

SENATE ECONOMIC GROWTH COMMITTEE

STATEMENT TO

SENATE, No. 1245

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 25, 2020

The Senate Economic Growth Committee reports favorably and with committee amendments Senate Bill No. 1245.

As amended and reported, this bill amends and supplements the “Right to Farm Act,” P.L.1983, c.31 (C.4:1C-1 et seq.) to:

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

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

The bill also directs the State Agriculture Development Committee (SADC) to adopt rules and regulations to implement the bill and to adopt an agricultural management practice that permits the housing of a full-time, year around, equine-related farm employee in the same building in which horses are housed or boarded.

The bill requires that, notwithstanding any local health code or zoning ordinance to the contrary, the rules and regulations and agricultural management practices authorize full-time, year around, equine-related farm employees to be housed in the same building as horses if the housing is in a separate area that under the State Uniform Construction Code (UCC) qualifies as a separate building, or on a separate level from where horses are boarded or housed, provided that the floor provides sufficient separation to meet UCC fire rating standards. The employee living area on a different floor or in a separate area must have its own ventilation system that is separate from the ventilation system for the horses. The bill requires compliance with all other UCC and Department of Community Affairs standards or requirements.

The bill also clarifies that the employee to live in the housing cannot be a seasonal farm employee, and the housing units are not subject to the requirements of housing authorized under the bill from the provisions of the Seasonal Farm Labor Act, P.L.1945, c.71 (C.34:9A-1 et seq.), and P.L.1966, c.168 (C.2A:42-74 et seq.). The bill also clarifies that this bill only applies to living areas constructed

in connection with horse housing and not to any other type of domestic livestock or farm animal.

The committee amended the bill to clarify that the housing only applies to full-time, year around, equine-related farm employees, and not any other type of farm employee, equine-related or otherwise. The amendments clarify that the housing provided must have its own ventilation system that is separate from the rest of the farm structure. The amendments clarify that if the housing unit is separated by a floor, that the floor must be built in a way that meets UCC fire ratings, and if the housing unit is separated by a wall on the same floor, that wall must be sufficient to qualify the housing unit as a separate building under the UCC.

The amendments also clarify that this bill only applies to living areas constructed in connection with horse housing and not to any other type of domestic livestock or farm animal.