 2014; and the third priority on those who are non-criminals but who have failed to abide by a final order of removal issued on or after January 1, 2014. Under this revised policy, those who entered illegally prior to January 1, 2014, who never disobeyed a prior order of removal, and were never convicted of a serious offense, will not be priorities for removal. This policy also provides clear guidance on the exercise of prosecutorial discretion.

End Secure Communities and Replace it with New Priority Enforcement Program

DHS will end the Secure Communities program, and replace it with the Priority Enforcement Program (PEP) that will closely and clearly reflect DHS's new top enforcement priorities. The program will continue to rely on fingerprint-based biometric data submitted during bookings by state and local law enforcement agencies and will identify to law enforcement agencies the specific criteria for which

they will seek an individual in their custody.

Expand Deferred Action for Childhood Arrivals (DACA) Program

DHS will expand eligibility for DACA to encompass a broader class of children.

Extend Deferred Action to Parents of U.S. Citizens and Lawful Permanent Residents

DHS will extend eligibility for deferred action to individuals who (i) are not removal priorities under our new policy; (ii) have been in this country at least 5 years; (iii) have children who on the date of this announcement are U.S. citizens or lawful permanent residents; and (iv) present no other factors that would make a grant of deferred action inappropriate. These individuals will be assessed for eligibility for deferred action on a case-by-case basis and then be permitted to apply for work authorization, provided they pay a fee. Each individual will undergo a thorough background check of all relevant national security and criminal databases, including DHS and FBI databases. With work-authorization, these individuals will pay taxes and contribute to the economy.

Expand Provisional Waivers to Spouses and Children of Lawful Permanent Residents

The provisional waiver program DHS announced in January 2013 for undocumented spouses and children of U.S. citizens will be expanded to include the spouses and children of lawful permanent residents, as well as the adult children of U.S. citizens and lawful permanent residents. At the same time, DHS will further clarify the “extreme hardship” standard that must be met to obtain the waiver.

License Challenges

Migrant/seasonal workers often run afoul of the law because they do not have valid driver’s licenses. Everyone in Michigan has to prove that they are “legally present” to get a driver’s license.²⁰ Driving without a license or with a suspended license is a misdemeanor in Michigan carrying up to a \$500 fine and 93 days in jail. Once legal drivers may continue to drive on a suspended license because they cannot afford their re-instatement fees, or fines and costs associated with the conviction. Drivers are valued in this worker culture for providing transportation to work, to medical care and appointments for self, family and other workers. Living in a car culture without a license is a definite challenge.²¹

There are states that do offer undocumented persons the same driver’s license privileges as U.S. citizens.²² On February 19, 2013, the State of Michigan began accepting driver’s license applications from people who have applied and were approved for DACA by DHS.²³ These individuals now have valid “work permits.” The rules about driver’s licenses in Michigan did not change for anyone else. The only change is that Michigan is now considering people with DACA to be “lawfully present” because they actually are. Persons approved under the November 19, 2014 Executive Orders for additional Deferred Action status should also be eligible for drivers’ licenses. According to the United States Customs and Immigration Service (USCIS), as of December 2013, USCIS accepted 4,848 DACA applications from eligible Michigan residents and approved 4,020 applications. When President Obama announced the DACA program in 2012, it is believed that roughly 7,000 individuals in Michigan were/would be DACA eligible. The Michigan Migrant and Seasonal Farmworkers 2014 report also recommends that its committee: “work with the Secretary of State to clarify the documentation and status requirements for both drivers’ and marriage licenses and ensure uniform

enforcement by all county clerks.”²⁴

Another Identification Card Option

Many take identification cards for granted; however, people from many backgrounds lack state sanctioned identification (e.g., driver’s license or state identification card) and, accordingly, are unable to perform simple daily tasks. Without such an ID, you cannot prove your identity to law enforcement, cash a check, sign a lease, or even check out a book from the library.

On November 19, 2014, the Washtenaw County Board of Commissioners voted in support of instituting a Washtenaw County ID Card Program. It will be the first *county government issued* photo ID card available to all residents regardless of immigration status in the United States.²⁵ The Washtenaw ID Project was the result of community members, law enforcement agencies, county officials and local activists coming together to provide a local solution to this vexing problem.

The primary targets of a local ID program are those persons who lack a photo ID, which include: 18% of citizens over the age of 65; 25% of all African Americans; 15% of voting age citizens making less than \$35,000/year; and members of the undocumented community.

Lack of Understanding of Basic Civil/Legal Rights

Any person interacting with law enforcement should know their basic rights. It is not only migrant/seasonal workers with little or only rudimentary knowledge of their constitutional rights upon arrest. Several groups have published Know Your Rights documents for all and some are specially designed for undocumented workers. We cite those from the American Civil Liberties Union²⁶, the Michigan Immigrant Rights Center (MIRC)²⁷ and the Washtenaw County Interfaith Coalition²⁸ as examples. We also cite additional resources on a variety of legal issues provided by the MIRC Advocate Library.²⁹

Locally there has been no recent community and/or migrant/seasonal worker workshops about basic legal rights and/or responsibilities. In the past non-profit groups such as the ACLU Northwest Michigan Chapter have addressed these areas with local students. The Citizens for Immigrant Rights of Northern Michigan organized bi-lingual local attorneys who then met with migrant/seasonal workers in small groups to assist with legal questions. Recently, the Central United Methodist Church in Traverse City has opened a Justice for Our Neighbors branch which hosts legal clinics on immigration related matters.

Conclusion

Our study points to a deficiency in Spanish language proficiency among all branches of local law enforcement but a strong commitment to providing translation services at all local courts. The Leelanau County government has also shown a strong commitment by providing translation services on its website. It must also be noted there currently are no English as Second Language (ESL) classes available in Leelanau County.

The need to drive to work, school, shopping, medical appointments and the like are challenges facing some Michigan migrant/seasonal workers who currently do not have valid Michigan drivers’ licenses or sometimes any other form of ID.

Although few immigration detentions and reports of law enforcement harassment or intimidation are currently occurring in Leelanau County, there continues to be a moderate level of distrust of law enforcement by migrant/seasonal workers and their families.

Footnotes:

¹Michigan's Food and Agriculture Industry. http://www.michigan.gov/documents/mdard/1262-AgReport-2012_2_404589_7.pdf

²Knudson, William "The Impact of Migrant Farmworkers on Michigan Agriculture." MSU Product Center for Agriculture and Natural Resources, July 2006, p. 4.

³The Perryman Group. "An Essential Resource: An Analysis of the Economic Impact of Undocumented Workers on Business Activity in the US with Estimated Effects by State and by Industry." Americans for Immigration Reform, April 2008.

