

# SENATE, No. 2669

## STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED MAY 16, 2022

**Sponsored by:**

**Senator SHIRLEY K. TURNER**

**District 15 (Hunterdon and Mercer)**

### **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 worth  
16 \$2,500 or more annually, and satisfying the eligibility criteria for  
17 differential property taxation pursuant to the "Farmland Assessment  
18 Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.), (2) a farm  
19 management unit less than five acres, producing agricultural or  
20 horticultural products worth \$50,000 or more annually and otherwise  
21 satisfying the eligibility criteria for differential property taxation  
22 pursuant to the "Farmland Assessment Act of 1964," P.L.1964, c.48  
23 (C.54:4-23.1 et seq.), or (3) a farm management unit that is a  
24 beekeeping operation producing honey or other agricultural or  
25 horticultural apiary-related products, or providing crop pollination  
26 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 market  
38 is used for retail marketing at least 51% of the annual gross sales of  
39 the retail farm market shall be generated from sales of agricultural  
40 output of the commercial farm, or at least 51% of the sales area shall  
41 be devoted to the sale of agricultural output of the commercial farm,  
42 and except that if a retail farm market is located on land less than five  
43 acres in area, the land on which the farm market is located shall  
44 produce annually agricultural or horticultural products worth at least  
45 \$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, year-  
6 round equine-related farm employee" shall not include a migrant,  
7 seasonal, or temporary employee.

8 "Resident farm employee" means a person employed by the owner  
9 or operator of a commercial farm, whose presence is required on a  
10 full-time, year-round basis to provide proper care and ensure the  
11 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 under  
22 the municipal zoning ordinance and is consistent with the municipal  
23 master plan, or which commercial farm is in operation as of the  
24 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 been  
29 determined by the appropriate county board, or in a county where no  
30 county board exists, the committee, to constitute a generally accepted  
31 agricultural operation or practice, and all relevant federal or State  
32 statutes or rules and regulations adopted pursuant thereto, and which  
33 does not pose a direct threat to public health and safety may:

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

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

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

46 d. Replenish soil nutrients and improve soil tilth;

47 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 al.),  
13 as applicable, and the rules and regulations adopted therefor and  
14 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 the  
16 State Agriculture Development Committee and adopted by rule or  
17 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) ; and

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

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

26  
27 3. (New section) a. The committee shall adopt, pursuant to the  
28 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
29 seq.), an agricultural management practice that permits the housing  
30 of a resident farm employee. The agricultural management practice  
31 adopted pursuant to this section shall:

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

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

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

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

46 c. A municipality shall not deny or withhold the issuance of a  
47 certificate of occupancy for housing for a resident farm employee if

1 the housing complies with the provisions of this section and the  
2 agricultural management practice adopted by the committee.

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

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

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13 4. This act shall take effect immediately.

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#### STATEMENT

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

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