**Sample Employee Housing Agreement**

*For Housing that is a Condition of Employment*

## *Below is a list of things that farm owners commonly find that they need to address with employees living in farm housing. Create your own housing agreement by using the sections that apply to your farm and omitting those that don’t apply.* DISCLAIMER: This material is intended for general information purposes only and does not constitute legal advice. Specific questions should be addressed to legal counsel.

## This property, located at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is owned by \_\_\_\_\_\_\_\_\_\_\_\_ and occupancy of this housing is a [condition of employment] [SEE NOTE 1] by \_\_\_\_\_\_\_\_\_\_\_\_\_\_. Permission to live in this housing must be granted by \_\_\_\_\_\_\_\_\_\_\_\_\_\_. Below, please list the name, age, gender and relationship of your immediate family members that you are requesting live with you in our housing:

|  |  |  |  |
| --- | --- | --- | --- |
| Name | Age | Gender | Relationship |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

## Inspections: \_\_\_\_\_\_\_\_\_\_\_\_\_\_ reserves the right to inspect our housing as determined necessary. [SEE NOTE 2]

## Safety inspections: Every 6 months you will be notified that an inspection of the Safety devices will be conducted. Smoke alarms, carbon monoxide detectors and fire extinguishers will be checked.

## Permission to enter unit: Employee agrees to allow farm personnel to enter the dwelling upon reasonable advanced notice in order to inspect the premises, to exterminate for pests, to make repairs, or to show the premises to prospective employees.

## Utilities: \_\_\_\_\_\_\_\_\_\_\_\_\_ will provide heat, electric and water. Any telephone, cable, internet or other service must first be approved through the farm office. These additional services must be placed in the employee's name and be paid by the employee.

## [Housing is a condition of employment] [SEE NOTE 1] If you are no longer an employee of \_\_\_\_\_\_\_\_\_\_\_\_\_, you will be expected to move out within \_\_\_\_\_\_\_\_\_ days to allow a new employee to move in. [SEE NOTE 2]

## Cleanliness & Maintenance: It is your responsibility to keep the housing unit clean and properly maintained. (S*ee “Sample House Rules” if you want cleaning guidelines to be more in depth).* This includes:

## Pick up after yourself

## Don’t pour grease in drains (pour in glass or metal container and then throw away when cool)

## Keep food in containers or refrigerator

## Clean dishes and counters after each meal

## Clean bathrooms 1x per week

## Take out trash at least 1x per week

## Vacuum or sweep once per week

## Clean up any garbage around house

## Keep window screens in place

## Keep the area outside the house clean and free of garbage or unwanted items.

## Safety Alarms*: Our housing units are fitted with smoke and carbon monoxide detectors for your safety and in accordance with the law* [SEE NOTE 2]*.* REMOVAL OR DISABLING OF THESE DEVICES IS FORBIDDEN. Please notify management if they are no longer working properly.

## Be respectful of others in the house. Do not play music too loudly.

## Be safe - lock doors and do not let strangers in house.

## No prostitution or other illegal activity allowed in house.

## No pets are allowed in the house.

## You must get permission from the owner before making any modifications to the house (painting, etc).

## Report all problems with the house or appliances as soon as possible. Property notice forms are available in the farm break room. Please complete a form and bring it to the farm office so the problem can be fixed in a timely fashion.

## If you have an emergency with your housing unit (i.e. water leaks, furnace malfunction, septic problems) please call \_\_\_\_\_\_\_\_\_\_\_\_\_\_ immediately!

Employee:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date:\_\_\_\_\_\_\_\_\_\_\_\_\_

NOTE 1: This sampling housing agreement states that housing is being provided as a condition of employment (i.e. required) which means that farmworkers cannot be charged for the housing more than the allowance amount under 12 NYCRR § 190-3.1 ($5/day for an individual employee and $8/day when the employee’s family resides with the employee). **Therefore, this sample housing agreement should only be used by farmers providing required housing at no more than $5/day or $8/day depending on the type of housing arrangement.**  The Pay Notice and Work Agreement from NYSDOL should also be completed (or an alternative that provides the same information).

NOTE 2: The terms of the housing agreement, and particularly the right to inspect the premises, evictions, lease terminations, safety alarm requirements, etc., must meet the minimum requirements of state and local landlord/tenant laws. You should check your local laws/ordinances to confirm the agreement terms do not conflict with local landlord/tenant laws/ordinances before using this sample agreement language.