

[First Reprint]

SENATE, No. 3353

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED JUNE 3, 2024

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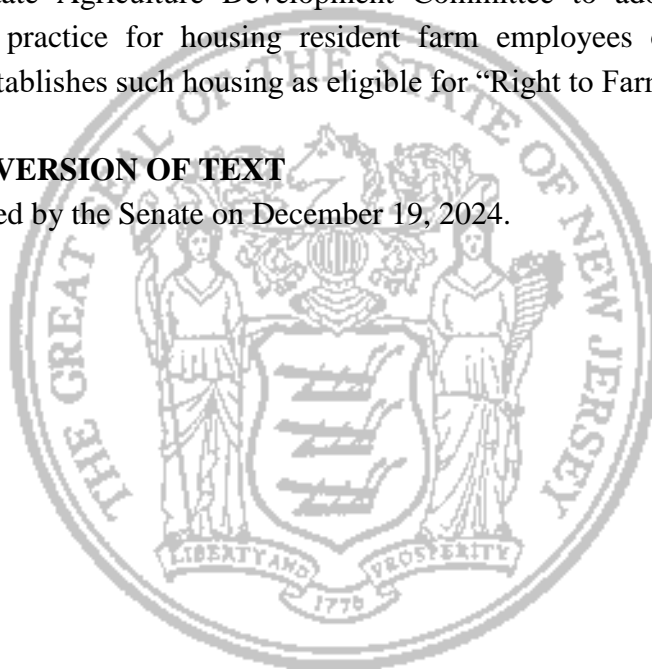
Assemblywoman Speight

SYNOPSIS

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

CURRENT VERSION OF TEXT

As amended by the Senate on December 19, 2024.



(Sponsorship Updated As Of: 3/24/2025)

1 AN ACT concerning housing for resident farm 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 percent of the annual
39 gross sales of the retail farm market shall be generated from sales of
40 agricultural output of the commercial farm, or at least 51 percent of
41 the sales area shall be devoted to the sale of agricultural output of
42 the commercial farm, and except that if a retail farm market is
43 located on land less than five acres in area, the land on which the
44 farm market is located shall produce annually agricultural or
45 horticultural 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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate floor amendments adopted December 19, 2024.

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 who is employed by
9 the owner or operator of a commercial farm to engage in
10 agricultural production activities on a full-time basis on the
11 commercial farm. "Resident farm employee" shall not include a
12 full-time, year-round equine-related farm employee¹, the owner of
13 the farm, or any lineal descendant of the owner¹.

14 "Shellfish" means the same as the term is defined in R.S.50:1-5.

15 "Shellfish aquaculture" means the propagation, rearing, and
16 subsequent harvesting of shellfish in controlled or selected
17 environments, and the subsequent processing, packaging, and
18 marketing of such shellfish, and includes activities to intervene in
19 the rearing process to increase production such as stocking, feeding,
20 transplanting, and providing for protection from predators.

21 "Shellfish aquaculture management unit" means an area,
22 contiguous or noncontiguous, together with buildings, structures,
23 and facilities, on which shellfish aquaculture is occurring, and
24 which is operated as a single enterprise.

25 "Shellfish commercial farm" means a shellfish aquaculture
26 management unit that engages in shellfish aquaculture and produces
27 shellfish worth \$40,000 or more annually.

28 "Shellfish farm market" means a structure co-located with a
29 shellfish post-harvest activities facility that is part of the shellfish
30 aquaculture management unit used for the wholesale or retail
31 marketing of the shellfish output of a shellfish commercial farm,
32 and products that contribute to farm income, except that if a
33 shellfish farm market is used for retail marketing at least 51 percent
34 of the annual gross sales of the retail farm market shall be generated
35 from sales of shellfish output of the shellfish commercial farm, or at
36 least 51 percent of the sales area shall be devoted to the sale of
37 shellfish output of the shellfish commercial farm.

38 "Shellfish post-harvest activities" means the storage, processing,
39 and packaging activities carried out at a shellfish aquaculture
40 management unit.

41 "Single enterprise" means a person, including a business entity,
42 that coordinates operations and combines resources in pursuit of the
43 same business purpose, as evidenced by items including, but not
44 limited to: common owners, principals, managers, directors,
45 shareholders, or employees; integrated business records, financial
46 statements, and tax returns; shared business resources; centralized

1 accounting processes; commingling of income or expenses; the
2 sharing of profits, losses, or liabilities; or common bank accounts.

3 (cf: P.L.2023, c.20, s.1)

4

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

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

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

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

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

36 d. Replenish soil nutrients and improve soil tilth;

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

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

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

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

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

14 l. Hire a resident farm employee in accordance with the
15 provisions of section 3 of P.L. , c. (C.) (pending before the
16 Legislature as this bill) .
17 (cf: P.L.2020, c.154, s.2)

18

19 3. (New section) a. The committee shall adopt, pursuant to the
20 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
21 seq.), an agricultural management practice for the housing of a
22 resident farm employee. ¹The agricultural management practice
23 shall provide that the amount of resident farm employee housing
24 shall correlate to the amount of labor needed on the farm.¹

25 b. The construction, installation, and provision of housing
26 pursuant to this section shall comply with the State Uniform
27 Construction Code adopted pursuant to the "State Uniform
28 Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) ¹,
29 the "Seasonal Farm Labor Act," P.L.1945, c.71 (C.34:9A-1 et seq.),
30 the "Migrant and Seasonal Agricultural Worker Protection Act,"
31 (29 U.S.C. s.1801 et seq.),¹ and applicable Department of
32 Community Affairs standards and requirements.

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

37 d. Housing constructed, installed, or provided pursuant to this
38 section shall be used only as housing for a resident farm employee.
39 ¹A resident farm employee shall not be charged rent to live in
40 resident farm employee housing.¹

41

42 4. This act shall take effect immediately.