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RWH/CL

P.L. 2020, CHAPTER 154, *approved January 7, 2021*  
Senate, No. 1245 (*First Reprint*)

1 AN ACT concerning housing equine-related farm employees in  
2 certain farm buildings and related agricultural management  
3 practices, and amending and supplementing P.L.1983, 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:

9 3. As used in <sup>1</sup>**[this act]** P.L.1983, c.31 (C.4:1C-1 et seq.)<sup>1</sup> :

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

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

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

29 <sup>1</sup>**[“Equine-related farm employee” means any person employed**  
30 **by the owner or operator of a commercial farm to provide proper**  
31 **care and ensure the safety of horses on the commercial farm,**  
32 **including, but not limited to, a groom or other employee working in**  
33 **a stable.]**<sup>1</sup>

34 "Farm management unit" means a parcel or parcels of land,  
35 whether contiguous or noncontiguous, together with agricultural or  
36 horticultural buildings, structures and facilities, producing  
37 agricultural or horticultural products, and operated as a single  
38 enterprise.

39 "Farm market" means a facility used for the wholesale or retail  
40 marketing of the agricultural output of a commercial farm, and

**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:

<sup>1</sup>Senate SEG committee amendments adopted June 25, 2020.

1 products that contribute to farm income, except that if a farm  
2 market is used for retail marketing at least 51% of the annual gross  
3 sales of the retail farm market shall be generated from sales of  
4 agricultural output of the commercial farm, or at least 51% of the  
5 sales area shall be devoted to the sale of agricultural output of the  
6 commercial farm, and except that if a retail farm market is located  
7 on land less than five acres in area, the land on which the farm  
8 market is located shall produce annually agricultural or horticultural  
9 products worth at least \$2,500.

10 <sup>1</sup>"Full-time, year-round equine-related farm employee" means  
11 any person employed by the owner or operator of a commercial  
12 farm on a full-time, year-round basis to provide proper care and  
13 ensure the safety of horses on the commercial farm, including, but  
14 not limited to, a groom or other employee working in a stable.  
15 "Full-time, year-round equine-related farm employee" shall not  
16 include a migrant, seasonal, or temporary employee.<sup>1</sup>

17 (cf: P.L.2015, c.75, s.1)

18

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

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

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

45 b. Process and package the agricultural output of the  
46 commercial farm;

- 1 c. Provide for the operation of a farm market, including the  
 2 construction of building and parking areas in conformance with  
 3 municipal standards;
- 4 d. Replenish soil nutrients and improve soil tilth;
- 5 e. Control pests, predators and diseases of plants and animals;
- 6 f. Clear woodlands using open burning and other techniques,  
 7 install and maintain vegetative and terrain alterations and other  
 8 physical facilities for water and soil conservation and surface water  
 9 control in wetland areas;
- 10 g. Conduct on-site disposal of organic agricultural wastes;
- 11 h. Conduct agriculture-related educational and farm-based  
 12 recreational activities provided that the activities are related to  
 13 marketing the agricultural or horticultural output of the commercial  
 14 farm;
- 15 i. Engage in the generation of power or heat from biomass,  
 16 solar, or wind energy, provided that the energy generation is  
 17 consistent with the provisions of P.L.2009, c.213 (C.4:1C-32.4 et  
 18 al.), as applicable, and the rules and regulations adopted therefor  
 19 and pursuant to section 3 of P.L.2009, c.213 (C.4:1C-9.2); **[and]**
- 20 j. Engage in any other agricultural activity as determined by  
 21 the State Agriculture Development Committee and adopted by rule  
 22 or regulation pursuant to the provisions of the "Administrative  
 23 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) ; and
- 24 k. House any <sup>1</sup>full-time, year-round<sup>1</sup> equine-related farm  
 25 employee in the same building or facility as horses in <sup>1</sup>[an area or  
 26 on a level of the building or facility separate from where horses are  
 27 boarded or housed] accordance with the provisions of section 3 of  
 28 P.L. , c. (C. ) (pending before the Legislature as this bill)<sup>1</sup>.  
 29 (cf: P.L.2009, c.213, s.2)
- 30
- 31 3. (New section) a. The committee shall adopt, pursuant to the  
 32 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
 33 seq.):
- 34 (1) rules and regulations to implement subsection <sup>1</sup>**[k.] j.**<sup>1</sup> of  
 35 section 6 of P.L.1983, c.31 (C.4:1C-9); and
- 36 (2) an agricultural management practice that permits the housing  
 37 of <sup>1</sup>**[an] a full-time, year-round<sup>1</sup>** equine-related farm employee in  
 38 the same building in which horses are housed or boarded <sup>1</sup>on a  
 39 separate floor or in a separate addition of the building from where  
 40 the horses are housed or boarded<sup>1</sup>.
- 41 b. Except as provided in subsection <sup>1</sup>**[c.] d.**<sup>1</sup> of this section,  
 42 the rules and regulations and agricultural practices adopted pursuant  
 43 to subsection a. of this section shall, notwithstanding any local  
 44 health code or zoning ordinance to the contrary, authorize:
- 45 (1) the construction, installation, and provision of housing for  
 46 any <sup>1</sup>full-time, year-round<sup>1</sup> equine-related farm employee as part of

