

P.L. 2020, CHAPTER 154, *approved January 7, 2021*
Senate, No. 1245 (*First Reprint*)

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 ¹**["this act"]** P.L.1983, c.31 (C.4:1C-1 et seq.)¹ :

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 ¹**["Equine-related farm employee" means any person employed**
30 **by the owner or operator of a commercial farm to provide proper**
31 **care and ensure the safety of horses on the commercial farm,**
32 **including, but not limited to, a groom or other employee working in**
33 **a stable.]"**¹

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

39 "Farm market" means a facility used for the wholesale or retail
40 marketing of the agricultural output of a commercial farm, and

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

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SEG committee amendments adopted June 25, 2020.

1 products that contribute to farm income, except that if a farm
2 market is used for retail marketing at least 51% of the annual gross
3 sales of the retail farm market shall be generated from sales of
4 agricultural output of the commercial farm, or at least 51% of the
5 sales area shall be devoted to the sale of agricultural output of the
6 commercial farm, and except that if a retail farm market is located
7 on land less than five acres in area, the land on which the farm
8 market is located shall produce annually agricultural or horticultural
9 products worth at least \$2,500.

10 ¹"Full-time, year-round equine-related farm employee" means
11 any person employed by the owner or operator of a commercial
12 farm on a full-time, year-round basis to provide proper care and
13 ensure the safety of horses on the commercial farm, including, but
14 not limited to, a groom or other employee working in a stable.
15 "Full-time, year-round equine-related farm employee" shall not
16 include a migrant, seasonal, or temporary employee.¹

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

18
19 2. Section 6 of P.L.1983, c.31 (C.4:1C-9) is amended to read as
20 follows:

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

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

45 b. Process and package the agricultural output of the
46 commercial farm;

1 c. Provide for the operation of a farm market, including the
2 construction of building and parking areas in conformance with
3 municipal standards;

4 d. Replenish soil nutrients and improve soil tilth;

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

6 f. Clear woodlands using open burning and other techniques,
7 install and maintain vegetative and terrain alterations and other
8 physical facilities for water and soil conservation and surface water
9 control in wetland areas;

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

11 h. Conduct agriculture-related educational and farm-based
12 recreational activities provided that the activities are related to
13 marketing the agricultural or horticultural output of the commercial
14 farm;

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

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

24 k. House any ¹full-time, year-round¹ equine-related farm
25 employee in the same building or facility as horses in ¹[an area or
26 on a level of the building or facility separate from where horses are
27 boarded or housed] accordance with the provisions of section 3 of
28 P.L. , c. (C.) (pending before the Legislature as this bill)¹.
29 (cf: P.L.2009, c.213, s.2)

30
31 3. (New section) a. The committee shall adopt, pursuant to the
32 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
33 seq.):

34 (1) rules and regulations to implement subsection ¹**[k.] j.**¹ of
35 section 6 of P.L.1983, c.31 (C.4:1C-9); and

36 (2) an agricultural management practice that permits the housing
37 of ¹**[an]** a full-time, year-round¹ equine-related farm employee in
38 the same building in which horses are housed or boarded ¹on a
39 separate floor or in a separate addition of the building from where
40 the horses are housed or boarded¹.

41 b. Except as provided in subsection ¹**[c.] d.**¹ of this section,
42 the rules and regulations and agricultural practices adopted pursuant
43 to subsection a. of this section shall, notwithstanding any local
44 health code or zoning ordinance to the contrary, authorize:

45 (1) the construction, installation, and provision of housing for
46 any ¹full-time, year-round¹ equine-related farm employee as part of

1 any building or facility constructed, or approved to be constructed,
2 on a commercial farm for the housing or boarding of horses; and

3 (2) any 'full-time, year-round' equine-related farm employee to
4 be housed in the same building or facility where horses are housed
5 or boarded provided that the 'full-time, year-round' equine-related
6 farm employee housing '[is established in a separate room or area
7 or on a separate level in the building or facility from where horses
8 are boarded or housed] meets the specifications set forth in
9 subsection c. of this section'.

10 c. 'Full-time, year-round equine-related farm employee
11 housing established in the same building or facility where horses
12 are housed or boarded shall be located:

13 (1) on a separate floor of the building or facility above a floor
14 where horses are housed or boarded and separated from the floor on
15 which horses are housed or boarded by a ceiling and floor with at
16 least the fire rating required for separation between residential and
17 non-residential uses pursuant to the State Uniform Construction
18 Code; or

19 (2) on the same level of the building or facility where horses are
20 housed or boarded in an addition that is completely separated from
21 the part of the building or facility where horses are housed or
22 boarded by a wall that qualifies the addition as a separate building
23 for the purposes of the State Uniform Construction Code.

24 The floor on which, or the addition in which, full-time, year-
25 round farm employee housing is established shall have a ventilation
26 system separate from the ventilation system operating on a floor or
27 in an addition where horses are housed or boarded.

28 d.¹ The construction, installation, and provision of housing
29 pursuant to this section shall comply with any other provision of the
30 State Uniform Construction Code and Department of Community
31 Affairs standards and requirements which do not exclude the
32 construction, installation, or provision of housing units in the same
33 building as the boarding of horses 'under the State Uniform
34 Construction Code'.

35 '[d.] e.' No certificate of occupancy shall be denied for housing
36 of '[an] a full-time, year-round' equine-related farm employee in a
37 building where horses are housed or boarded if the housing
38 complies with the provisions of subsections 'a.,' b. '[and] ,' c. ' ,
39 d., and i.' of this section.

40 '[e.] f.' Housing constructed, installed, or provided pursuant to
41 this section shall '[not be construed to be a farm labor camp or
42 migrant labor camp for the purposes of] be used only as housing for
43 full-time, year-round equine-related farm employees, and shall not
44 be used to house any migrant or seasonal employee or worker.

45 g. This section shall not apply to housing constructed, installed,
46 or provided pursuant to' the "Seasonal Farm Labor Act," P.L.1945,

1 c.71 (C.34:9A-1 et seq.) and ¹housing constructed, installed, or
2 provided pursuant to this section¹ shall not be subject to any
3 provisions of that act.

4 **¹[f.] h.¹** Housing constructed, installed, or provided pursuant to
5 this section shall be exempt from the provisions and requirements
6 of P.L.1966, c.168 (C.2A:42-74 et seq.).

7 ¹i. This section shall apply only to housing constructed,
8 installed or provided in connection with barns, stables, or other
9 farm structures housing horses. Housing for any farm employee
10 shall not be provided in any structures housing any other type of
11 farm animal or domestic livestock other than horses.¹

12

13 4. This act shall take effect immediately.

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17

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