⁴The Urban Institute, data from the Integrated Public Use Microdata Series datasets drawn from the 2005 - 2009 American Community Survey

⁵See Border Patrol Agents Abusing Role as Interpreters
<http://immigrationimpact.com/2012/05/01/border-patrol-agents-abusing-role-as-interpreters/>

⁶Workplace Spanish for Law Enforcement
http://www.workplacespanish.com/law_enforcement.shtml

⁷Grand Rapids Community College classes: CJ 122 - Spanish for Criminal Justice; CJ 123 - Spanish for Corrections/Juvenile Services

⁸Request for court translator: <http://courts.mi.gov/Self-help/Pages/Request-a-Court-Interpreter.aspx>

⁹Translated State Court Forms: <http://courts.mi.gov/Self-help/Pages/Request-a-Court-Interpreter.aspx>

¹⁰State of Michigan Resources for Crime Victim Services Annotated Bibliography
http://www.michigan.gov/documents/mdch/StateResources_AnnotatedBibliography_397307_7.pdf

¹¹Michigan Legal Help <http://www.michiganlegalhelp.org/>

¹²Leelanau County website: <http://www.leelanau.cc/>

¹³<http://www.legislature.mi.gov/documents/2013-2014/billintroduced/House/pdf/2013-HIB-4372.pdf> HOUSE BILL No. 4372 was introduced by Reps. Pettalia, McMillin, McBroom, Genetski, Franz, Somerville, Shirkey and Johnson and referred to the Committee on Government Operations. It is described as "A bill to designate English as the official state language; to require the use of English in certain documents and at certain public meetings; and to provide the powers and duties of certain state and local agencies and officials."

¹⁴Immigration Policy Forum; <http://immigrationforum.org/blog/secure-communities-2/> and <http://www.ice.gov/doclib/secure-communities/pdf/sc-activated.pdf>

¹⁵https://immigrantjustice.org/press_releases/federal-district-court-reaffirms-ice-detainers-are-not-mandatory

¹⁶ The Migrant and Seasonal Farmworkers Report
http://www.michigan.gov/documents/mdcr/MSFWReport2014_456948_7.pdf

¹⁷ <http://www.northernexpress.com/michigan/article-6568-where-have-all-the-workers-gone.html>

¹⁸ The Transactional Records Access Clearinghouse (TRAC) at Syracuse University.
<http://trac.syr.edu/immigration/index.html> For the latest figures on removal orders, go to:
http://trac.syr.edu/phptools/immigration/court_backlog/deport_outcome_charge.php

¹⁹ See also the October 2014 report Deportation and Discretion: Reviewing the Record and Options for Change <http://www.migrationpolicy.org/research/deportation-and-discretion-reviewing-record-and-options-change>

²⁰ Fixing Our Broken Immigration System Through Executive Action - Key Facts,
<http://www.dhs.gov/immigration-action>

²¹ See also materials from Michigan Immigrant Rights Center regarding Driver's Licenses at
<http://www.michiganimmigrant.org/search?query=Driver%27s+License>

²² Living in a Car Culture without a License.
<http://www.immigrationpolicy.org/perspectives/living-car-culture-without-license>

²³ Map of State Law regarding Driver's Licenses <http://www.nilc.org/driverlicenseemap.html> and
Can Undocumented Immigrants Get Driver's Licenses?
<http://immigration.lawyers.com/citizenship/can-undocumented-immigrants-get-drivers-licenses.html>

²⁴ Michigan Secretary of State process for DACA individuals
<http://www.michiganimmigrant.org/sites/default/files/MI-DLEnglish.pdf>

²⁵ The Migrant and Seasonal Farmworkers Report
http://www.michigan.gov/documents/mdcr/MSFWReport2014_456948_7.pdf
Washtenaw ID Project <http://www.washtenawid.com/>

²⁶ ACLU Know Your Rights <https://www.aclu.org/national-security/know-your-rights-when-encountering-law-enforcement>

²⁷ Preparing Your Family for Immigration Enforcement from Michigan Immigrant Rights Center
ENGLISH
<http://www.michiganimmigrant.org/sites/default/files/Prepare%20Your%20Family%20GuideEnglish-2014.pdf>

SPANISH
<http://www.michiganimmigrant.org/sites/default/files/Prepare%20Your%20Family%20Guide-Spanish-2014.pdf>

²⁸Protect Yourself from Immigration Raids from Washtenaw County Interfaith Coalition for Immigrant Rights

[Protect Yourself From Immigration Raids \(in English\)](http://wicir.com/pdfs/raidsrights_dwnnlgcasa1.pdf)
http://wicir.com/pdfs/raidsrights_dwnnlgcasa1.pdf

[Protéjase De Las Redadas De Inmigración \(en Español\)](http://wicir.com/pdfs/redadas_dwnnlgcasa1.pdf)
http://wicir.com/pdfs/redadas_dwnnlgcasa1.pdf

²⁹MIRC Advocate Library Resources <http://www.michiganimmigrant.org/resources/library>

³⁰ Other Resources:

In Depth report on Immigration:

http://welcomingmichigan.org/sites/default/files/05_H_Doc_Global%20Detroit%20Report_0.pdf

³¹ IMMIGRATION IN MICHIGAN <http://www.immigrationpolicy.org/immigration-michigan>

Further information may be found in the **Addendum**.

3. Public Education in Leelanau County for Children of Migrant/Seasonal Farmworkers

"All school-aged children residing in Michigan are entitled to a free public education, regardless of their immigration status or that of their parents."¹

"Migrant Education - Title I, Part C The Migrant Education Program is designed to support high-quality, comprehensive educational programs for migratory children to help reduce the educational disruptions and other problems that result from repeated moves. The program provides educational and support services to migrant children and youth through both regular school year and summer programs. Children may be eligible if their families have moved within the previous 36 months to obtain temporary or seasonal work in agriculture or fishing. Eligibility is determined through a recruitment process and the completion of a Certificate of Eligibility. Priority is given to children who are not achieving core academic curriculum standards and whose education has been interrupted during the regular school year within the previous twelve months. The program also supports identification and recruitment activities across the entire state, both upper and lower peninsulas, to locate migrant children and inform their families of available services."

Children of seasonal/migrant families may attend the Migrant Educational Program at all four public schools in Leelanau County during the normal school year, and at Suttons Bay for the summer program. During the school year Suttons Bay had 30 migrant students in 2012 and 2013 and 31 in 2014. Glen Lake did not have any migrant students in 2012. It had one family with 3 children in 2013; 5 children beginning September 2014; and now has 3 who have stayed. Leland had 30 students in 2013; 32 students in 2014. Northport has 3 children in 2013 and 2014, all from one family. No county public school offers an English as a Second Language (ESL) program. However, it was reported in 2013 that almost all children of migrant/seasonal workers in the elementary schools spoke English.

The four Leelanau County public schools participate in a 16-school district consortium, managed by the TBA-ISD Migrant Education Program (MEP), providing educational services to migrant children during the summer, including supportive services for parents. Children are still eligible to participate if the family moves across school district lines for agricultural work due to economic necessity. Participating school districts are Suttons Bay, Northport, Leland, Glen Lake, Traverse City Area Public Schools, Frankfort, Benzie Central, Onkama, Kaleva Norman Dickson, Bear Lake, Elk Rapids, East Jordan, Ellsworth, Central Lake, Seventh Day Adventist, and Leelanau Montessori.