1 any building or facility constructed, or approved to be constructed,  
2 on a commercial farm for the housing or boarding of horses; and

3 (2) any 1 full-time, year-round<sup>1</sup> equine-related farm employee to  
4 be housed in the same building or facility where horses are housed  
5 or boarded provided that the 1 full-time, year-round<sup>1</sup> equine-related  
6 farm employee housing 1 [is established in a separate room or area  
7 or on a separate level in the building or facility from where horses  
8 are boarded or housed] meets the specifications set forth in  
9 subsection c. of this section<sup>1</sup>.

10 c. 1 Full-time, year-round equine-related farm employee  
11 housing established in the same building or facility where horses  
12 are housed or boarded shall be located:

13 (1) 1 on a separate floor of the building or facility above a floor  
14 where horses are housed or boarded and separated from the floor on  
15 which horses are housed or boarded by a ceiling and floor with at  
16 least the fire rating required for separation between residential and  
17 non-residential uses pursuant to the State Uniform Construction  
18 Code; or

19 (2) 1 on the same level of the building or facility where horses are  
20 housed or boarded in an addition that is completely separated from  
21 the part of the building or facility where horses are housed or  
22 boarded by a wall that qualifies the addition as a separate building  
23 for the purposes of the State Uniform Construction Code.

24 1 The floor on which, or the addition in which, full-time, year-  
25 round farm employee housing is established shall have a ventilation  
26 system separate from the ventilation system operating on a floor or  
27 in an addition where horses are housed or boarded.

28 d.<sup>1</sup> The construction, installation, and provision of housing  
29 pursuant to this section shall comply with any other provision of the  
30 State Uniform Construction Code and Department of Community  
31 Affairs standards and requirements which do not exclude the  
32 construction, installation, or provision of housing units in the same  
33 building as the boarding of horses 1 under the State Uniform  
34 Construction Code<sup>1</sup>.

35 1 [d.] e.<sup>1</sup> No certificate of occupancy shall be denied for housing  
36 of 1 [an] a full-time, year-round<sup>1</sup> equine-related farm employee in a  
37 building where horses are housed or boarded if the housing  
38 complies with the provisions of subsections 1 a.,<sup>1</sup> b. 1 [and]<sup>1</sup> c. 1,  
39 d., and i.<sup>1</sup> of this section.

40 1 [e.] f.<sup>1</sup> Housing constructed, installed, or provided pursuant to  
41 this section shall 1 [not be construed to be a farm labor camp or  
42 migrant labor camp for the purposes of] be used only as housing for  
43 full-time, year-round equine-related farm employees, and shall not  
44 be used to house any migrant or seasonal employee or worker.

