

To: CADB Administrators  
Municipal PIG Coordinators  
Nonprofit Organizations

From: Brian D. Smith, Esq., Chief of Legal Affairs,  
SADC

Re: Agricultural Labor Housing - SADC Interpretation  
of "Lineal Descendants" (N.J.A.C. 2:76-6.15)

Date: October 20, 2009

Ladies and Gentlemen:

State Agriculture Development Committee (SADC) staff recently received an inquiry regarding the construction of an agricultural labor house to be inhabited by the Grantor's brother. The question was whether the brother was a "lineal descendant" of the Grantor precluding the brother's occupancy of the agricultural labor house in accordance with paragraph 14i.

Paragraph 14i. of the Deed of Easement provides as follows:

14. Grantor may construct any new buildings for agricultural purposes. The construction of any new buildings for residential use, regardless of its purpose, shall be prohibited except as follows:

i. To provide structures for housing of agricultural labor employed on the Premises but only with the approval of the Grantee and the Committee. If Grantee and the Committee grant approval for the construction of agricultural labor housing, such housing shall not be used as a residence for Grantor, Grantor's spouse, Grantor's parents, Grantor's lineal descendants adopted or natural, Grantor's spouse's parents, Grantor's spouse's lineal descendants, adopted or natural; and

ii. [This subparagraph has been intentionally omitted for the purpose of this memorandum].

A brother (or sister) of the Grantor or Grantor's spouse is not a "lineal descendant". A "lineal descendant" for the purpose of paragraph 14i. is an individual in the direct

line of relationship flowing downward from the Grantor (or Grantor's spouse), starting with his or her children, grandchildren, great-grandchildren, and so on.

An applicant seeking construction of an agricultural labor house on a preserved farm still must demonstrate the necessity for constructing the agricultural labor unit and that the occupant will be employed for agricultural production on the Premises.

Please send a copy of this memorandum to your program attorney. If you have any questions or need anything further, then please contact me at (609) 984-2504, or via email at [Brian.Smith@ag.state.nj.us](mailto:Brian.Smith@ag.state.nj.us).

S:\LEGAL\corresp\CADBmemopara14.doc