The Leelanau County MEP is housed in the Suttons Bay Public School elementary wing, and each summer serves over 50 children from pre K (3 yrs. old) through high school. Deb Neddo, the consortium director, is bilingual and full time. Several teachers and aides are bilingual. The focus is academic in order to close gaps in student skills. High school students can earn a credit in a six-week program. All students are pre-assessed for placement. In 2013, six buses transported students from migrant camps. Breakfast, lunch and a snack through a federal food program are provided with a community meals program through Traverse City Area Public Schools for anyone who shows up. Suttons Bay, Frankfort, and Elk Rapids have summer programs from 8am-3pm, 5 days a week for 6 weeks.

In a 1982 ruling by the U.S. Supreme Court, *Pylar vs Doe*, the court ruled that a state may not deny state aid to school districts that enroll undocumented students based on the Equal Protection Clause of the U.S. Constitution. Federal funding underwrites nearly all the costs of migrant education programs such as that administered under the Michigan Department of Education.² The Migrant Education Program has been federally funded at least since 1968.³

From interviews with seasonal/migrant parents and agricultural employers, education is one of the priorities for migrant/seasonal families in their decision to travel long distances for work in Leelanau County. However, challenges exist. Because students move from school to school, they may have gaps in their learning and have difficulty reaching their full potential. They do poorly or drop out of school entirely. Some undocumented families fear school officials will report them to Immigration and Customs Enforcement (ICE) causing detainment and possible deportation. A number of undocumented individuals in the region have been detained and deported in the last few years. If one parent is deported, sometimes they all leave so the family can stay together. In other instances, when the undocumented parent leaves, the family stays here and remains separated until the deported parent can reapply for admission back to the U. S. which may require a 10-year waiting period.

The privacy of students' and parents' personal information (including immigration status) is protected under the Family Education Rights and Privacy Act (FERPA).⁴

Most Leelanau County Public Schools have mentors, either adult volunteers or high school student volunteers, who meet one-on-one with students. There is still a need for more mentors. Mentors are especially helpful with student performance, self-esteem, and a healthy childhood.

While migrant students learn English quickly, their parents sometimes struggle with understanding forms and communications because English is not their primary language. At this time, parent consent forms or school information are not available for parents in Spanish. Some parents do not read or write in Spanish or English. As of January 2015, Suttons Bay Public School District has hired a bilingual liaison to work with students, families and the school to translate and interpret as well as to guide families to get the help they need.

Footnotes:

¹ Michigan Department of Education, Bureau of School Finance and School Law, Foreign

Students Enrolled in Public School Districts (March 17, 2006) available at http://michigan.gov/documents/mde/foreign_students_3-06_193217_7.pdf.

² 20 United States Code (USC). § 6393.

³ State of Michigan Civil Rights Commission, Report and Recommendations on the Status of Migratory Farm Labor in Michigan, 15M2-69, pg. 11 (1968).

⁴ 20 USC § 1232(g)

4. Health Care Services for Migrant/Seasonal Agricultural Workers and Their Families

Benzie/Leelanau District Board of Health (BLDBH)

www.bldh.org

This Board is responsible for the policies, programs and operations of the Health Department in Leelanau and Benzie Counties. The mission of the Benzie/Leelanau District Health Department is to prevent disease, prolong life and promote public health.

WIC (Women Infants Children) provides families with pregnant and post partum women and children up to age 5 with nutritional counseling, assessment of growth and development, and vouchers for supplemental food benefits. Immunizations for children and adults are available as are reproductive health services, HIV testing and counseling, TB testing, and hearing, vision, breast and cervical cancer screening. There is an income requirement.

Seasonal migrant farm workers use WIC. The Board keeps records of the migrants they serve. The health department is federally and state funded so documents are required. An interpreter is available.

The Board deals with housing concerns relative to their mission. Issues with licensed agricultural worker housing are referred to the state. With unlicensed housing the staff investigates problems brought to their attention by a resident or neighbor. They get calls about septic and water problems, and the Department of Sanitation inspects. (See Housing section in this study.)

A renter may obtain and file a complaint form at the BLDBH office in Lake Leelanau or file by phone: 231-256-0200. Once the renter files a complaint, a BLDBH inspector will evaluate the nature of the complaint on site. If justified, BLDBH will write a violation letter to the owner with a copy to the complainant including a time frame for the violation/correction procedures. The complainant is also advised that the procedure may mean vacating the premises until the issue is resolved. Reports of substandard housing causing health concerns have also been received from renters at the time the renter voluntarily vacates the property.

Northern Lakes Community Mental Health Authority (CMH)

www.northernlakescmh.org

This Authority provides a comprehensive array of mental health services to individuals in Crawford, Grand Traverse, Leelanau, Missaukee, Roscommon and Wexford Counties. Services are provided to the migrant community for those with serious mental illness if they have Medicaid. Following a telephone interview screening, NLCMH schedules an in-person appointment to determine eligibility and type of service needed. They do not have forms in Spanish or staff who are fluent in

Spanish but always hire an interpreter who can assist with paperwork when necessary. People learn of the services through referrals from a health or school professional, employer or court system. 271 Leelanau County residents were served in 2013. They do not keep track of how many are seasonal migrant farm workers.

Northwest Michigan Health Services, Inc (NMHSI)

http://nmhsi.org/engl_home.html

Northwest Michigan Health Services, Inc. (NMHSI), not affiliated with Leelanau County government, welcomes anyone seeking health care, regardless of income, occupation, age, ethnicity, or country of origin. Clinics are located in Traverse City, Shelby and Bear Lake. All but Bear Lake offer medical and dental care year round. Services provided include diagnosis and treatment of acute and chronic health problems, preventive health care, health education and community outreach, doctor and nursing visits, physicals for school and work, immunizations, TB testing, HIV testing, birth control, prenatal care, Women Infant and Children Supplemental Nutrition Program assistance, case management, pharmaceuticals, referral to emergency care, specialty care and social service agencies, Medicaid application assistance, onsite behavioral health services and dental care. As of June 2013, Northwest Michigan Health Services, Inc. replaced the former Migrant Clinic and the services were broadened to include all uninsured and underinsured patients.

Research revealed that there are no bilingual mental health counselors in Leelanau County and only one bilingual therapist was located in Traverse City. Other counseling services use interpreters that come into the counseling session to facilitate the language barrier between client and counselor. Still others use the Language Line 1-888-808-9008, an over the phone interpretation service.

Medical translation and interpretation services in English, Spanish, Ukrainian, Russian, Polish, French, and Sign language are possible. 83% of the clients served are Hispanic/Latino, and 73% belong to a migrant family.

A private company, Language and Cultural Awareness Services of Northern Michigan, LLC focuses on medical situations and provides Spanish language interpretation services. The owner is on call 24/7 and either accompanies or meets clients at the health care facility. She gets calls from Munson and other health care providers as well as the public schools. The company was formed in response to the unmet need for language and accompanying services formerly provided by the former Migrant Clinic. The Migrant Clinic provided services specifically designed for seasonal migrant workers. Interpretation for non-medical situations is available as well except for legal issues which are referred.

