

# **New Jersey's Farmland Assessment Act**

## **An Informational Guide on Basic Requirements**

Prepared by the New Jersey Department of Agriculture  
in consultation with the New Jersey Division of Taxation and  
the New Jersey Forest Service

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## Eligibility

The New Jersey Farmland Assessment Act of 1964 permits farmland and woodland actively devoted to an agricultural or horticultural use to be assessed at its productivity value. The Act does not apply to buildings of any kind, or to the land associated with the farmhouse. Buildings and home sites on farms are assessed like all other non-farm

property. When and if the land qualified under the Act changes to a non-agricultural or non-horticultural use, it is subject to a rollback tax.

**Basic Requirements:**

1. Applicant must own the land.
2. Owner must annually apply for Farmland Assessment on Form FA-1 with the municipal tax assessor on or before August 1 of the year immediately preceding the tax year.
3. Land must be devoted to agricultural and/or horticultural uses for at least two years prior to the tax year (also see Qualifying Woodland, page 8).
4. Land must consist of at least 5 contiguous (adjoining) acres being farmed and/or under a woodlot management plan. Land under and adjoining the farmhouse is not counted in the 5-acre minimum area needed to qualify.
5. Gross sales of products from the land must average at least \$500 per year for the first 5 acres, plus an average of \$5 per acre for each acre over 5, except in the case of woodland or wetland where the income requirement is \$.50 per acre for any acreage over 5; or there is clear evidence of anticipated yearly gross sales, payments, or fees within a reasonable period of time dependent on the agricultural or horticultural products being produced.
6. Owner must represent that the land will continue in agricultural or horticultural use to the end of the tax year.

Note: There are additional requirements for the boarding, training, or rehabilitation of livestock and for forestlands under a woodlot management program.

The applicant, on request of the assessor, at any time, must furnish proof of all the prerequisites necessary to show the land is eligible for Farmland Assessment, such as: ownership, description, area, uses, gross sales, and income or fees from the agricultural or horticultural use of the land.

To be qualified for farmland assessment, land in a Farmland Preservation Program must meet the criteria and filing requirements of the Farmland Assessment Act.

**Definitions**

**"Agricultural use"** is land devoted to the production for sale of plants and animals useful to man, including but not limited to forages and sod crops; grains and feed crops; dairy and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats, including the breeding, boarding, raising, rehabilitating, training or grazing of any or all such animals (except "livestock" shall not include dogs); bees and apiary products; fur animals; trees and forest products or when devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the Federal Government.

**"Appurtenant woodland"** means a wooded piece of property which is contiguous to, part of, or beneficial to a tract of land, which tract of land has a minimum area of at least five acres devoted to agricultural or horticultural uses other than the production for sale of trees and forest products, exclusive of Christmas trees, to which tract of land the woodland is supportive and subordinate.

**"Aquaculture"** means the propagation, rearing and harvesting for sale of aquatic organisms, in controlled or selected environments in which the farmer must actively intervene in the rearing process in order to effect, improve or increase production for the purpose of sale.

**"Beneficial to a tract of land"** means land, which enhances the use of other land devoted to agricultural or horticultural production by providing benefits such as, but not limited to, windbreaks, watershed, buffers, soil erosion control, or other recognizable enhancements of the viability of the qualifying land.

**"Change in Use"** means when land valued under the Farmland Assessment Act is applied to a use other than agriculture or horticulture, including being abandoned from farming.

**"Fees received for grazing"** means only those fees, which are actually paid in consideration for grazing, and which reasonably reflect the value of grazing provided. The income which would otherwise be imputed to land used for grazing as established and determined by the State Farmland Evaluation Advisory Committee shall be prima facie evidence of those fees, which reasonably reflect the value of the grazing provided.

**"Horticultural use"** is land devoted to the production for sale of fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or when devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the Federal Government.

**"Income imputed to land used for grazing"** means values for the pasturing of livestock as established by the State Farmland Evaluation Advisory Committee.

**"Non-appurtenant woodland"** is acreage composed of woodland only which qualified for Farmland Assessment by meeting all statutory requirements with respect to income, acreage, years actively devoted to agricultural use, and compliance with an approved woodlot management plan.