45 g. 1 This section shall not apply to housing constructed, installed,  
46 or provided pursuant to<sup>1</sup> the “Seasonal Farm Labor Act,” P.L.1945,

1 c.71 (C.34:9A-1 et seq.) and <sup>1</sup>housing constructed, installed, or  
2 provided pursuant to this section<sup>1</sup> shall not be subject to any  
3 provisions of that act.

4 <sup>1</sup>**[f.] h.**<sup>1</sup> Housing constructed, installed, or provided pursuant to  
5 this section shall be exempt from the provisions and requirements  
6 of P.L.1966, c.168 (C.2A:42-74 et seq.).

7 <sup>1</sup>**i.** This section shall apply only to housing constructed,  
8 installed or provided in connection with barns, stables, or other  
9 farm structures housing horses. Housing for any farm employee  
10 shall not be provided in any structures housing any other type of  
11 farm animal or domestic livestock other than horses.<sup>1</sup>

12

13 4. This act shall take effect immediately.

14

15

16

17

18 Establishes housing of equine-related farm employees in  
19 facilities with horses under certain conditions as “Right to Farm”  
20 permissible activity; requires State Agriculture Development  
21 Committee adoption of agricultural management practice that  
22 permits such housing.

# SENATE, No. 1245

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 3, 2020

**Sponsored by:**  
**Senator VIN GOPAL**  
**District 11 (Monmouth)**

### **SYNOPSIS**

Establishes housing of equine-related farm employees in facilities with horses under certain conditions as “Right to Farm” permissible activity; requires State Agriculture Development Committee adoption of agricultural management practice that permits such housing.

### **CURRENT VERSION OF TEXT**

As introduced.





1 AN ACT concerning housing equine-related farm employees in  
2 certain farm buildings and related agricultural management  
3 practices, and amending and supplementing P.L.1983, 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:

9 3. As used in this act:

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

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

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

29 "Equine-related farm employee" means any person employed by  
30 the owner or operator of a commercial farm to provide proper care  
31 and ensure the safety of horses on the commercial farm, including,  
32 but not limited to, a groom or other employee working in a stable.

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

38 "Farm market" means a facility used for the wholesale or retail  
39 marketing of the agricultural output of a commercial farm, and  
40 products that contribute to farm income, except that if a farm  
41 market is used for retail marketing at least 51% of the annual gross  
42 sales of the retail farm market shall be generated from sales of  
43 agricultural output of the commercial farm, or at least 51% of the  
44 sales area shall be devoted to the sale of agricultural output of the  
45 commercial farm, and except that if a retail farm market is located

**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.

**S1245 GOPAL**

3

1 on land less than five acres in area, the land on which the farm  
2 market is located shall produce annually agricultural or horticultural  
3 products worth at least \$2,500.

4 (cf: P.L.2015, c.75, s.1)

5

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

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

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

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

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

37 d. Replenish soil nutrients and improve soil tilth;

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

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

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

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

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. House any equine-related farm employee in the same building  
11 or facility as horses in an area or on a level of the building or  
12 facility separate from where horses are boarded or housed.

13 (cf: P.L.2009, c.213, s.2)

14

15 3. (New section) a. The committee shall adopt, pursuant to the  
16 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
17 seq.):

18 (1) rules and regulations to implement subsection k. of section 6  
19 of P.L.1983, c.31 (C.4:1C-9); and

20 (2) an agricultural management practice that permits the housing  
21 of an equine-related farm employee in the same building in which  
22 horses are housed or boarded.

23 b. Except as provided in subsection c. of this section, the rules  
24 and regulations and agricultural practices adopted pursuant to  
25 subsection a. of this section shall, notwithstanding any local health  
26 code or zoning ordinance to the contrary, authorize:

27 (1) the construction, installation, and provision of housing for  
28 any equine-related farm employee as part of any building or facility  
29 constructed, or approved to be constructed, on a commercial farm  
30 for the housing or boarding of horses; and

31 (2) any equine-related farm employee to be housed in the same  
32 building or facility where horses are housed or boarded provided  
33 that the equine-related farm employee housing is established in a  
34 separate room or area or on a separate level in the building or  
35 facility from where horses are boarded or housed.