Northern Michigan Substance Abuse Services Board (NMSAS)

Phased out September 30, 2014, (see **Agencies**, NMRE)

The board was responsible for coordinating the delivery of substance abuse services within 23 northern Michigan counties. Members communicated local substance abuse issues to the regional policy board. NMSAS did not have programs designed specifically for migrant workers and rarely served migrants, perhaps because of the language barrier, according to a former staff person. The program phased out September 30, 2014. According to an editorial in *The Leelanau Enterprise*, October 9, 2014, the board was in charge of “doling out and looking after government funds provided as ‘grants’ to local groups such as Catholic Human Services based in Traverse City.”

Further information may be found in the **Addendum**.

5. Migrant and Seasonal Worker Housing

“Migrant labor housing is typically provided by farmers who need migrant workers to harvest or process their crops. Thirty-eight of Michigan's agricultural crops are dependent on labor intensive hand-harvesting or processing. These include specialty crops such as asparagus, blueberries, cherries, apples, grapes, tomatoes, and cucumbers. The annual farm gate value of these crops in Michigan is estimated to be in excess of \$2.3 billion.

The migrant workforce comes predominantly from Texas or Florida. As such, Michigan is at the end of the road for workers who have an opportunity to work in any of the states between Michigan and Texas or Florida. Survey and evaluation results indicate that two things draw migrant workers to Michigan. One is that the diversity of our agriculture gives them season long work opportunities. The other is our national reputation for good housing.”

Migrant and Seasonal Farmworkers (MSFW) Recommendations Progress Report, May 19, 2014, Michigan Migrant Labor Housing Inspection and Licensing Program.

Housing has emerged as one of the most critical factors in drawing and keeping agricultural laborers in Leelanau County, whether they are single workers or accompanied by nonworking, extended family members. Two concerns stand out:

1. Quantity – the availability of enough housing
2. Quality – the availability of safe, sound housing

Worker choices for housing are:

1. Licensed agricultural labor housing (aka – seasonal worker housing or migrant camp)
2. Unlicensed agricultural housing and area rental housing

For our study purposes, the Michigan Public Health Code Act 368 of 1978, 333.12401, definitions for housing are useful:

Agricultural Labor Camp “means a tract of land, and all tents, vehicles, buildings, or other structures pertaining thereto, part of which is established, occupied, or used as living quarters for five or more migratory laborers engaged in agricultural activities, including related food processing” (Tents no longer meet code requirements. RVs are rare.)

Migratory laborer “means a person working, or available for work, who moves seasonally one or more times from one place to another from within or without the state for the purpose of such employment or availability.”

Most generational migrant/seasonal agricultural workers, in families or as single workers, return to the same farms each year, and the employer provides agricultural housing licensed by the Michigan Department of Agriculture and Rural Development (MDARD), unlicensed agricultural housing on farm property, or leases housing for workers from other farmers. Area rental housing is another option for a migrant workforce, but affordable, low cost summer housing is almost nonexistent due to the summer tourism demand in Leelanau County and the Grand Traverse Area. Domestic or “settled out” agricultural seasonal workers and year-round residents may rent or own in the county or rent from a migrant camp owner/employer.

An agricultural housing unit may be a frame or cinderblock structure or a mobile home and may be configured either as dormitory or family accommodations. Mobile homes are popular and less expensive than new construction, yet are more susceptible to deterioration. RVs are permitted. Tents, included in the public Act of 1978 on agricultural housing, no longer meet structural requirements. Long time cherry, potato, berry, apple growers and fruit processors have been the main providers of migrant worker housing in the county. Fruit and vegetable farms, vineyards, and processing plants may share available workers or compete for skilled workers when crops mature, and harvests, such as apples and wine grapes, overlap.

A camp owner may provide housing for free or at a cost to the worker. Here are several employer and worker comments:

1. Housing may be provided at no extra charge to laborers and their families while working for the camp owner.
2. If they work temporarily for another employer, they or that employer may pay for their housing, one example is \$450/mo.
3. There may be a deduction from the worker's hourly wage for housing reducing it to minimum wage or if they earn \$10/hour they must pay for housing. At another farm there may be a charge of \$1-1.50 deducted per hourly wage paid.
4. Many growers interviewed say that the grower should provide migrant worker housing, but it is very expensive.
5. In other Michigan counties agricultural employers have built worker housing as a cooperative venture.
6. One grower in Leelanau County said they would consider providing housing when a seasonal migrant workforce is reliably available.
7. If housing is good the workers will come early and stay through the season. More good housing is needed.
8. Migrant housing isn't required to be pretty. If the owner chooses to have it licensed, only meeting MDARD licensing requirements is expected.

The Michigan Department of Agriculture, Environmental Stewardship Division, sets the standard for licensing of safe, habitable agricultural labor camps. All camps on farm property or non-farm property housing five or more migratory laborers must be inspected by an inspector from the Michigan Department of Agriculture and Rural Development (MDARD) in order to obtain licensing.

MDARD works with housing providers through plan reviews for new facilities or updated facilities, inspecting and licensing, as well as issuing housing improvement matching grants of up to \$5,000 in any fiscal year. Labor camps must also comply with the Department of Labor's temporary and seasonal worker rules and MIOSHA (Michigan Occupational, Safety, and Health Administration), which may conflict with MDARD codes. Camp owners supply major appliances and furniture including beds. Employers hiring workers through the H2A visa program must supply housing as well as linens, dishes and cookware for their workers use. These additional items are not required under MDARD licensing.

In the summer of 2014, 19 of 29 possible camps were licensed by MDARD. Michigan Labor Housing Inspector for Leelanau County, Ginger Bardenhagen, reports that when there is a labor shortage most units do not fill to capacity, especially in 2013 when there were fewer workers coming north. If fully occupied, the 29 camps may house up to 774 people. Grand Traverse County had 20 licensed camps and Benzie County 12 from which workers may travel to Leelanau County worksites. MDARD only licenses camps housing five or more laborers, and there are many camps in Leelanau County that do not require licensing. Non-workers, often family members, may reside in the unlicensed camp but are not counted for the licensing requirement.

Growers may keep a family on year round to help with winter pruning and maintenance. Some camps have one unit out of several units with year round occupants, and it is still considered to be an agricultural labor camp. Camps with a unit or two in this situation, simply stay as they are and are inspected along with the units that do have migrants in them. . Most migrant camps are seasonal. MDARD has no timeline definition of seasonal and no maximum number of months. However, MDARD inspectors make sure that housing is suitable for winter use when it is occupied before May 1 or after September 1 in any year. Many agricultural labor camps must stay agricultural labor camps and not be used for rental to the general public because the townships, by zoning ordinance, only let the housing owner provide agricultural labor housing. If it is something else, like a second house on a small tract of land that falls outside of MDARD jurisdiction, then it must meet the requirements of the local zoning ordinance.