**"Raising livestock"** means the management, caring and feeding of livestock for the purpose of producing for sale as a farm product either the livestock themselves or products produced by or from them.

**"Seasonal agricultural labor housing"** means dwelling units designed solely for lodging farm employees and their family members where such employees are employed to perform seasonal agricultural or horticultural labor on the contiguous land, five acres or more, qualifying for farmland assessment. Any housing which is either occupied by the landowner, the landowners' spouse, or their children, parents or siblings, or is not vacant annually for a minimum period of 90 continuous days during any period of 12 continuous months shall not be considered to be "seasonal agricultural labor housing."

**"Seasonal farm market"** means a facility utilized for the primary purpose of selling predominately agricultural or horticultural products, and which is annually closed to business during the off season for a period of not less than 90 continuous days.

### **Land Area Requirement**

To be eligible for Farmland Assessment, land actively devoted to an agricultural or horticultural use must have not less than 5 acres devoted to 1) the production of crops; 2) livestock or their products; and/or 3) forest products under a woodlot management plan.

Once the minimum of 5 acres is actively devoted to an agricultural or horticultural use, all the land under barns, sheds, seasonal farm markets selling predominantly agricultural products, seasonal agricultural labor housing, silos, grain bins, greenhouses and like structures, lakes, dams, ponds, streams, irrigation ditches and like facilities is included (provided their use is related to agriculture or horticulture). Also included is appurtenant woodland acreage that is equal to or less than the acreage in cropland and pastureland.

Ineligible land area is land under the farmhouse, and such additional land as may be used in connection with the farmhouse, including, but not limited to, land used for lawns, flower gardens, shrubs, recreation and for like purposes, and is excluded in determining the qualified area.

Where individual parcels of land in agriculture or horticultural use under a single ownership are located in the same taxing district, compliance with the five-acre minimum area eligibility requirement is considered to have been met if the individual parcels are contiguous (adjoining) and the total eligible area is at least five acres. Also, land under single ownership, separated by a public right of way, is considered to be contiguous. Where contiguous land in agricultural or horticultural use in one ownership is located in more than one taxing district, compliance with the five-acre minimum area requirement is determined on the basis of the total eligible area of such land and not the area which is located in a particular taxing district (an application must be filed in each respective taxing district). Where separate, noncontiguous (non-adjoining) parcels of land in agricultural or horticultural use, in a single ownership, are located in the same taxing district, a separate application for Farmland Assessment must be made with respect to each parcel. Each separate parcel must individually meet the qualifications for the program, i.e. 5 acre minimum land area, gross sales, etc.

### **Sales & Payment Requirements**

(1). Gross sales of agricultural or horticultural products produced from the land, payments received from a soil conservation program under an agreement with an agency of the Federal government, fees received for breeding, raising or grazing any livestock, income imputed to land used for grazing in the amount determined by the State Farmland Evaluation Advisory Committee, and fees received for boarding, rehabilitating or training any livestock where the land under the boarding, rehabilitating or training facilities is contiguous to land which otherwise qualifies for farmland assessment, have averaged at least \$500 per year on the first five acres, \$5 per acre per year on any additional acres of farmland other than woodland and wetland, and \$.50 per acre per year on any additional acres constituting woodland and wetland during the two-year period immediately preceding the tax year in issue;

(2). There is clear evidence of anticipated yearly gross sales, payments and fees amounting to at least \$500 per year on the first five acres, \$5 per acre per year on any additional acres of farmland other than woodland and wetland and \$.50 per acre per year on any additional acres

constituting woodland and wetland within a reasonable period of time.

To be qualified for farmland assessment, land in a Farmland Preservation Program still must meet the criteria and filing requirements of the Farmland Assessment Act.

### **Examples of Qualifying Criteria**

The following examples are offered to assist in understanding the criteria to qualify land for preferential reduction in taxes under the Farmland Assessment Act:

**(1). An individual owns 10 acres that includes** a 1 acre home site and 9 acres of cropland that is rented to a farmer who grows corn and soybeans. The farmer reports to the landowner that 882 bushels of grain were produced last year that sold for \$2,200. In the current year the farmer has planted soybeans on the 9 acres to be harvested for sale. With 9 acres being farmed last year and this year, sales exceeded the minimum requirement of \$520 for the 9 acres, the land will be eligible for farmland assessment in the next tax year provided a timely application is submitted to the municipal tax assessor.

