

Illinois Migrant Labor Camp Law  
210 ILCS 110

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§ 210 ILCS 110/1 (from Ch. 111 1/2, par. 185.1) [Short title].

Section 1. This Act shall be known and may be cited as the "Illinois Migrant Labor Camp Law".  
(Source: Laws 1961, p. 3904.)

§ 210 ILCS 110/2 (from Ch. 111 1/2, par. 185.2) [Definitions].

Section 2. When used in this Act:

"Migrant Labor Camp" means one or more buildings, structures, tents, trailers or vehicles or any combination thereof together with the land appertaining thereto established, operated or maintained as living quarters for ten or more migrant workers or 4 or more families containing migrant workers who are engaged in agricultural activities.

"Migrant Worker" means any person who moves seasonally from one place to another, within or without the State, for the purpose of employment in agricultural activities.

"Agricultural Activities" means and includes planting, raising or harvesting of any agricultural or horticultural commodities, including the related handling, packing and processing upon the farm where produced or at the point of first processing.

"Department" means the Department of Public Health of the State of Illinois.

"Director" means the Director of the Department of Public Health.

"Person" means any person, partnership, firm, association or corporation.

(Source: Laws 1965, p. 2356.)

§ 210 ILCS 110/3 (from Ch. 111 1/2, par. 185.3) [License required; exception].

Section 3. No person shall operate or maintain a Migrant Labor Camp within the State of Illinois without first having obtained a license therefor from the Department. Licenses shall be issued upon a calendar year basis and renewed from year to year upon compliance with the requirements of this Act and payment of the annual license fee. Establishments that provide housing for migrant workers for fewer than 10 migrant workers or fewer than 4 families containing migrant workers shall meet the minimum standards established by the Department but shall not be required to be licensed.

(Source: P.A. 86-595.)

§ 210 ILCS 110/4 (from Ch. 111 1/2, par. 185.4) [Applications for license].

Section 4. Applications for a license to operate or maintain a Migrant Labor Camp or for a renewal thereof shall be made upon forms to be furnished by the Department. Such application shall include:

- (a) The name and address of the applicant or applicants. If the applicant is a partnership, the names and addresses of all the partners shall also be given. If the applicant is a corporation, the names and addresses of the principal officers of the corporation shall be given.
- (b) The approximate legal description and the address of the tract of land upon which the applicant proposes to operate and maintain such Migrant Labor Camp.
- (c) A general plan or sketch of the camp site showing the location of the buildings or facilities together with a description of the buildings, of the water supply, of the toilet, bathing and laundry facilities, and of the fire protection equipment.
- (d) The date upon which the occupancy and use of the Migrant Labor Camp will commence.

The application for the original license or for any renewal thereof shall be accompanied by a fee of \$100.

Application for the original license shall be filed with the Department at least 60 days prior to the date on which the occupancy and use of such camp is to commence.

Application for a renewal license shall be filed with the Department at least 60 days prior to the expiration date of the current license. The camp shall be ready for inspection at least 30 days prior to the date upon which the occupancy and use of such camp is to commence.

(Source: P.A. 97-135, eff. 7-14-11.)

§ 210 ILCS 110/5 (from Ch. 111 1/2, par. 185.5) [Qualification].

Section 5. In order to qualify for a license under the provisions of this Act, a Migrant Labor Camp shall meet the requirements of this Act and the rules promulgated by the Department pursuant thereto.

(Source: P.A. 86-595.)

§ 210 ILCS 110/6 (from Ch. 111 1/2, par. 185.1) [Inspection; issuance; denial].

Section 6. Upon receipt of an application for a license, the Department shall inspect the camp site and the facilities described in the application. If the Department finds that the Migrant Labor Camp described in the application meets and complies with the provisions of this Act and the rules and regulations of the Department in relation thereto, the Director shall issue a license to the applicant for the operation of the camp.

If the application is denied, the Department shall notify the applicant in writing of such denial setting forth the reasons therefor. If the conditions constituting the basis for such denial are remediable, the applicant may correct such conditions and notify the Department in writing indicating therein the manner in which such conditions have been remedied. Notifications of corrections shall be processed in the same manner as the original application.

(Source: P.A. 97-135, eff. 7-14-11.)

§ 210 ILCS 110/7 (from Ch. 111 1/2, par. 185.7) [Conditional license].

Section 7. If the Department finds that the facilities of any Migrant Labor Camp for which a license is sought are not in compliance with the provisions of this Act and the rules and regulations of the Department relating thereto, but that such camp is habitable without undue prejudice to the migrant workers and their families, the Department may issue a conditional license setting forth the conditions on which the license is issued, the manner in which the camp fails to comply with the Act and such rules and regulations, and shall set forth the time, not to exceed three years, within which the applicant must make any changes or corrections necessary in order for such camp to fully comply with this Act and the rules and regulations of the Department relating thereto. No more than three consecutive annual conditional licenses may be issued with respect to any one camp.

(Source: Laws 1961, p. 3904.)

§ 210 ILCS 110/8 (from Ch. 111 1/2, par. 185.8) [Construction plans].

