

ASSEMBLY, No. 5347

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED MARCH 23, 2023

Sponsored by:

Assemblyman ALEX SAUICKIE

District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Directs State Agriculture Development Committee to adopt agricultural management practice for housing certain full-time employees on commercial farms, and establishes such housing as eligible for “Right to Farm” protection.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning year-round housing for certain employees on
2 commercial farms, and amending and supplementing P.L.1983,
3 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 as
9 follows:

10 3. As used in P.L.1983, c.31 (C.4:1C-1 et seq.):

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

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

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

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

35 "Farm market" means a facility used for the wholesale or retail
36 marketing of the agricultural output of a commercial farm, and
37 products that contribute to farm income, except that if a farm
38 market is used for retail marketing at least 51% of the annual gross
39 sales of the retail farm market shall be generated from sales of
40 agricultural output of the commercial farm, or at least 51% of the
41 sales area shall be devoted to the sale of agricultural output of the
42 commercial farm, and except that if a retail farm market is located
43 on land less than five acres in area, the land on which the farm
44 market is located shall produce annually agricultural or horticultural
45 products worth at least \$2,500.

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 "Full-time, year-round equine-related farm employee" means any
2 person employed by the owner or operator of a commercial farm on
3 a full-time, year-round basis to provide proper care and ensure the
4 safety of horses on the commercial farm, including, but not limited
5 to, a groom or other employee working in a stable. "Full-time,
6 year-round equine-related farm employee" shall not include a
7 migrant, seasonal, or temporary employee.

8 "Resident farm employee" means a person employed by the
9 owner or operator of a commercial farm, whose presence is required
10 on a full-time, year-round basis to provide proper care and ensure
11 the safety of farm animals on the commercial farm. "Resident farm
12 employee" shall not include a migrant, seasonal, or temporary
13 employee, or a full-time, year-round equine-related farm employee.
14 (cf: P.L.2020, c.154, s.1)

15
16 2. Section 6 of P.L.1983, c.31 (C.4:1C-9) is amended to read as
17 follows:

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

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

42 b. Process and package the agricultural output of the
43 commercial farm;

44 c. Provide for the operation of a farm market, including the
45 construction of building and parking areas in conformance with
46 municipal standards;

47 d. Replenish soil nutrients and improve soil tilth;

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

1 f. Clear woodlands using open burning and other techniques,
2 install and maintain vegetative and terrain alterations and other
3 physical facilities for water and soil conservation and surface water
4 control in wetland areas;

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

6 h. Conduct agriculture-related educational and farm-based
7 recreational activities provided that the activities are related to
8 marketing the agricultural or horticultural output of the commercial
9 farm;

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

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

19 k. House any full-time, year-round equine-related farm
20 employee in the same building or facility as horses in accordance
21 with the provisions of section 3 of P.L.2020, c.154 (C.4:1C-9.3) ;
22 and

23 l. House a resident farm employee in accordance with the
24 provisions of section 3 of P.L. , c. (C.) (pending before the
25 Legislature as this bill) .

26 (cf: P.L.2020, c.154, s.2)

27
28 3. (New section) a. The committee shall adopt, pursuant to the
29 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
30 seq.), an agricultural management practice that permits the housing
31 of a resident farm employee. The agricultural management practice
32 adopted pursuant to this section shall:

33 (1) authorize, notwithstanding any local health code or zoning
34 ordinance to the contrary, the construction, installation, and
35 provision of housing for a resident farm employee;

36 (2) specify the requirements of such housing and allow the
37 housing to be on either a permanent or nonpermanent foundation;
38 and

39 (3) identify the types of farm animals that require the presence
40 of a farm employee on a full-time, year-round basis, thereby
41 requiring a resident farm employee.

42 b. The construction, installation, and provision of housing
43 pursuant to this section shall comply with the State Uniform
44 Construction Code adopted pursuant to the "State Uniform
45 Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.)
46 and applicable Department of Community Affairs standards and
47 requirements.

1 c. A municipality shall not deny or withhold the issuance of a
2 certificate of occupancy for housing for a resident farm employee if
3 the housing complies with the provisions of this section and the
4 agricultural management practice adopted by the committee.

5 d. Housing constructed, installed, or provided pursuant to this
6 section shall be used only as housing for a resident farm employee,
7 and shall not be used to house a migrant, seasonal, or temporary
8 employee, or a full-time, year-round equine-related farm employee.

9 e. This section shall not apply to housing constructed, installed,
10 or provided pursuant to the "Seasonal Farm Labor Act," P.L.1945,
11 c.71 (C.34:9A-1 et seq.) and housing constructed, installed, or
12 provided pursuant to this section shall not be subject to any
13 provisions of that act.

14
15 4. This act shall take effect immediately.

16 17 18 STATEMENT

19
20 This bill amends and supplements the "Right to Farm Act,"
21 P.L.1983, c.31 (C.4:1C-1 et seq.), to allow housing for resident
22 farm employees on a commercial farm to be a permissible activity
23 and eligible for Right to Farm protections.

24 The bill directs the State Agriculture Development Committee
25 (SADC) to adopt an agricultural management practice (AMP) that
26 permits the housing of resident farm employees. The AMP would:
27 (1) authorize, notwithstanding any local health code or zoning
28 ordinance to the contrary, the construction, installation, and
29 provision of housing for a resident farm employee; (2) specify the
30 requirements of allowable housing and provide that the housing
31 may be on a permanent or nonpermanent foundation; and (3)
32 identify the types of farm animals that require the presence of a
33 farm employee on a full-time, year-round basis, thereby requiring a
34 resident farm employee. The bill defines "resident farm employee"
35 as a person employed by the owner or operator of a commercial
36 farm on a full-time, year-round basis to provide proper care and
37 ensure the safety of farm animals on the commercial farm. The
38 term does not include a migrant, seasonal, or temporary employee,
39 or a full-time, year-round equine-related farm employee.