

N.J. Right to Farm Act

The Right to Farm Act was enacted to help address conflicts among farmers, neighbors, municipalities, and counties regarding a farm's practices. Under the Right to Farm Act, a commercial farm can receive significant protection from nuisance lawsuits and overly restrictive local regulations, provided the farm is operated responsibly and conforms with generally-accepted practices and the Act's additional eligibility criteria. Formal Right to Farm determinations are made on a case-by-case basis and must include a consideration of the interests of each party, including relevant local ordinances.



Who coordinates Right to Farm?

Right to Farm is coordinated by the County Agriculture Development Boards (CADBs) and State Agriculture Development Committee (SADC). Anyone with questions about Right to Farm can contact their CADB or the SADC.

The Right to Farm Act's formal processes (formal complaints by neighbors and municipalities, and site-specific requests by farmers) are handled by the CADBs. In the three counties without CADBs (Essex, Hudson, Union), these review processes are handled by the SADC.

What are the eligibility criteria for protection?

- A farm must be a "commercial farm" as defined in the Right to Farm Act:

A "commercial farm" is a farm operation of five or more acres that produces agricultural products worth at least \$2,500 annually and satisfies the eligibility criteria for farmland assessment. For farms smaller than five acres, the annual production requirement is \$50,000, and the farm must otherwise satisfy the eligibility criteria for farmland assessment. A commercial farm can also be a beekeeping operation that produces apiary-related products or provides crop pollination services worth at least \$10,000 annually. A commercial farm may comprise multiple parcels, whether contiguous or non-contiguous, provided they are operated together as a single enterprise. This is known as the farm's "farm management unit."

- The commercial farm must be located in a zone that as of December 31, 1997 or thereafter permits agriculture, or the farm has been in operation as of July 2, 1998.
- The commercial farm operation must:
 - o Conform with agricultural management practices that are either generally-accepted or formally adopted by the SADC,
 - o Comply with all relevant federal or state statutes and regulations, and
 - o Not pose a direct threat to public health and safety



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What activities are protected?

Commercial farms that meet the Act's eligibility criteria may be entitled to receive Right to Farm protection for the following activities, subject to a formal determination by the CADB or SADC:

Producing	<ul style="list-style-type: none">• Produce agricultural or horticultural crops, trees, forest products, livestock, poultry, and other products• Replenish soil nutrients and improving soil tilth• Control pests, predators, and diseases of plants and animals• 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• Conduct on-site disposal of organic agricultural wastes
Processing	<ul style="list-style-type: none">• Process and package the agricultural output of the commercial farm
Marketing	<ul style="list-style-type: none">• Provide for the operation of a farm market, including the construction of building and parking areas in conformance with municipal standards• 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
Other	<ul style="list-style-type: none">• Engage in solar, wind, and biomass energy generation, in compliance with adopted agricultural management practices• Any other agricultural activity determined by the SADC and adopted by regulation

What happens when there's a complaint?

The Right to Farm Act requires that anyone aggrieved by the operation of a commercial farm must file a complaint with the CADB rather than filing an action in court. This applies to neighbors who have a nuisance complaint and municipal or county officials who believe a farm is violating an ordinance. After receiving a written complaint, the CADB reviews whether the farm meets the Act's eligibility criteria. If the initial criteria are met, the CADB holds a public hearing and issues its decision.

Farmers, neighbors, and municipalities can also use the free Agricultural Mediation Program to resolve their issues more quickly and amicably.

Can a farm request a formal Right to Farm determination if there is no complaint?

Yes. A commercial farm can proactively request a site-specific agricultural management practice (SSAMP) determination from the CADB regarding whether its operations or practices conform to generally-accepted practices. The CADB handles these formal requests similar to how it handles formal complaints. It reviews the Act's eligibility criteria, holds a public hearing, and issues its findings. A farm can request an SSAMP determination at any time.

For more information

Visit www.nj.gov/agriculture/sadc/rtfprogram or contact your CADB or the SADC.