If the owner no longer wants MDARD to inspect a unit with year round residents, the inspector asks the owner to fill out an affidavit of non migrant status for the unit. Essentially the family in residence is no longer migratory. The family also writes their names on the affidavit, and a copy goes to the township. Once MDARD no longer inspects a unit like this, it goes back to the township for inspection, if they have one, to make sure that everything is up to current code.

Camp owners choose to have a camp licensed because 1) it is the law; and 2) licensing is a level of protection, a kind of insurance. MDARD looks to see what potential problems, safety issues or dangers might occur and help the owner correct such problems. 3) MDARD looks at what other agencies, such as the U. S. Dept. of Labor wage and hour division (DOL), require that MDARD doesn't require, plus advises the owner on issues about which they know any agency is citing and fining owners. If MDARD finds a camp which should have been licensed and was not, the owner is required to license it and MDARD may take enforcement action on that unlicensed owner.

Whether worker housing is on the farm owner/employer's property or housing is found within the community, the housing must comply with township zoning ordinances and obtain applicable local permits. Problematic at this time is the shortage of non-camp affordable rentals for seasonal or low income wage earners. Even for settled out farm workers, for example one with a spouse who works full time for a local business, housing is difficult to find. One township zoning administrator observed that Leelanau County needs more modest single family and apartment housing on the market to lower prices which would facilitate homeownership or renting.

It is important to note in the Michigan *Migrant and Seasonal Farmworker Enumeration Profiles Study 2013* the following statistics: 1,084 is the estimated number of migrant farmworkers (“establishes a temporary abode”) in Leelanau County, plus 501, the estimated number of seasonal farmworkers (is principally employed in agriculture seasonally and has worked in the last 24 months) equals a total of **1,585** workers. The same study totals the migrant/seasonal farm worker population accompanied by non-farmworkers, usually family members, to be **3,042**. In 2014, at full occupancy, licensed agricultural labor housing in Leelanau County can accommodate **774** occupants.

Construction of new agricultural labor housing designed for family occupancy is under consideration by local agricultural employers. Most owners building new housing will winterize in order to keep their options open to house one or more families year round as some agricultural workers and their families have “settled out” and live here year-round. From the state’s perspective, year-round agricultural labor housing is considered migrant housing, and either can be on any tract of land on or off farm property. Inspector Bardenhagen added that year-round housing is more the trend. If the housing is licensed, the state will continue to inspect it.

Through observation and interviews this committee has learned that migrant/seasonal worker migrant camp housing may be in excellent condition, or it may be substandard when it isn't under regular inspection by an MDARD housing inspector. Housing which isn't under the MDARD licensing program may be a broken down trailer or housing unit with a leaky roof, broken appliances, no heat or insufficient heating, non-working toilets, mold, rodents or insects. When substandard housing appears

to be their only option, workers may not report camp or non-camp housing code violations for fear of eviction or retaliation by the owner.

The argument against more or improved migrant housing is:

1. Housing owners have complained that they don't have the money to make repairs, or refurbish units.
2. It is too expensive to provide and maintain seasonally occupied housing.
3. Neighbors don't want to see it, citing that it changes the nature of the surrounding area - a not-in-my-backyard position,
4. The agricultural employer doesn't want that responsibility and the headaches that go with it.
5. Farm operators want agricultural land under crop production, and non-farm land is too expensive for seasonal housing units.

Occupants may be illiterate or unable to understand posted camp requirements, even when posted in Spanish. In the case of a renter wishing to report that the housing they occupy is unsafe or unhealthy, a complaint form in English is available through the County construction codes office at the County Government Center or on the county website, <http://www.leelanau.cc/pages6762868.asp>

The Benzie-Leelanau District Board of Health, www.bldbh.org, has authority by ordinance over sewage and water/well issues, but not over mold, electrical or construction problems. A renter may obtain and file a complaint form in English at the BLDBH office in Lake Leelanau or file by phone, 231-256-0200. Once a complaint is filed by the renter, a BLDBH inspector will evaluate the nature of the complaint on site. If justified, BLDBH will write a violation letter to the owner with a copy to the complainant including a time frame for the violation/correction procedures. The complainant is also advised that the procedure may mean vacating the premises until the issue is resolved. Reports of substandard housing causing health concerns have also been received from renters at the time the renter voluntarily vacates the property.

Zoning ordinances may address agricultural worker housing in one of two ways, the narrower “seasonal help/worker” housing (see the Suttons Bay Township Zoning Ordinance, A. IV, Section 4.4 Special Uses), or broader “agricultural labor” housing (Leland Township Zoning Ordinance Article 10, Conservation Districts, Section 10.01 AC: Agricultural Conservation District) which may leave zoning interpretation open to year round housing. Ordinances vary greatly in their wording from township to township. In some circumstances, clear interpretation of zoning restrictions may be determined at the time a plan is considered for planning and zoning approval.

However, there is the potential for local government to play an active role in channeling federal and state funds for refurbishment of private ownership rental housing, the most likely housing to be occupied by migrant/seasonal workers. See: Michigan State Housing Development Agency (MSHDA), Office of Community Development, Housing Resource Fund Summary, K. Rental Rehabilitation in the Resources section of this study.

One young Hispanic father, a U.S. Citizen and second generation migrant laborer on a Leelanau family farm, reported that one friend called him and asked if there was farm work in the county. The young man replied that there was work, but there was no housing available. The Traverse City Michigan WORKS! Service center reported that they had twelve potential farm workers for placement, but there was no housing available. At one time, migrant workers would travel to Leelanau County seeking work. This has become rare as housing may not be available or is some distance from work sites. A Leelanau fruit processing plant has workers driving from new housing in Elberta, in Benzie County, to Suttons Bay, MI for work, a distance of 114 miles round trip.

A final note on housing affordability in Leelanau County:

“Low-income households make up an important part of the County’s workforce, but many of these households confront significant challenges relative to housing affordability. Public input

emphasized the issue of affordable housing shortages and the impact of these shortages on families and individuals in poverty, and data points to shortages of both rental and homeownership affordable housing.

Leelanau County, with the highest average housing values in the region, experiences some of the region's greatest affordability challenges. With 3,100 households earning less than \$50,000 per year, only about 1,035 of the County's owner-occupied homes are affordable to those households.

Rentals, too, are out of reach to low-income households, with even average-priced rentals unaffordable. Extremely low income households (those earning \$20,000 or less per year) confront extreme shortages of rentals that they can afford, forcing them to rent more expensive homes and in turn reducing the availability of affordable housing for other income groups. With about 400 rental households in this income range, only about 120 of the County's rentals are affordable to those households.

75% of very low-income owner-occupied households, and 85% of very low-income renter households, pay 30% or more of their income for housing.

Poor quality homes or substandard housing create serious health concerns, negatively affecting our most vulnerable populations – seniors, children, and the disabled. While most of the region's housing stock is in good condition, many homes in the region experience serious physical issues or are deteriorating. These homes may be the only option for many low-income households that can't find safe or adequate homes that they can afford."