**(2). The owner of a 100-acre vegetable farm** is completing Form FA-1 to be filed with the municipal tax assessor. 60 acres are planted to crops, the land under the barns, greenhouses and the seasonal labor housing is reported as *cropland harvested*. The 5 acres maintained as grassland adjacent to a stream is reported as *permanent pasture* (even though there are no livestock on the farm), and the 30 acres of woodland/wetland is reported as *appurtenant woodland*. For the land used in connection with the farmhouse the owner reports 1 acre. The remaining 4 acres used as a commercial site to produce mulch and soil products from materials brought onto the farm is reported as *land not devoted to an agricultural or horticultural use*. The total land area devoted to a horticultural use is 95 acres.

**(3). 20 acres of cropland** that produced corn, soybeans, wheat and straw in rotation and qualified for farmland assessment is sold. The new owner receives approval from the municipality to build a home on 2 acres of the property and intends to grow crops and raise livestock the following year. In that the 20 acres has become idle in the current year, a change in use has occurred. The 20 acres is subject to rollback taxes. To qualify for Farmland Assessment in the future, the land will need to be actively devoted to an agricultural or horticultural use for two full calendar years before the tax year for which application is made.

**(4). 5 acres of land** are unmanaged but naturally produce wildflowers, berries, herbs, and firewood. The owner sells between \$750 and \$900 of plant materials and firewood annually from the parcel. The parcel of land is *ineligible* for Farmland Assessment because the land was not

in a managed agricultural or horticultural use. The mere haphazard use of land that results in sufficient income to meet the requirements of the Farmland Assessment Act does not necessarily qualify the land for Farmland Assessment.

**(5). A 30-acre parcel of land** consisting of cropland, a farmhouse, barns and outbuildings is located in the zone of the municipality where the minimum lot size is 3 acres. The landowner uses only a half-acre of land in connection with the farmhouse. The barns on the property are used for agricultural purposes and occupy one-half acre of land. The landowner reports on the Form FA-1 twenty-nine and one-half acres *cropland harvested* and one-half acre for *land used in connection with the farmhouse*. Only the half-acre actually used in connection with the farmhouse is reported on Form FA-1 regardless of the 3 acre zoning requirements.

**(6). A landowner raises and sells strawberries on 4 acres** of a 9-acre parcel. A house, lawn, and driveway occupy 2 acres. The remaining 3 acres are woods. The landowner claims 3 acres on the FA-1 form as appurtenant woodland, 4 acres as cropland, and enters 7 acres as activity devoted to a horticultural use. Upon review the tax assessor determines that none of the land meets the eligibility criteria for Farmland Assessment. A minimum of 5 acres must be actively devoted to an agricultural or horticultural use (growing crops, raising livestock or producing forest products). For the land to qualify in the future, a woodlot management plan would need to be implemented on the 3 acres of woodland. With the 4 acres of cropland and the 3 acres of non-appurtenant (managed) woodland, 7 acres should qualify for Farmland Assessment.

**(7). A woodlot management plan** and application forms WD-1 and FA-1 are filed with the municipal tax assessor and the New Jersey Department of Environmental Protection for an 85-acre parcel of woodland. Sales from firewood cut from the woodlot averaged between \$750 and \$900 for each of the prior 3 years. The woodlot owner occasionally permits the neighboring horse farm to use an established logging road for trail rides in the summer and fall and for cross country skiing in the winter. In this case, forestry is the predominate use of the property including the logging road that permits access to the trees for forestry management. The incidental use of the land for recreation does not make the property ineligible for farmland assessment.

**(8). A 20-acre parcel of land** is managed under the Conservation Reserve Program of the United States Department of Agriculture Farm Service Agency and receives an annual payment of \$750. The payment meets the minimum income requirement for farmland assessment of \$575 (\$500 + an average of \$5 for acreage above the first 5). The entire 20 acres are considered actively devoted as federal soil conservation payments alone make the land eligible for Farmland Assessment. The landowner reports the USDA program name and agreement number on Form FA-1.



