

RESOLUTION # 15

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 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**, while P.L. 2014, Ch. 16, was signed into law in July 2014 to allow
12 wineries to hold special occasion events, including weddings and other life-celebratory
13 events, on preserved farmland under certain conditions, such winery events are not eligible
14 for Right to Farm protection under the law that was enacted; and

15 **WHEREAS**, there exists the possibility that the number of life-celebratory events on
16 a given farm could reach a threshold where their main objective is not the marketing and
17 promotion of the farm's agricultural output, and thus would not be eligible for Right to Farm
18 protection; and

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

24 **WHEREAS**, the SADC in 2018 adopted a revised Right to Farm policy regarding
25 conflict resolution guidelines for County Agriculture Development Boards to clarify that a

26 member of a Limited Liability Company (LLC) may represent the LLC in a Right to Farm
27 hearing without legal representation under certain conditions; and

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

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

36 **WHEREAS**, the SADC in 2018 continued to make outreach presentations on the
37 Right to Farm Act for the agricultural community and municipal officials; and

38 **WHEREAS**, the SADC in 2019 intends to continue to focus its Right to Farm
39 outreach efforts on increasing awareness and understanding of Right to Farm among all
40 audiences, but particularly local officials and County Agriculture Development Boards
41 through webinars, workshops, continuing-education efforts and other means; and

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

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

50 **WHEREAS**, experience shows that regular notice to all landowners that agriculture is
51 a publicly endorsed land use greatly enhances the education of newcomers and longtime

52 residents alike about the protections of the Right to Farm Act and can help municipalities
53 head off conflicts between farmers and other residents before they become confrontational.

54 **NOW, THEREFORE, BE IT RESOLVED**, that we, the delegates to the 104th State
55 Agricultural Convention, assembled in Atlantic City, New Jersey, on February 6-7, 2019,
56 strongly support New Jersey's Right to Farm Act to continue to provide responsible farmers
57 with critical protection against public and private nuisance actions and against municipal
58 regulations that constrain farming.

59 **BE IT FURTHER RESOLVED**, that we urge the SADC to continue developing,
60 prioritizing and adopting AMPs that establish standards for Right-to-Farm protection for
61 certain agricultural practices, in conjunction with the New Jersey Agricultural Experiment
62 Station and Rutgers University and with direct farmer input.

63 **BE IT FURTHER RESOLVED**, that we recognize the SADC's increased outreach
64 and education efforts regarding the Right to Farm Act and to encourage mediation before
65 Right to Farm complaints are filed, and urge the SADC to continue those efforts.

66 **BE IT FURTHER RESOLVED**, that while special occasion events permitted on
67 preserved farmland as a result of P.L. 2014, Ch. 16, are not eligible for Right to Farm
68 protection, the recently extended pilot program for wineries on preserved farms is an
69 important opportunity to improve knowledge and understanding of such events so that, at the
70 end of the pilot program, solid data will be available upon which future special occasion
71 event/Right to Farm policy could be developed.

72 **BE IT FURTHER RESOLVED**, that, in the absence of SADC-adopted AMPs, we
73 support the County Agriculture Development Boards' continued development and
74 recommendation of site-specific agricultural management practices, which provide a farmer
75 with assurance that his or her specific operation or practices conform to generally accepted
76 agricultural management practices.

77 **BE IT FURTHER RESOLVED**, that we call on the SADC to continue its efforts to
78 provide the maximum protections under the Right to Farm Act.

79 **BE IT FURTHER RESOLVED**, that we call upon the County Agriculture
80 Development Boards to continue education efforts with the general public, farmers and
81 municipal, county and judicial officials with respect to the protections afforded commercial
82 farm operators under the Right to Farm Act, including the use of regular notice via mail to all
83 landowners that agriculture is a publicly endorsed land use.

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

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

94 **BE IT FURTHER RESOLVED**, that we call upon the Governor and Legislature to
95 appropriate a minimum of \$300,000 in the FY2020 state budget for the SADC and counties
96 to adequately administer the Act.

97 **BE IT FURTHER RESOLVED**, that we call on the SADC and the New Jersey
98 Department of Agriculture to work with the USDA Secretary of Agriculture to address federal
99 Agricultural Mediation Program grant funding issues and enable the New Jersey Agricultural
100 Mediation Program to use federal funding to support mediation and conflict resolution efforts
101 for right-to-farm purposes.