(Leelanau County Housing Inventory 2013, Northwest Michigan Council of Governments, <http://www.networksnorthwest.org/planning/planning-policy/housing/reports-and-documents.html>, p.6)

Further information, may be found in the **Addendum**.

6. Leelanau County Board/Commissions/Committees/Authorities*

*By statute, by-laws or agreement, commissioners or appointed at-large members serve on each of the following boards.

Area Agency on Aging of NW Michigan (AAA)

One member /two year term

www.aaanm.org

This federally designated agency provides coordinated services for area residents 60 and older including in home support for activities of daily living and securing the "My Choice" waiver for nursing home level of care in the resident's home. Priority goes to those with the highest economic and/or social needs. Clients are referred by physicians and local agencies. They advertise at local Senior Expos. Migrant workers could use their services but there are no examples of this being done and no effort is made to reach them. Munson interpreters would be used for Spanish speakers. The agency is funded by the Older Americans Act and Medicaid so migrant/seasonal workers or their families, without legal documentation, would not apply.

Bay Area Transportation Authority (BATA)

Two members/three year term

www.bata.net

BATA provides more than half a million rides to residents of Leelanau and Grand Traverse Counties. According to customer service, fixed routes are the most reliable, with maximum wait times of no more than 30 minutes. New routes have been added in November 2014. There are 6 Suttons Bay Loops and 5 village loops for transportation within the county. Hourly service to and from Traverse City, with transfer at Hall Street Station, is available on weekdays, less frequently on weekends. Home pick up and delivery can be arranged through the Link service. It must be scheduled at least 1 day in advance. Customer service urged using the website for the most current information.

No special effort is made to serve the seasonal migrant agricultural workforce. However, BATA has a special relationship with the Homestead and the Grand Traverse Resort for pick up and delivery of their Jamaican seasonal workers. Customer service indicates they are willing to accommodate riders and that the reason they do not serve more seasonal migrant farm workers may be communication. BATA has several Hispanic Spanish speaking drivers who will speak to groups about their transportation needs.

BATA makes a special effort for seniors and disabled riders who are a large portion of their ridership and are dependable, year around customers.

Benzie/Leelanau District Board of Health

Three members/Two year term

www.bldh.org

This Board is responsible for the policies, programs and operations of the Health Department in Leelanau and Benzie Counties. The mission of the Benzie-Leelanau District Health Department is to prevent disease, prolong life and promote public health.

WIC (Women Infants Children) provides families with pregnant and post partum women and children up to age 5 with nutritional counseling, assessment of growth and development, and vouchers for supplemental food benefits. Immunizations for children and adults are available as are reproductive health services, HIV testing and counseling, TB testing, and hearing, vision, breast and cervical cancer screening. There is an income requirement.

Seasonal migrant farm workers workers use WIC. The Board keeps records of the migrants they serve. Besides county funding, the health department is federally and state funded so legal residence documents are required. An interpreter is available.

The Board of Health deals with housing concerns relative to their mission. Issues with migrant licensed housing are referred to the state. With unlicensed agricultural housing the staff investigates problems brought to their attention by a resident or neighbor. The Board has authority by ordinance over sewage and water/well issues, but not over mold, electrical or construction problems. A renter may obtain and file a complaint form at the BLDBH office in Lake Leelanau or file by phone, 231-256-0200. Once a complaint is filed by the renter, a BLDBH inspector will evaluate the nature of the complaint on site. If justified, BLDBH will write a violation letter to the owner with a copy to the complainant including a time frame for the violation/correction procedures. The complainant is also advised that the procedure may mean vacating the premises until the issue is resolved. Reports of substandard housing causing health concerns have also been received from renters at the time the renter voluntarily moves out of the property.

Community Corrections

One commissioner/one year term

http://www.co.grand-traverse.mi.us/courts/86th_District_Court/Community_Corrections.htm

This agency plans and oversees community service in lieu of serving time in jail, working with non-violent offenders who have been convicted and incarcerated. The program reduces overcrowding as well as addressing the needs for substance abuse treatment, life and employment skills, education and housing. They have never had a migrant worker.

Department of Human Services (DHS)

Two members/Three year term

www.michigan.gov/dhs

Michigan DHS provides policy guidance for the operations of the Leelanau County Department of Human Services. DHS services for seasonal migrant agricultural workers include Food Stamps and Medicaid. The year round caseworker and seasonal clerk are bilingual Latinas. Clients learn about services by word of mouth from other workers and from their employers, as well as the caseworker who goes to places frequented by migrant/seasonal workers and their families such as the Laundry Project, Baby Pantry and Samaritan's Closet.

The documents required depend on the program. Qualifications are not consistent across programs. US citizens qualify for more programs. Other applicants need a green card/permanent legal resident card or visa. There is no charge for the services. DHS keeps detailed records on their clients.

DHS - Protective Services for Children and Adults

DHS operates this agency which handles suspected cases of abuse and neglect. Certain people are mandated by state law to report suspected cases of abuse or neglect. These include but are not limited to teachers, school administration and staff, doctors and all medical personnel including psychologists and counselors, EMS and law enforcement officers, social workers, adult day care providers, etc. The child or adult must be a resident of the county at the time of referral; otherwise there are no further eligibility requirements. The office has bilingual staff and in off hours an interpreter is provided. Many forms are not in Spanish so the bilingual caseworker helps with paperwork. They do not track clients locally but do have a public statewide database. This agency is funded with state and federal money. There is no fee for the clients.

Northern MI Regional Entity (NMRE) Substance Use Disorder Services Policy Oversight Board (formed November 2014) One member/Three year term

The Oversight Board shall be comprised of one appointee from each of the twenty-one counties served by the NMRE. The Leelanau County appointee shall have experience, expertise, knowledge and/or interest in substance use disorder issues. This Board is entirely separate from the Northern Michigan Substance Abuse Services Board (NMSAS) that was phased out September 30, 2014.

Northwest Michigan Community Action Agency (NMCAA)

One member/Three year term

www.nmcaa.net

NMCAA is a private, non-profit Michigan corporation, covering 10 counties in Northwest Lower Michigan. Its mission is to assist low income and disadvantaged people in gaining self-

sufficiency, dignity, confidence and an improved quality of life. Its programs include money management, early childhood development, senior nutrition (Meals On Wheels), food distribution to seniors and low-income households, emergency assistance and housing. Currently there are no programs specifically designed for migrant workers. In the past they had a grant that supported an emergency services program coordinated with the Department of Human Services. It allowed NMCAA to provide direct assistance to migrants for help with housing, medical, transportation and/or childcare expenses.

Parks and Recreation Commission (P & R)

Ten members/Three year term

www.leelanau.cc

The Commission oversees three county parks: Old Settler's Picnic Grounds, Myles Kimmerly Park including the 4-H Arena, and the Veronica Valley County Park. The commission proposes park rules and regulations to the County Executive Committee, for adoption by the County Board. They do not plan programs or keep track of who uses the parks. Anyone can use the parks.

