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SENATE BILL NO. 260

Offered January 12, 2022

Prefiled January 11, 2022

A *BILL to amend the Code of Virginia by adding in Article 10 of Chapter 6 of Title 32.1 a section numbered 32.1-248.5, relating to Department of Health; H-2B employer-provided housing; registry.*

Patron—Hashmi

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 10 of Chapter 6 of Title 32.1 a section numbered 32.1-248.5 as follows:

§ 32.1-248.5. Housing registration requirements for certain employer-provided housing.

A. As used in this section:

"Employer-provided housing" means one or more structures, houses, apartments, hotel or motel rooms, buildings, tents, barracks, trailers, vehicles, converted buildings, or other enclosures of living space, together with the land appertaining thereto, that are (i) established, operated, or used as living quarters for one or more persons, one or more of whom are H-2B employees, and (ii) owned or managed by an H-2B employer or of which an H-2B employer has facilitated procurement for the purpose of providing living quarters for one or more persons, one or more of whom are H-2B employees.

"H-2B employee" means any person who has been admitted to the United States to perform temporary nonagricultural labor or services pursuant to 8 U.S.C. § 1101(a)(15)(H)(ii)(b) and who is employed by an H-2B employer in the Commonwealth.

"H-2B employer" means a person that has received an H-2B Certification for Temporary Non-Agricultural Work and that employs at least one person who has been admitted to the United States to perform temporary nonagricultural labor or services pursuant to 8 U.S.C. § 1101(a)(15)(H)(ii)(b) in the Commonwealth.

B. Every H-2B employer that provides employer-provided housing in the Commonwealth shall annually report to the Commissioner the physical address of each such unit of employer-provided housing, the number of H-2B employees residing at each such unit of employer-provided housing, and the number of beds at each such unit of employer-provided housing.

C. The Department shall establish and maintain a registry of employer-provided housing in the Commonwealth, which shall include the physical address of each unit of employer-provided housing reported pursuant to subsection B, the number of H-2B employees residing at each unit of employer-provided housing reported pursuant to subsection B, and the number of beds at each unit of employer-provided housing reported pursuant to subsection B. The registry shall be made available to the public on a website maintained by the Department.

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