

RESOLUTION # 30

RIGHT TO FARM PROGRAM

1 **WHEREAS**, the Right to Farm Act provides eligible, responsible farmers with
2 protection from restrictive local government ordinances, as well as public and private
3 nuisance actions, and provides increased protection to those farmers who operate in
4 accordance with agricultural management practices (AMPs) that have been adopted by the
5 State Agriculture Development Committee (SADC); and

6 **WHEREAS**, the SADC, working with a group that included farmers and
7 representatives from New Jersey Farm Bureau, Rutgers University, county agriculture
8 development boards (CADBs) and the planning community, developed and adopted an AMP
9 regarding On-Farm Direct Marketing facilities, activities and events, which became effective
10 in April 2014; and

11 **WHEREAS**, the Right to Farm Act gives primary jurisdiction in resolving complaints
12 against agricultural operations to CADBs and ultimately to the SADC if the decisions of the
13 county boards are appealed, and the SADC offers a voluntary Agricultural Mediation
14 Program as an alternative to that formal process, since mediation can help disputing parties
15 quickly resolve their problems, thereby saving all parties both time and costly legal fees; and

16 **WHEREAS**, the SADC has continued distribution of Right to Farm-related outreach
17 and educational materials, including a Right to Farm Guidebook and fact sheets on the Right
18 to Farm Act and Agricultural Mediation that were developed in collaboration with Rutgers
19 Cooperative Extension; and

20 **WHEREAS**, the United States Department of Agriculture (USDA) Agricultural
21 Mediation Program maintains that its grant funding for state agricultural mediation programs
22 may be used only to support conflict resolution of disputes involving USDA agencies and
23 agricultural credit matters; and

24 **WHEREAS**, the SADC in 2019-20 continued to make outreach presentations, when
25 and where possible under COVID-19 restrictions, on the Right to Farm Act for the agricultural
26 community and municipal officials; and

27 **WHEREAS**, the SADC continues to focus its Right to Farm outreach efforts on
28 increasing awareness and understanding of Right to Farm among all audiences, but
29 particularly local officials and CADBs through webinars, workshops, continuing-education
30 efforts and other means; and

31 **WHEREAS**, the agricultural community continues to view Right to Farm as critically
32 important, with Right to Farm consistently ranked first among the New Jersey Farm Bureau's
33 annual ranking of its top-10 policy issues; and

34 **WHEREAS**, legislation should be advanced that would allow farmers to recover
35 reasonable costs and attorney fees incurred in defense of bad-faith complaints against
36 commercial agricultural operations, much the way Wisconsin's Right to Farm Law recently
37 helped a farmer recover legal fees after multi-year litigation found that his practices did not,
38 as litigants had claimed, deprive the public of recreational use of a waterway; and

39 **WHEREAS**, experience shows that regular notice to all landowners that agriculture is
40 a publicly endorsed land use greatly enhances the education of newcomers and longtime
41 residents alike about the protections of the Right to Farm Act and can help municipalities
42 head off conflicts between farmers and other residents before they become confrontational;
43 and

44 **WHEREAS**, the New Jersey Legislature recently passed, and the Governor signed
45 legislation to establish housing of equine-related farm employees in facilities with horses
46 under certain conditions as "Right to Farm" permissible activity and requiring the SADC to
47 adopt an Agricultural Management Practice that permits such housing.

48 **NOW, THEREFORE, BE IT RESOLVED**, that we, the delegates to the 106th State
49 Agricultural Convention, assembled through a virtual platform hosted in Trenton, New
50 Jersey, in accordance with COVID-19 pandemic recommendations, on February 17, 2021,

51 strongly support New Jersey's Right to Farm Act, and that we urge the SADC to continue
52 developing, prioritizing and adopting AMPs that establish standards for Right-to-Farm
53 protection for certain agricultural practices, in conjunction with the New Jersey Agricultural
54 Experiment Station and Rutgers University and with direct farmer input, and that we call
55 upon the Governor and Legislature to appropriate a minimum of \$300,000 in the FY2022
56 state budget for the SADC and counties to adequately administer the Act.

57 **BE IT FURTHER RESOLVED**, that we urge the SADC to promptly adopt an AMP to
58 bring under Right to Farm protection the recently passed legislative provisions
59 (A2768/S1245) for farm employee housing concurrent with horse operations.

60 **BE IT FURTHER RESOLVED**, that we call upon the SADC to continue to take the
61 necessary steps to ensure that owners of deed-restricted farms enjoy the same flexibility in
62 adapting their agricultural operations to achieve economic viability as do owners of non-
63 deed-restricted farms under the Right to Farm Act, specifically in the areas of marketing and
64 agri-tourism.

65 **BE IT FURTHER RESOLVED**, that we urge the passage of legislation to discourage
66 repeated harassment suits against farmers, including requiring complainants to pay all
67 reasonable legal fees and associated costs the farmer may incur to defend against
68 complaints where the farmer is determined to be operating in compliance with all appropriate
69 AMPs or is otherwise entitled to Right to Farm protection.