Planning Commission

Eleven members/Three year term

www.leelanau.cc

The primary duty of this commission is to oversee preparation and implementation of the County Plan. This includes solid waste management, economic development, growth management, and transportation issues. The commission reviews and advises township and village planning and zoning commissions on their local proposals and zoning ordinances. The planning commission has taken no specific action for seasonal migrant farm workers.

Since 1993, Leelanau County has administered housing programs for low and medium income families. With grants from MSHDA and other federal, state and local resources, funds have been used to renovate homes for eligible homeowners.

Homeowners must meet income guidelines and the homes must be the primary residence of the applicants. Rehabilitation work can include such items as: septic systems, wells, windows & doors, siding, roofing, electrical and plumbing, etc. Call the Planning & Community Development office at 231-256-9812.

Veterans Affairs Administrative Committee

One member/Two year term

www.va.gov

The committee oversees the operations of the Veterans Affairs Department. The Leelanau County Board of Commissioners appoints a member who oversees the operations of our contract for Veterans Affairs service. The VA works with the thousands of Hispanic men and women across the country who have served in the military. There is no need for specific services for our local seasonal agricultural workforce.

Workforce Development Board

Two members/Two year term

<http://www.networksnorthwest.org/talent/job-seekers/service-centers/traversecity-michigan-works/>

This is a group of private business people who serve as the governing body for programs funded primarily under the Federal Job Training Partnership Act. Board members are individuals employed as chief operating officers of businesses or business owners in a ten county area of Northwest Lower Michigan. Two members represent Leelanau County. This board oversees the Northwest Michigan WORKS! Traverse City service center. Their services include assistance for agricultural employers and workers provided by Michigan Department of Energy, Labor & Economic Growth agricultural employment specialists. Agricultural employment specialists help migrant and seasonal farm workers find jobs as well as working directly with agricultural employers to place workers.

Non-Governmental (NGO) and Not For Profit Entities*

*supported in part with county or school district funds

Leelanau County Family Coordinating Council (LCFCC)

<http://www.leelanau.cc/old/government693995.asp>

The LCFCC is a collaborative group of government agencies and nonprofits addressing human services. It is made up of over 30 human service agencies and educational groups. The Council serves as a coordinating body and is a good first call that can provide support and direction. It acts as a clearinghouse to help with short-term crises and to provide guidance for longer term needs. There is no charge for their services.

LCFCC's primary focus is on families with young children. The Family Support Team brainstorms to find ways to help, taking advantage of networking possibilities within the group. The workforce development specialist with Telemon Corporation's National Farmworkers Jobs Program and the migrant eligibility staff person with the Department of Human Services in Leelanau are especially helpful in bringing the needs of migrant workers to the LCFCC. Documentation of status is not an issue.

The Council has one paid staff person whose primary responsibility is to facilitate the flow of information. According to her, people aren't aware of what they do and how helpful they can be in linking individuals with providers. To that end she would be happy to speak with growers about potential benefits for their workers. Funding comes from the various groups and is voluntary. Leelanau County allocates \$12,000 on an annual basis.

Parenting Communities of Leelanau County

www.leelanau.cc/LeelanauEarlyChildhood

www.leelanauchildrenscnter.org/60/parenting-communities/services

Formerly under the auspices of the Leelanau County Family Coordinating Council, Parenting Communities is now a program of the independent not-for-profit Leelanau County Early Childhood Development Commission. It is designed to strengthen and support families in the early stages of parenting with prenatal services through children age 8. It offers childhood development information, parenting skills training, school readiness activities and a safe environment for sharing experiences. PC has a full time supervisor and three paid coordinators, one of whom is fluent in Spanish. They are based at Glen Lake Elementary School and the Leelanau Children's Centers in Leland and Northport.

These three school districts provide partial funding for PC services. The supervisor's challenge is to match these dollars with funds from grants and private sources. It is considered that more families would benefit if there were additional sites in the county. A sustainable source of funding is needed. In the past they received funds through Leelanau County. The program was so successful that it became a model for other communities. However, with the success of the program the county chose to allocate

Parenting Communities' funds elsewhere, and they have “braided” funding, meaning it comes from multiple local organizations. LCFCC is one funding source.

The goal of Parenting Communities is to determine what is best for each family that they serve. Home visits from the three coordinators are an important component in determining a family’s needs and linking them with appropriate services. Parenthood is the only requirement for PC’s programs and home visits. These services are particularly effective in helping seasonal migrant farm workers interface with the schools, bridging cultural gaps by interpreting and translating. Coordinators are also called on to translate and interpret forms relating to government, health care, and banking.

Communication is missing from both sides. Schools need to know about migrant families. Parents know they are missing out because of the language barrier. Migrant workers are wary of being judged and of misunderstandings arising from different cultural attitudes towards family life and parenting. They are very private and find it difficult to ask for help which is a challenge for the home visitors. Coordinators work to develop relationships with migrant workers by going to places they frequent: the Laundry Project, Samaritan’s Closet, the Baby Pantry, the Children’s Centers and the schools. By doing this, and practicing cultural awareness, they earn enough trust to get the parents involved. When trust is established, word of mouth encourages other families to seek help.

Home visitors face additional challenges. Housing conditions such as mold, drafts, windows that don’t open, furnaces that don’t work or provide inadequate heat can be issues. One coordinator, after having observed these problems, questioned how the housing passed inspection. Some farm workers are reluctant to take these problems to their employer, fearing eviction and loss of employment. Some employers delay making repairs in order to cut costs. In this case, the home visitor acted to resolve the situation. She raised concerns that migrant/seasonal farm workers will hear about poor housing conditions and inadequate heat and not come. She knows of instances when children who are citizens were denied public services because a parent lacked documentation.

Lack of funding is considered the biggest barrier to the availability of services for migrant workers.