36 c. The construction, installation, and provision of housing  
37 pursuant to this section shall comply with any other provision of the  
38 State Uniform Construction Code and Department of Community  
39 Affairs standards and requirements which do not exclude the  
40 construction, installation, or provision of housing units in the same  
41 building as the boarding of horses.

42 d. No certificate of occupancy shall be denied for housing of an  
43 equine-related farm employee in a building where horses are housed  
44 or boarded if the housing complies with the provisions of  
45 subsections b. and c. of this section.

46 e. Housing constructed, installed, or provided pursuant to this  
47 section shall not be construed to be a farm labor camp or migrant  
48 labor camp for the purposes of the "Seasonal Farm Labor Act,"

1 P.L.1945, c.71 (C.34:9A-1 et seq.) and shall not be subject to any  
2 provisions of that act.

3 f. Housing constructed, installed, or provided pursuant to this  
4 section shall be exempt from the provisions and requirements of  
5 P.L.1966, c.168 (C.2A:42-74 et seq.).

6

7 4. This act shall take effect immediately.

8

9

10 STATEMENT

11

12 This bill would amend and supplement the “Right to Farm Act,”  
13 P.L.1983, c.31 (C.4:1C-1 et seq.) to:

14 1) authorize a person to construct, install, and provide housing  
15 for an equine-related farm employee, as part of a building or facility  
16 constructed on or approved to be constructed on any commercial  
17 farm, provided the part of the building or facility where the housing  
18 is provided is in a separate area or on a separate level from where  
19 horses are boarded or housed; and

20 2) provide that such housing is a permissible activity under Right  
21 to Farm protections.

22 The bill also directs the State Agriculture Development  
23 Committee (SADC) to adopt rules and regulations to implement the  
24 bill and to adopt an agricultural management practice that permits  
25 the housing of an equine-related farm employee in the same  
26 building in which horses are housed or boarded.

27 The bill requires that, notwithstanding any local health code or  
28 zoning ordinance to the contrary, the rules and regulations and  
29 agricultural management practices authorize equine-related farm  
30 employees to be housed in the same building as horses if the  
31 housing is in a separate area or on a separate level from where  
32 horses are boarded or housed. The bill requires compliance with  
33 any other construction code and Department of Community Affairs  
34 standards or requirements, but exempts the housing authorized  
35 under the bill from the provisions of the “Seasonal Farm Labor  
36 Act,” P.L.1945, c.71 (C.34:9A-1 et seq.), and P.L.1966, c.168  
37 (C.2A:42-74 et seq.).

# 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.

# SENATE ECONOMIC GROWTH COMMITTEE

## STATEMENT TO

### **SENATE, No. 1245**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JUNE 25, 2020

The Senate Economic Growth Committee reports favorably and with committee amendments Senate Bill No. 1245.

As amended and reported, 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 around, 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 around, 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 around, 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.

The bill also clarifies that the employee to live in the housing cannot be a seasonal farm employee, and the housing units are not subject to the requirements of housing authorized under the bill from the provisions of the Seasonal Farm Labor Act, P.L.1945, c.71 (C.34:9A-1 et seq.), and P.L.1966, c.168 (C.2A:42-74 et seq.). The bill also clarifies that this bill only applies to living areas constructed

in connection with horse housing and not to any other type of domestic livestock or farm animal.

The committee amended the bill to clarify that the housing only applies to full-time, year around, equine-related farm employees, and not any other type of farm employee, equine-related or otherwise. The amendments clarify that the housing provided must have its own ventilation system that is separate from the rest of the farm structure. The amendments clarify that if the housing unit is separated by a floor, that the floor must be built in a way that meets UCC fire ratings, and if the housing unit is separated by a wall on the same floor, that wall must be sufficient to qualify the housing unit as a separate building under the UCC.

The amendments also clarify that this bill only applies to living areas constructed in connection with horse housing and not to any other type of domestic livestock or farm animal.