Section 8. Plans for the construction of a Migrant Labor Camp or for any major alteration or major expansion in any such camp or the facilities thereof shall be submitted to the Department for approval prior to the construction or the making of such major alteration or major expansion. The Department shall by rule define what constitutes a major alteration and a major expansion. The plans shall contain the information necessary to show compliance with the Act. Such application for approval shall be made upon forms furnished by the Department and shall be accompanied by the plans and specifications of the work proposed to be done. Within twenty

days after the filing of such application, the Director shall notify the applicant whether such plans and specifications comply with the requirements of this Act and the rules and regulations of the Department relating thereto. No fee shall be required for such prior approval of plans and specifications.

(Source: P.A. 86-595.)

§ 210 ILCS 110/9(from Ch. 111 1/2, par. 185.9) [Right of entry at reasonable hours].

Section 9. Representatives of the Department duly authorized by the Director shall have the right to enter upon the premises of any Migrant Labor Camp at all reasonable hours for the purpose of inspecting such camp and the facilities thereof, and determining whether or not such camp is maintained and operated in accordance with the provisions of this Act and the rules and regulations of the Department relating thereto.

(Source: Laws 1965, p. 2356.)

§ 210 ILCS 110/9.1(from Ch. 111 1/2, par. 185.9-1) [Inspections; temporary variances].

Section 9.1. Representatives of the Department, duly authorized by the Director shall inspect each migrant labor camp at least one time before the laborers arrive and at least one time while the camp is being used, for the purpose of determining whether or not the camp is being maintained and operated in accordance with this Act and the rules and regulations of the Department relating thereto. The Director of the Department of Public Health may grant temporary variances for existing housing that does not meet federal standards and allow not more than 2 years in order to comply with such standards.

(Source: P.A. 77-1526.)

§ 210 ILCS 110/10 (from Ch. 111 1/2, par. 185.10) [Rules and regulations].

Section 10. The Department may make and adopt such reasonable rules and regulations relating to Migrant Labor Camps as may be necessary to carry out and administer the provisions of this Act and to assure the safety of the migrant workers and their families. In preparation of such rules and regulations, the Department may consult with and request technical assistance from other State Agencies, and may consult and advise with other technically qualified persons, and with Migrant Labor Camp operators and others. The promulgation of any rules shall conform to the requirements of "The Illinois Administrative Procedure Act", as now or hereafter amended [5 ILCS 100/1-1 et seq.]. The Department shall prepare copies of all rules and regulations and shall make such copies available to the public.

(Source: P.A. 86-595.)

§ 210 ILCS 110/11(from Ch. 111 1/2, par. 185.11) [Revocation or suspension; notice].

Section 11. In case the holder of any license under the provisions of this Act fails to maintain and operate a Migrant Labor Camp in accordance with the provisions of this Act and the rules and regulations of the Department relating thereto, the Department may revoke or suspend the license for the operation and maintenance of such camp. The Department shall first serve upon the licensee a notice specifying the manner in which the licensee has failed to comply with

provisions of this Act or such rules and regulations of the Department and shall fix a time not less than ten days, within which the objectionable condition or conditions must be removed or corrected. If the licensee fails to remove or correct such objectionable condition or conditions within the time fixed by the Department, the Department may revoke or suspend such license. However, if the objectionable condition or conditions are such as to endanger the health or well-being of the inhabitants of such camp, the Department may immediately suspend such license.

The Department shall assess administrative fines against a person who provides housing for migrant workers for violations of this Act or the rules promulgated under this Act. The fines shall be established by the Department by rule. The Department shall provide written notification of violations and allow a minimum of 10 days for correction before imposing administrative fines.

(Source: P.A. 88-535.)

§ 210 ILCS 110/12 (from Ch. 111 1/2, par. 185.12) [Right to a hearing].

Section 12. Any person whose application for a license is denied or whose license is suspended or revoked shall have the right to a hearing before the Department. Request for such hearing shall be made in writing. The hearing shall be conducted by the Director or a duly qualified employee of the Department, designated in writing by the Director as a Hearing Officer, to conduct the hearing. The hearing shall be conducted at the office of the Department or at such place convenient for the applicant or licensee as may be designated by the Department. The Director or Hearing Officer may compel, by subpoena or subpoena duces tecum, the attendance and testimony of witnesses and the production of books and papers, and may administer oaths to witnesses. All testimony at any hearing shall be under oath. The Director or Hearing Officer shall cause a record of the proceedings at the hearing to be kept and shall provide any party to the hearing a transcript of the evidence presented upon payment of the cost thereof. The hearing may be continued from time to time at the discretion of the Director or the Hearing Officer. The applicant or licensee shall have the right to appear in person, to be represented by counsel, to offer evidence, to cross-examine the witnesses, and to present all relevant matter in support of his application for license or in opposition to revocation or suspension of any license.

Depositions may be taken and used in the same manner as in civil cases. The Director or Hearing Officer shall render a decision within 30 days after the termination of the hearing, and a copy of the decision shall be sent by registered mail to the applicant or licensee. Technical errors in the proceeding or failure to observe the technical rules of evidence shall not constitute grounds for reversal of any decision unless it shall appear to the court that such error or failure materially affects the rights of any party and results in substantial injustice to any such party.

