

[Second Reprint]

ASSEMBLY, No. 4688

STATE OF NEW JERSEY
222nd LEGISLATURE

INTRODUCED MARCH 16, 2026

Sponsored by:

Assemblyman DAVID BAILEY, JR.

District 3 (Cumberland, Gloucester and Salem)

Assemblywoman ANDREA KATZ

District 8 (Atlantic and Burlington)

Assemblyman ROBERT J. KARABINCHAK

District 18 (Middlesex)

SYNOPSIS

Excludes biomass, solar, and wind energy systems located on rooftops or exception areas from certain size restrictions and approval requirements applicable to preserved farmland.

CURRENT VERSION OF TEXT

As reported by the Assembly Telecommunications and Utilities Committee on October 5, 2026, with amendments.



(Sponsorship Updated As Of: 5/4/2026)

1 AN ACT concerning biomass, solar, and wind energy systems on
 2 preserved farmland and amending P.L.2009, c.213.

3
 4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
 5 *of New Jersey:*

6
 7 1. Section 1 of P.L.2009, c.213 (C.4:1C-32.4) is amended to read
 8 as follows:

9 1. a. Notwithstanding any law, rule or regulation to the contrary,
 10 a person who owns preserved farmland may construct, install, and
 11 operate biomass, solar, or wind energy generation facilities, structures,
 12 and equipment on the farm, whether on the preserved portion of the
 13 farm or on any portion excluded from preservation, for the purpose of
 14 generating power or heat, and may make improvements to any
 15 agricultural, horticultural, residential, or other building or structure on
 16 the land for that purpose, provided that the biomass, solar, or wind
 17 energy generation facilities, structures, and equipment:

18 (1) do not interfere significantly with the use of the land for
 19 agricultural or horticultural production, as determined by the
 20 committee;

21 (2) are owned ²or leased² by the landowner, or will be owned by
 22 the landowner upon the conclusion of the term of an agreement ²**[**with
 23 the installer of the biomass, solar, or wind energy generation facilities,
 24 structures, or equipment by which the landowner uses the income or
 25 credits realized from the biomass, solar, or wind energy generation to
 26 purchase the facilities, structures, or equipment**]**²;

27 (3) are used to provide power or heat to the farm, either directly or
 28 indirectly, or to reduce, through net metering or similar programs and
 29 systems, energy costs on the farm; and

30 (4) are limited (a) in annual energy generation capacity to the
 31 previous calendar year's energy demand plus 10 percent, in addition to
 32 what is allowed under subsection b. of this section, or alternatively at
 33 the option of the landowner (b) to occupying no more than one percent
 34 of the area of the entire farm including both the preserved portion and
 35 any portion excluded from preservation, except as provided in
 36 subsection b. of this section.

37 The person who owns the farm and the energy generation facilities,
 38 structures, and equipment may only sell energy through net metering
 39 or as otherwise permitted under an agreement allowed pursuant to
 40 paragraph (2) of this subsection.

41 b. The **[limit]** limits on the annual energy generation capacity
 42 established pursuant to **[subparagraph (a) of]** paragraph (4) of
 43 subsection a. of this section shall not include energy generated from
 44 facilities, structures, or equipment **[existing]** located on the roofs of

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:

¹Assembly AAN committee amendments adopted May 4, 2026.

²Assembly ATU committee amendments adopted October 5, 2026.

1 buildings or other structures on the farm [as of the date of enactment
2 of P.L.2009, c.213 (C.4:1C-32.4 et al.)] ²[.]² ¹[on unpreserved
3 farmland,] ¹ or ²[in] on² an exception area.

4 c. A landowner shall seek and obtain the approval of the
5 committee before constructing, installing, and operating biomass,
6 solar, or wind energy generation facilities, structures, and equipment
7 on the farm as allowed pursuant to subsection a. of this section.

8 ²Committee approval shall not be required for biomass, solar, or wind
9 energy generation facilities, structures, and equipment located on
10 exception areas of the farm.² The committee shall provide the holder

11 of any development easement on the farm with a copy of the
12 application submitted for the purposes of subsection a. of this section,
13 and the holder of the development easement shall have 30 days within
14 which to provide comments to the committee on the application. The
15 committee shall, within 90 days of receipt, approve, disapprove, or
16 approve with conditions an application submitted for the purposes of
17 subsection a. of this section. The decision of the committee on the
18 application shall be based solely upon the criteria listed in subsection
19 a. of this section and comments received from the holder of the
20 development easement.

21 d. No fee shall be charged of the landowner for review of an
22 application submitted to, or issuance of a decision by, the committee
23 pursuant to this section.

24 e. The committee may suspend or revoke an approval issued
25 pursuant to this section for a violation of any term or condition of the
26 approval or any provision of this section.

27 f. The committee, in consultation with the Department of
28 Environmental Protection and the Department of Agriculture, shall
29 adopt, pursuant to the “Administrative Procedure Act,” P.L.1968,
30 c.410 (C.52:14B-1 et seq.), rules and regulations necessary for the
31 implementation of this section, including provisions prescribing
32 standards concerning impervious cover which may be permitted in
33 connection with biomass, solar, or wind energy generation facilities,
34 structures, and equipment authorized to be constructed, installed, and
35 operated on lands pursuant to this section.

36 g. In the case of biomass energy generation facilities, structures,
37 or equipment, the landowner shall also seek and obtain the approval of
38 the Department of Agriculture as required pursuant to section 5 of
39 P.L.2009, c.213 (C.4:1C-32.5) if the land is valued, assessed and taxed
40 pursuant to the “Farmland Assessment Act of 1964,” P.L.1964, c.48
41 (C.54:4-23.1 et seq.).

42 h. Notwithstanding any provision of this section to the contrary,
43 the construction, installation, or operation of any biomass, solar, or
44 wind energy generation facility, structure, or equipment in the
45 pinelands area, as defined and regulated by the “Pinelands Protection
46 Act,” P.L.1979, c.111 (C.13:18A-1 et seq.), shall comply with the
47 standards of P.L.1979, c.111 and the comprehensive management plan
48 for the pinelands area adopted pursuant to P.L.1979, c.111.

- 1 i. For the purposes of this section:
- 2 “Biomass” means an agricultural crop, crop residue, or agricultural
- 3 byproduct that is cultivated, harvested, or produced on the farm and
- 4 which can be used to generate energy in a sustainable manner.
- 5 “Net metering” means the same as that term is used for purposes of
- 6 subsection e. of section 38 of P.L.1999, c.23 (C.48:3-87).
- 7 “Preserved farmland” means land on which a development
- 8 easement was conveyed to, or retained by, the committee, a board, or a
- 9 qualifying tax exempt nonprofit organization pursuant to the
- 10 provisions of section 24 of P.L.1983, c.32 (C.4:1C-31), section 5 of
- 11 P.L.1988, c.4 (C.4:1C-31.1), section 1 of P.L.1989, c.28 (C.4:1C-38),
- 12 section 1 of P.L.1999, c.180 (C.4:1C-43.1), sections 37 through 40 of
- 13 P.L.1999, c.152 (C.13:8C-37 through C.13:8C-40), or any other State
- 14 law enacted for farmland preservation purposes.
- 15 (cf: P.L.2009, c.213, s.1)
- 16
- 17 2. The State Agriculture Development Committee shall, in
- 18 accordance with the “Administrative Procedure Act,” P.L.1968,
- 19 c.410 (C.52:14B-1 et seq.), adopt rules and regulations to
- 20 implement the provisions of this act.
- 21
- 22 3. This act shall take effect immediately.