

ASSEMBLY, No. 2768

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:

Assemblyman ERIC HOUGHTALING

District 11 (Monmouth)

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

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District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Establishes housing of equine-related farm employees in facilities with horses under certain conditions as “Right to Farm” permissible activity; requires State Agriculture Development Committee adoption of agricultural management practice that permits such housing.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/20/2020)

A2768 HOUGHTALING, MURPHY

2

1 AN ACT concerning housing equine-related farm employees in
2 certain farm buildings and related agricultural management
3 practices, and amending and supplementing P.L.1983, c.31.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7

8 1. Section 3 of P.L.1983, c.31 (C.4:1C-3) is amended to read:

9 3. As used in this act:

10 "Board" or "county board" means a county agriculture
11 development board established pursuant to section 7 of P.L.1983,
12 c.32 (C.4:1C-14).

13 "Commercial farm" means (1) a farm management unit of no less
14 than five acres producing agricultural or horticultural products
15 worth \$2,500 or more annually, and satisfying the eligibility criteria
16 for differential property taxation pursuant to the "Farmland
17 Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.), (2)
18 a farm management unit less than five acres, producing agricultural
19 or horticultural products worth \$50,000 or more annually and
20 otherwise satisfying the eligibility criteria for differential property
21 taxation pursuant to the "Farmland Assessment Act of 1964,"
22 P.L.1964, c.48 (C.54:4-23.1 et seq.), or (3) a farm management unit
23 that is a beekeeping operation producing honey or other agricultural
24 or horticultural apiary-related products, or providing crop
25 pollination services, worth \$10,000 or more annually.

26 "Committee" means the State Agriculture Development
27 Committee established pursuant to section 4 of P.L.1983, c.31
28 (C.4:1C-4).

29 "Equine-related farm employee" means any person employed by
30 the owner or operator of a commercial farm to provide proper care
31 and ensure the safety of horses on the commercial farm, including,
32 but not limited to, a groom or other employee working in a stable.

33 "Farm management unit" means a parcel or parcels of land,
34 whether contiguous or noncontiguous, together with agricultural or
35 horticultural buildings, structures and facilities, producing
36 agricultural or horticultural products, and operated as a single
37 enterprise.

38 "Farm market" means a facility used for the wholesale or retail
39 marketing of the agricultural output of a commercial farm, and
40 products that contribute to farm income, except that if a farm
41 market is used for retail marketing at least 51% of the annual gross
42 sales of the retail farm market shall be generated from sales of
43 agricultural output of the commercial farm, or at least 51% of the
44 sales area shall be devoted to the sale of agricultural output of the
45 commercial farm, and except that if a retail farm market is located

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 on land less than five acres in area, the land on which the farm
2 market is located shall produce annually agricultural or horticultural
3 products worth at least \$2,500.

4 (cf: P.L.2015, c.75, s.1)

5

6 2. Section 6 of P.L.1983, c.31 (C.4:1C-9) is amended to read as
7 follows:

8 6. Notwithstanding the provisions of any municipal or county
9 ordinance, resolution, or regulation to the contrary, the owner or
10 operator of a commercial farm, located in an area in which, as of
11 December 31, 1997 or thereafter, agriculture is a permitted use
12 under the municipal zoning ordinance and is consistent with the
13 municipal master plan, or which commercial farm is in operation as
14 of the effective date of P.L.1998, c.48 (C.4:1C-10.1 et al.), and the
15 operation of which conforms to agricultural management practices
16 recommended by the committee and adopted pursuant to the
17 provisions of the "Administrative Procedure Act," P.L.1968, c.410
18 (C.52:14B-1 et seq.), or whose specific operation or practice has
19 been determined by the appropriate county board, or in a county
20 where no county board exists, the committee, to constitute a
21 generally accepted agricultural operation or practice, and all
22 relevant federal or State statutes or rules and regulations adopted
23 pursuant thereto, and which does not pose a direct threat to public
24 health and safety may:

25 a. Produce agricultural and horticultural crops, trees and forest
26 products, livestock, and poultry and other commodities as described
27 in the Standard Industrial Classification for agriculture, forestry,
28 fishing and trapping or, after the operative date of the regulations
29 adopted pursuant to section 5 of P.L.2003, c.157 (C.4:1C-9.1),
30 included under the corresponding classification under the North
31 American Industry Classification System;

32 b. Process and package the agricultural output of the
33 commercial farm;

34 c. Provide for the operation of a farm market, including the
35 construction of building and parking areas in conformance with
36 municipal standards;

37 d. Replenish soil nutrients and improve soil tilth;

38 e. Control pests, predators and diseases of plants and animals;