(Source: Laws 1961, p. 3904.)

§ 210 ILCS 110/13 (from Ch. 111 1/2, par. 185.13) [Law governing review of decisions].

Section 13. All final administrative decisions of the Department hereunder shall be subject to judicial review pursuant to the provisions of the Administrative Review Law as amended [735 ILCS 5/3-101 et seq.] and the rules adopted pursuant thereto. The term "Administrative Decision" is defined as in Section 3-101 of the Code of Civil Procedure [735 ILCS 5/3-101].

(Source: P.A. 82-783.)

§ 210 ILCS 110/13A (from Ch. 111 1/2, par. 185.13A) [Advisory committee].

Section 13A. The Director of the Department shall appoint an advisory committee of not less than five members consisting of one or more representatives of vegetable growers, fruit growers, canning crops and of the general public, who are familiar with Migrant Labor Camps. The Director and the Department shall advise with such committee concerning the administration of this Act, the rules and regulations of the Department relating thereto, the needs of migrant workers and their families and related problems. The committee shall meet as frequently as the Director deems necessary. Meetings also may be held upon the concurrence of at least 3 members of the committee and 10 days prior written notice to each member of the committee. (Source: P.A. 86-595.)

§ 210 ILCS 110/13B (from Ch. 111 1/2, par. 185.13B) [Administrative rules and procedures].

Section 13B. The provisions of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.] are hereby expressly adopted and shall apply to all administrative rules and procedures of the Department of Public Health under this Act, except that in case of conflict between the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.] and this Act the provisions of this Act shall control, and except that Section 5-35 of the Illinois Administrative Procedure Act [5 ILCS 100/5-35] relating to procedures for rule-making does not apply to the adoption of any rule required by federal law in connection with which the Department is precluded by law from exercising any discretion. (Source: P.A. 88-45)

Effect of Amendments. The 1993 amendment by P.A. 88-45, effective July 6, 1993, deleted the quotation marks around "the Illinois Administrative Procedure Act" twice; deleted "approved September 22, 1975" preceding "are hereby expressly"; and substituted "Section 5-35" for "Section 5".

§ 210 ILCS 110/14 (from Ch. 111 1/2, par. 185.14) [Violations; penalty].

Section 14. Any person who operates or maintains a Migrant Labor Camp without securing a license under this Act or who operates or maintains any Migrant Labor Camp or living quarters subject to regulation under this Act in violation of the provisions of this Act or any rules or regulations of the Department relating thereto, shall be guilty of a Class A misdemeanor. Each day's violation constitutes a separate offense. The State's Attorney of the county in which the violation occurs shall bring such action in the name of the people of the State of Illinois, or may in addition to other remedies provided in this Act bring an action for an injunction to restrain such violations or to enjoin the operation of any such establishment. (Source: P.A. 86-595.)

§ 210 ILCS 110/15 (from Ch. 111 1/2, par. 185.15) [Emergency orders].

Section 15. Whenever the Department finds that an emergency exists which requires immediate action to protect the public health, the Director shall, without notice or hearing, issue an order

reciting the existence of such an emergency and then require that such action be taken as it may deem necessary to meet the emergency, including the closing of a migrant labor camp with suspension or revocation of the license. Notwithstanding any other provisions in this Act such order shall be effective immediately. The State's Attorney and Sheriff of the county in which the migrant labor camp is located shall enforce the closing order after receiving notice thereof. Any owner, operator or licensee affected by such an order is entitled, upon request, to a hearing as provided in this Act. When such conditions are abated, in the opinion of the Department, the Department may authorize reopening of the migrant labor camp.

(Source: P.A. 83-677.)

§ 210 ILCS 110/16 (from Ch. 111 1/2, par. 185.16) [Filing of suit; injunction].

Section 16. Any worker aggrieved by a violation of this Act or regulations promulgated thereunder may file suit in the Circuit Court having jurisdiction over the location of the labor camp. If the Court finds that the labor camp owner has willfully violated any provision of this Act or any regulation promulgated thereunder, the Court may in its discretion issue a restraining order or preliminary injunction, as well as, a permanent injunction, upon such terms and conditions as will do justice and enforce the purposes set forth above.

(Source: P.A. 83-677.)

§ 210 ILCS 110/17 (from Ch. 111 1/2, par. 185.17) [Retaliation prohibited].

Section 17. It shall be unlawful for any person to evict, discharge or in any other manner discriminate against any migrant worker because such worker has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act, or has testified or is about to testify in any such proceeding, or has provided information to the Department or any other enforcement agency.

(Source: P.A. 83-677.)

§ 210 ILCS 110/18 (from Ch. 111 1/2, par. 185.1) [Fines; Facility Licensing Fund].

Section 18. The Department shall deposit all fees and fines collected under this Act into the Facility Licensing Fund. Moneys in the Fund shall be used for the enforcement of this Act.

(Source: P.A. 92-18, eff. 6-28-01)