

CHAPTER 154

AN ACT concerning housing equine-related farm employees in certain farm buildings and related agricultural management practices, and amending and supplementing P.L.1983, c.31.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section 3 of P.L.1983, c.31 (C.4:1C-3) is amended to read:

C.4:1C-3 Definitions.

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

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

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

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

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

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

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

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

C.4:1C-9 Commercial farm owners, operators; permissible activities.

6. Notwithstanding the provisions of any municipal or county ordinance, resolution, or regulation to the contrary, the owner or operator of a commercial farm, located in an area in which, as of December 31, 1997 or thereafter, agriculture is a permitted use under the municipal zoning ordinance and is consistent with the municipal master plan, or which commercial farm is in operation as of the effective date of P.L.1998, c.48 (C.4:1C-10.1 et al.), and the operation of which conforms to agricultural management practices

recommended by the committee and adopted pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), or whose specific operation or practice has been determined by the appropriate county board, or in a county where no county board exists, the committee, to constitute a generally accepted agricultural operation or practice, and all relevant federal or State statutes or rules and regulations adopted pursuant thereto, and which does not pose a direct threat to public health and safety may:

- a. Produce agricultural and horticultural crops, trees and forest products, livestock, and poultry and other commodities as described in the Standard Industrial Classification for agriculture, forestry, fishing and trapping or, after the operative date of the regulations adopted pursuant to section 5 of P.L.2003, c.157 (C.4:1C-9.1), included under the corresponding classification under the North American Industry Classification System;
- b. Process and package the agricultural output of the commercial farm;
- c. Provide for the operation of a farm market, including the construction of building and parking areas in conformance with municipal standards;
- d. Replenish soil nutrients and improve soil tilth;
- e. Control pests, predators and diseases of plants and animals;
- f. Clear woodlands using open burning and other techniques, install and maintain vegetative and terrain alterations and other physical facilities for water and soil conservation and surface water control in wetland areas;
- g. Conduct on-site disposal of organic agricultural wastes;
- h. Conduct agriculture-related educational and farm-based recreational activities provided that the activities are related to marketing the agricultural or horticultural output of the commercial farm;
- i. Engage in the generation of power or heat from biomass, solar, or wind energy, provided that the energy generation is consistent with the provisions of P.L.2009, c.213 (C.4:1C-32.4 et al.), as applicable, and the rules and regulations adopted therefor and pursuant to section 3 of P.L.2009, c.213 (C.4:1C-9.2);
- j. Engage in any other agricultural activity as determined by the State Agriculture Development Committee and adopted by rule or regulation pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) ; and
- k. House any full-time, year-round equine-related farm employee in the same building or facility as horses in accordance with the provisions of section 3 of P.L.2020, c.154 (C.4:1C-9.3).

C.4:1C-9.3 Rules, regulations relative to housing of equine-related farm employees.

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

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

(2) 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 on a separate floor or in a separate addition of the building from where the horses are housed or boarded.

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

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

(2) any full-time, year-round equine-related farm employee to be housed in the same building or facility where horses are housed or boarded provided that the full-time, year-round equine-related farm employee housing meets the specifications set forth in subsection c. of this section.

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

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

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

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

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

e. No certificate of occupancy shall be denied for housing of a full-time, year-round equine-related farm employee in a building where horses are housed or boarded if the housing complies with the provisions of subsections a., b., c., d., and i. of this section.

f. Housing constructed, installed, or provided pursuant to this section shall be used only as housing for full-time, year-round equine-related farm employees, and shall not be used to house any migrant or seasonal employee or worker.

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

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

i. This section shall apply only to housing constructed, installed or provided in connection with barns, stables, or other farm structures housing horses. Housing for any farm employee shall not be provided in any structures housing any other type of farm animal or domestic livestock other than horses.

4. This act shall take effect immediately.

Approved January 7, 2021.