39 f. Clear woodlands using open burning and other techniques,
40 install and maintain vegetative and terrain alterations and other
41 physical facilities for water and soil conservation and surface water
42 control in wetland areas;

43 g. Conduct on-site disposal of organic agricultural wastes;

44 h. Conduct agriculture-related educational and farm-based
45 recreational activities provided that the activities are related to
46 marketing the agricultural or horticultural output of the commercial
47 farm;

1 i. Engage in the generation of power or heat from biomass,
2 solar, or wind energy, provided that the energy generation is
3 consistent with the provisions of P.L.2009, c.213 (C.4:1C-32.4 et
4 al.), as applicable, and the rules and regulations adopted therefor
5 and pursuant to section 3 of P.L.2009, c.213 (C.4:1C-9.2); **[and]**

6 j. Engage in any other agricultural activity as determined by
7 the State Agriculture Development Committee and adopted by rule
8 or regulation pursuant to the provisions of the "Administrative
9 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) ; and

10 k. House any equine-related farm employee in the same building
11 or facility as horses in an area or on a level of the building or
12 facility separate from where horses are boarded or housed.

13 (cf: P.L.2009, c.213, s.2)

14

15 3. (New section) a. The committee shall adopt, pursuant to the
16 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
17 seq.):

18 (1) rules and regulations to implement subsection k. of section 6
19 of P.L.1983, c.31 (C.4:1C-9); and

20 (2) an agricultural management practice that permits the housing
21 of an equine-related farm employee in the same building in which
22 horses are housed or boarded.

23 b. Except as provided in subsection c. of this section, the rules
24 and regulations and agricultural practices adopted pursuant to
25 subsection a. of this section shall, notwithstanding any local health
26 code or zoning ordinance to the contrary, authorize:

27 (1) the construction, installation, and provision of housing for
28 any equine-related farm employee as part of any building or facility
29 constructed, or approved to be constructed, on a commercial farm
30 for the housing or boarding of horses; and

31 (2) any equine-related farm employee to be housed in the same
32 building or facility where horses are housed or boarded provided
33 that the equine-related farm employee housing is established in a
34 separate room or area or on a separate level in the building or
35 facility from where horses are boarded or housed.

36 c. The construction, installation, and provision of housing
37 pursuant to this section shall comply with any other provision of the
38 State Uniform Construction Code and Department of Community
39 Affairs standards and requirements which do not exclude the
40 construction, installation, or provision of housing units in the same
41 building as the boarding of horses.

42 d. No certificate of occupancy shall be denied for housing of an
43 equine-related farm employee in a building where horses are housed
44 or boarded if the housing complies with the provisions of
45 subsections b. and c. of this section.

46 e. Housing constructed, installed, or provided pursuant to this
47 section shall not be construed to be a farm labor camp or migrant
48 labor camp for the purposes of the "Seasonal Farm Labor Act,"

1 P.L.1945, c.71 (C.34:9A-1 et seq.) and shall not be subject to any
2 provisions of that act.

3 f. Housing constructed, installed, or provided pursuant to this
4 section shall be exempt from the provisions and requirements of
5 P.L.1966, c.168 (C.2A:42-74 et seq.).

6

7 4. This act shall take effect immediately.

8

9

10 STATEMENT

11

12 This bill would amend and supplement the “Right to Farm Act,”
13 P.L.1983, c.31 (C.4:1C-1 et seq.) to:

14 1) authorize a person to construct, install, and provide housing
15 for an equine-related farm employee, as part of a building or facility
16 constructed on or approved to be constructed on any commercial
17 farm, provided the part of the building or facility where the housing
18 is provided is in a separate area or on a separate level from where
19 horses are boarded or housed; and

20 2) provide that such housing is a permissible activity under Right
21 to Farm protections.

22 The bill also directs the State Agriculture Development
23 Committee (SADC) to adopt rules and regulations to implement the
24 bill and to adopt an agricultural management practice that permits
25 the housing of an equine-related farm employee in the same
26 building in which horses are housed or boarded.

27 The bill requires that, notwithstanding any local health code or
28 zoning ordinance to the contrary, the rules and regulations and
29 agricultural management practices authorize equine-related farm
30 employees to be housed in the same building as horses if the
31 housing is in a separate area or on a separate level from where
32 horses are boarded or housed. The bill requires compliance with
33 any other construction code and Department of Community Affairs
34 standards or requirements, but exempts the housing authorized
35 under the bill from the provisions of the “Seasonal Farm Labor
36 Act,” P.L.1945, c.71 (C.34:9A-1 et seq.), and P.L.1966, c.168
37 (C.2A:42-74 et seq.).