# ASSEMBLY, No. 2768

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

**Sponsored by:**

**Assemblyman ERIC HOUGHTALING**

**District 11 (Monmouth)**

**Assemblywoman CAROL A. MURPHY**

**District 7 (Burlington)**

**Assemblyman RONALD S. DANCER**

**District 12 (Burlington, Middlesex, Monmouth and Ocean)**

**SYNOPSIS**

Establishes housing of equine-related farm employees in facilities with horses under certain conditions as “Right to Farm” permissible activity; requires State Agriculture Development Committee adoption of agricultural management practice that permits such housing.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 2/20/2020)

A2768 HOUGHTALING, MURPHY

2

1 AN ACT concerning housing equine-related farm employees in  
2 certain farm buildings and related agricultural management  
3 practices, and amending and supplementing P.L.1983, 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:

9 3. As used in this act:

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

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

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

29 "Equine-related farm employee" means any person employed by  
30 the owner or operator of a commercial farm to provide proper care  
31 and ensure the safety of horses on the commercial farm, including,  
32 but not limited to, a groom or other employee working in a stable.

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

38 "Farm market" means a facility used for the wholesale or retail  
39 marketing of the agricultural output of a commercial farm, and  
40 products that contribute to farm income, except that if a farm  
41 market is used for retail marketing at least 51% of the annual gross  
42 sales of the retail farm market shall be generated from sales of  
43 agricultural output of the commercial farm, or at least 51% of the  
44 sales area shall be devoted to the sale of agricultural output of the  
45 commercial farm, and except that if a retail farm market is located

**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 on land less than five acres in area, the land on which the farm  
2 market is located shall produce annually agricultural or horticultural  
3 products worth at least \$2,500.

4 (cf: P.L.2015, c.75, s.1)

5

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

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

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

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

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

37 d. Replenish soil nutrients and improve soil tilth;

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

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

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

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

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. House any equine-related farm employee in the same building  
11 or facility as horses in an area or on a level of the building or  
12 facility separate from where horses are boarded or housed.

13 (cf: P.L.2009, c.213, s.2)

14

15 3. (New section) a. The committee shall adopt, pursuant to the  
16 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
17 seq.):

18 (1) rules and regulations to implement subsection k. of section 6  
19 of P.L.1983, c.31 (C.4:1C-9); and

20 (2) an agricultural management practice that permits the housing  
21 of an equine-related farm employee in the same building in which  
22 horses are housed or boarded.

23 b. Except as provided in subsection c. of this section, the rules  
24 and regulations and agricultural practices adopted pursuant to  
25 subsection a. of this section shall, notwithstanding any local health  
26 code or zoning ordinance to the contrary, authorize:

27 (1) the construction, installation, and provision of housing for  
28 any equine-related farm employee as part of any building or facility  
29 constructed, or approved to be constructed, on a commercial farm  
30 for the housing or boarding of horses; and

31 (2) any equine-related farm employee to be housed in the same  
32 building or facility where horses are housed or boarded provided  
33 that the equine-related farm employee housing is established in a  
34 separate room or area or on a separate level in the building or  
35 facility from where horses are boarded or housed.

36 c. The construction, installation, and provision of housing  
37 pursuant to this section shall comply with any other provision of the  
38 State Uniform Construction Code and Department of Community  
39 Affairs standards and requirements which do not exclude the  
40 construction, installation, or provision of housing units in the same  
41 building as the boarding of horses.

42 d. No certificate of occupancy shall be denied for housing of an  
43 equine-related farm employee in a building where horses are housed  
44 or boarded if the housing complies with the provisions of  
45 subsections b. and c. of this section.

46 e. Housing constructed, installed, or provided pursuant to this  
47 section shall not be construed to be a farm labor camp or migrant  
48 labor camp for the purposes of the "Seasonal Farm Labor Act,"

1 P.L.1945, c.71 (C.34:9A-1 et seq.) and shall not be subject to any  
2 provisions of that act.

3 f. Housing constructed, installed, or provided pursuant to this  
4 section shall be exempt from the provisions and requirements of  
5 P.L.1966, c.168 (C.2A:42-74 et seq.).