ADDENDUM

Sources, Footnotes, and Articles

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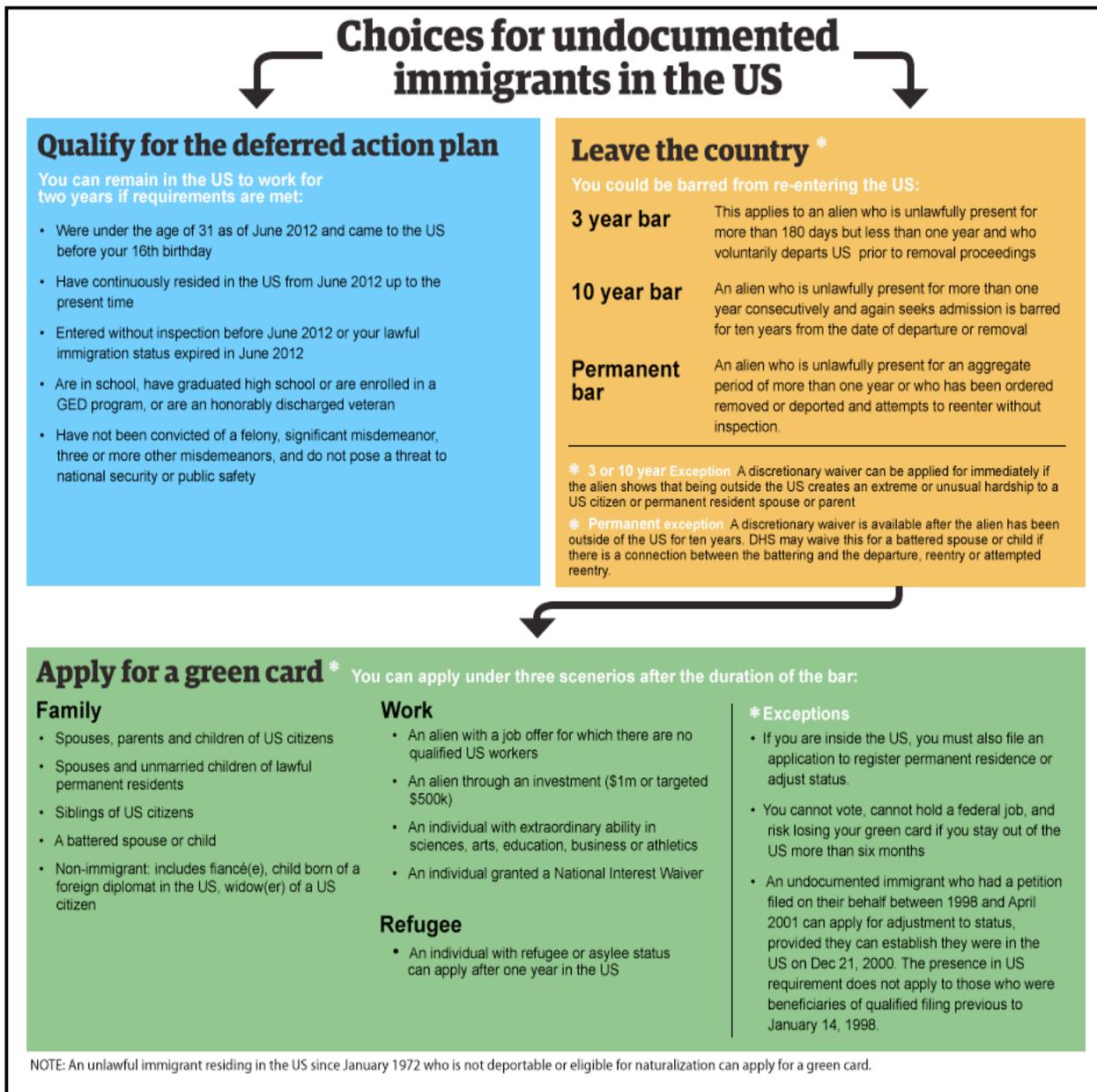
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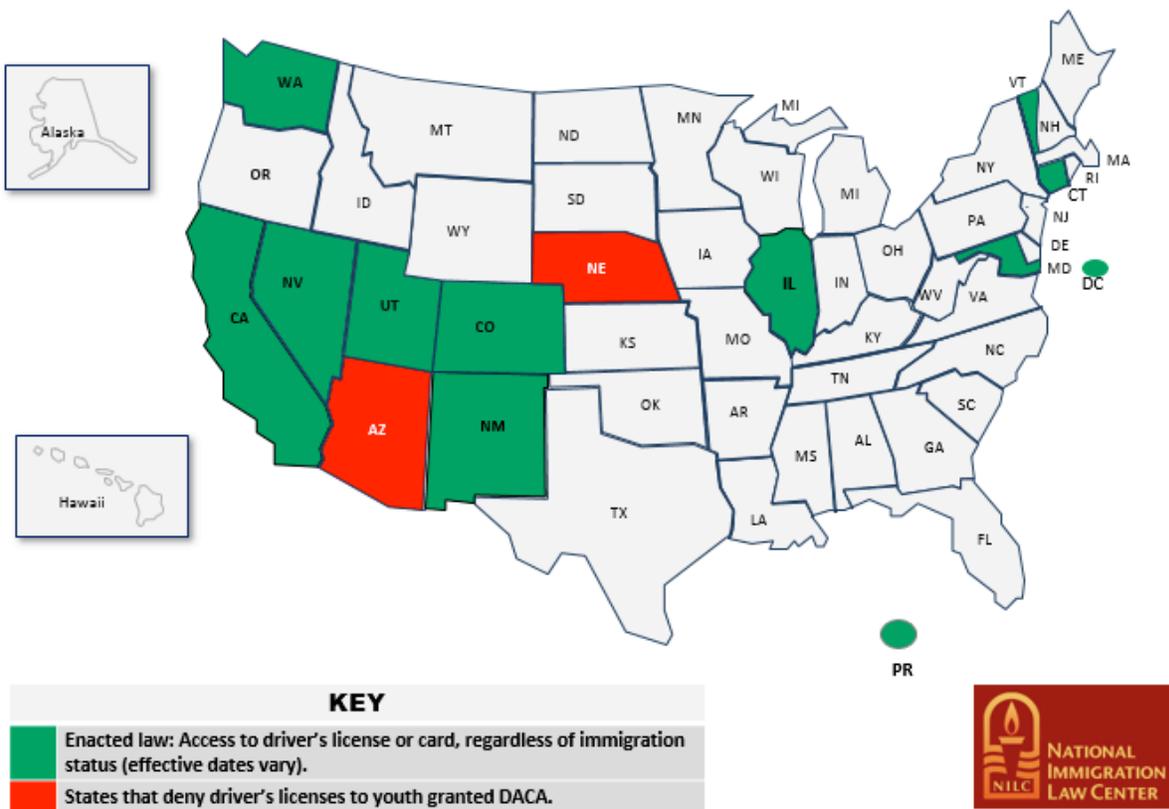
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K. RENTAL REHABILITATION

The Rental Rehabilitation component is designed to provide funding assistance to improve investor-owned (landlord) properties. Funding for rental rehab is normally provided through the unit of local government that has jurisdiction for code enforcement and/or rental licensing.

CONSIDERATIONS FOR APPLICANTS FOR RENTAL REHABILITATION

HRF requires that investor/owners contribute 25% of the project cost for each rental rehabilitation project. Do not underestimate the difficulty of obtaining required owner leverage. Rental rehabilitation is a difficult program in markets (1) where rental property is scarce, and (2) where rents paid by low-income households are generally higher than the rents shown in the "HOME Program Rent Limits" section especially if the program does not already have wide word-of-mouth acceptance among local landlords. In these markets, rental rehabilitation is practical only if paired with effective code enforcement and/or rental licensing programs. As a result, rental rehabilitation is generally undertaken by local governments, which are able to maximize coordination between code enforcement and HRF-funded rental rehab activities. Applications for Rental Rehabilitation should only be submitted if strong landlord support is documented.

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LEELANAU COUNTY TOWNSHIP ZONING ORDINANCE WEBLINKS

Source: Leelanau County Administrator's office and listed websites

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