ASSEMBLY AGRICULTURE COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 1245

STATE OF NEW JERSEY

DATED: OCTOBER 22, 2020

The Assembly Agriculture Committee reports favorably Senate Bill No. 1245 (1R).

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-round, 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-round, 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-round, 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.

Furthermore, the bill specifies that:

1) the employee living in the housing cannot be a seasonal farm employee;

2) the housing constructed, installed and provided pursuant to the bill is not subject to the provisions of the Seasonal Farm Labor Act, P.L.1945, c.71 (C.34:9A-1 et seq.), and the provisions of the bill do

not apply to housing constructed, installed, or provided pursuant to that act;

3) the housing constructed, installed, and provided pursuant to the bill is exempt from the provisions and requirements of the State law concerning multiple dwelling units established pursuant to P.L.1966, c.168 (C.2A:42-74 et seq.); and

4) the provisions of this bill only apply to living areas in a building or facility where horses are housed or boarded, and not to a building or facility housing or boarding any other type of domestic livestock or farm animal.

As reported by the committee, this bill is identical to Assembly Bill No. 2768 as amended and also reported by the committee.