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FISCAL IMPACT REPORT

SPONSOR Terrazas/Jones/Ramos/Dow/Armstrong LAST UPDATED _____
ORIGINAL DATE 3/5/2025
BILL
SHORT TITLE Migrant Worker Housing Requirements NUMBER House Bill 561
ANALYST Gygi

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

Agency/Program	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
WSD	No fiscal impact	No fiscal impact	No fiscal impact			

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

Sources of Information

LFC Files

Agency Analysis Received From
Attorney General (NMAG)
Workforce Solutions Department (WSD)

SUMMARY

Synopsis of House Bill 561

House Bill 561 (HB561) requires that employers providing housing to migrant and seasonal agricultural workers provide housing that meets the standards promulgated by the U.S. Department of Labor. This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns if enacted, or June 20, 2025.

FISCAL IMPLICATIONS

HB561 does not include an appropriation or an implementation mechanism. However, the Workforce Solutions Department (WSD) currently enforces federal housing standards for migrant and seasonal agricultural workers. The department reports it would not require additional funding unless the federal government reduces funding.

SIGNIFICANT ISSUES

WSD notes:

The U.S. Department of Labor [USDOL] housing standards already apply to housing for migrant and seasonal farmworkers [in New Mexico], so this bill is not needed. If the bill is intended to pre-empt local and state building codes, [WSD] does not believe it achieves this intent without specific preemption language.

USDOL’s Wage and Hour Division publishes guidance on housing standards in accordance with the Migrant and Seasonal Agricultural Worker Protection Act (MSPA) also known as the H-2A visa program.¹ In New Mexico, WSD oversees compliance by agricultural employers, farm labor contractors, and others providing housing to workers covered by MSPA. The department submits a needs assessment of worker housing and related needs to USDOL in the agricultural outreach plan portion of the state’s Workforce Innovation and Opportunity Act (WIOA) plan.²

ALTERNATIVES

WSD suggests, “The state could provide grants to employers of migrant and seasonal farmworkers to improve their housing and bring housing up to applicable federal, state and local standards.”

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Federal regulations regarding housing for migrant and seasonal farmworkers would continue to apply, as do state and local regulations and building codes.

KG/sgs

¹ See [Checklist for ETA Standards](#) for housing completed or under construction before April 3, 1980; housing built after that time is subject to standards in [Checklist for OSHA Standards](#).

² https://www.dws.state.nm.us/Portals/0/DM/Partners/WIOA_Plan_PYs_2024-2027.pdf