6

7 4. This act shall take effect immediately.

8

9

10 STATEMENT

11

12 This bill would amend and supplement the “Right to Farm Act,”  
13 P.L.1983, c.31 (C.4:1C-1 et seq.) to:

14 1) authorize a person to construct, install, and provide housing  
15 for an equine-related farm employee, as part of a building or facility  
16 constructed on or approved to be constructed on any commercial  
17 farm, provided the part of the building or facility where the housing  
18 is provided is in a separate area or on a separate level from where  
19 horses are boarded or housed; and

20 2) provide that such housing is a permissible activity under Right  
21 to Farm protections.

22 The bill also directs the State Agriculture Development  
23 Committee (SADC) to adopt rules and regulations to implement the  
24 bill and to adopt an agricultural management practice that permits  
25 the housing of an equine-related farm employee in the same  
26 building in which horses are housed or boarded.

27 The bill requires that, notwithstanding any local health code or  
28 zoning ordinance to the contrary, the rules and regulations and  
29 agricultural management practices authorize equine-related farm  
30 employees to be housed in the same building as horses if the  
31 housing is in a separate area or on a separate level from where  
32 horses are boarded or housed. The bill requires compliance with  
33 any other construction code and Department of Community Affairs  
34 standards or requirements, but exempts the housing authorized  
35 under the bill from the provisions of the “Seasonal Farm Labor  
36 Act,” P.L.1945, c.71 (C.34:9A-1 et seq.), and P.L.1966, c.168  
37 (C.2A:42-74 et seq.).

# ASSEMBLY AGRICULTURE COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 2768

with committee amendments

# STATE OF NEW JERSEY

DATED: OCTOBER 22, 2020

The Assembly Agriculture Committee reports favorably and with committee amendments Assembly Bill No. 2768.

This bill, as amended, revises and expands 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, as amended, 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, as amended, 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, as amended, requires compliance with all other UCC and Department of Community Affairs standards or requirements.

Furthermore, the bill, as amended, 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 amended and reported by the committee, this bill is identical to Senate Bill No. 1245 (1R) as also reported by the committee.

#### COMMITTEE AMENDMENTS

The committee amendments:

1) clarify that the housing only applies to full-time, year-round, equine-related farm employees;

2) require employee housing to be on a separate floor or in a separate addition of the building from where the horses are housed or boarded;

3) require the ceiling and floor separating employee living quarters and horse housing or boarding quarters have a fire rating that meets the State Uniform Construction Code (UCC) fire ratings;

4) require any separating wall on the same floor be sufficient to qualify the housing unit as a separate building under the UCC;

5) require the separate floor or addition have a separate ventilation system;

6) provide the bill only applies to living areas in a building or facility where only horses are housed or boarded, and not to a building or facility housing or boarding any other type of domestic livestock or farm animal; and

7) make clarifying and technical corrections to the bill.

# Governor Murphy Takes Action on Legislation

01/7/2021

**TRENTON** – Today, Governor Phil Murphy signed the following bills into law:

**S-559/A-3277 (Codey, Cryan/Vainieri Huttie, Quijano, Dunn)** – Requires parent or guardian to notify child care centers if child will be absent; requires child care centers to notify parent or guardian in event of unexcused child absence

**S-1028/A-3601 (Ruiz, Turner, Singleton/Quijano, McKnight, Timberlake)** – Allocates Amistad Commission in but not of DOE; requires commission to elect chairperson and appoint executive director; requires public schools to include instruction on accomplishments and contributions of African Americans to American society

**S-1245/A-2768 (Gopal, Cruz-Perez/Houghtaling, Murphy, Dancer)** – Establishes housing of equine-related farm employees in facilities with horses under certain conditions as "Right to Farm" permissible activity; requires State Agriculture Development Committee adoption of agricultural management practice that permits such housing

**S-1936/A-2450 (Sweeney, T. Kean/Benson, Murphy, Vainieri Huttie)** – Requires DOT Commissioner to advertise availability of certain transportation programs and services