**(9). On a 6-acre parcel of land,** 5.5-acres produce vegetables that are sold at the seasonal farm stand. The sales of vegetables produced on the parcel exceed the minimum sales requirement for this parcel of \$505. A farm stand and parking area occupies one-half acre of ground. In that no less than 5 acres are devoted to a horticultural use (producing crops for sale), the one-half acre utilized by the seasonal farm stand qualifies the entire 6 acres for farmland assessment.

**(10). On a 16-acre parcel of woodland** 80 beehives are maintained. A gross income in excess of \$4,000 is received annually from farmers in the area for use of the bees in pollinating their crops. Over \$1,000 is also received from the sale of honey. Because the 16 acres is not being managed for honey production, the landowner hires an approved forester to develop a woodlot management plan. The woodlot management plan will need to be implemented for two full calendar years to be eligible for Farmland Assessment in the third year. For purposes of gross sales criteria income from pollination of crops does not count, only honey sales.

### **Livestock - Including Criteria for Equine Operations**

Breeding or raising of livestock (which includes horses) for productive gain is defined as an agricultural use. The boarding, rehabilitating, training or grazing of livestock is also an agricultural use, but only when the boarding, rehabilitating or training facility is contiguous to land which otherwise qualifies under the Farmland Assessment Act. One way to qualify such a facility is to use income imputed to land for grazing. Fees received for boarding, rehabilitating or training livestock are not counted when qualifying the initial five acres of land that is contiguous to a boarding, rehabilitating or training facility.

The Farmland Assessment Act does not specify the number of livestock or poultry animals needed as a minimum to qualify. It is recommended that on the first 5 acres, the land should be at the carrying capacity for the raising of livestock or poultry depending on the management practice being utilized.

**The following examples are offered to assist in understanding the revisions made to the Farmland Assessment Act in 1995 that relate to boarding, rehabilitating or training livestock:**

**(1). On a 10 acre parcel of land,** 6 acres are devoted to growing crops and generate annual gross sales of \$650. The remaining 4 acres are used for boarding horses and generate annual boarding fees of \$8,500. Since the land used for boarding horses is

contiguous to land 5 acres or more otherwise qualifying for Farmland Assessment, the fees from boarding may be included to meet the minimum gross income requirement and qualify the entire 10 acre parcel.

**(2). On a 10 acre parcel of land,** 3.5 acres are devoted to growing crops and generate annual gross sale of \$450. The remaining 6.5 acres are used for boarding horses and generate annual boarding fees of \$10,500. None of the 6.5 acres is used for grazing horses. The land contiguous to the land used for boarding horses does not otherwise qualify for farmland assessment, both because it is not at least 5 acres in area and because it does not meet the minimum \$500 income requirement for the first 5 acres. Therefore, the fees from boarding may not be included to meet the minimum gross income requirements, and the entire 10 acre parcel is ineligible for Farmland Assessment.

**(3). On an 8.5 acre parcel of land,** .5 acres is used with the house, and 3 acres are devoted to boarding and training horses, which produces fees of \$3,200. The remaining 5 acres are utilized for grazing the boarded horses. Income imputed to grazing is \$495. Since the 5 acres used for grazing does not have an imputed value for such use of at least \$500; it is not eligible for Farmland Assessment. The 3 acre portion used for boarding and training is also ineligible, because it is not contiguous to land which otherwise qualifies for Farmland Assessment.

**(4). 3 horses and 1 pony are kept on their owners' land for pleasure riding.** The animals pasture on 14 acres, which have an imputed grazing value of \$103 per acre or \$1,442. Although the imputed grazing value exceeds the income requirements for qualification, the land would be ineligible for farmland assessment since the livestock are not raised for sale, the livestock do not produce products for sale, and the grazing is not connected with breeding, raising, boarding, rehabilitating or training activities.

**(5). On a 10-acre parcel of land, 1 acre is used for residential dwelling,** 3 acres are devoted to hay production, 4 acres are fenced pasture for boarded horses, .5 acres is for the boarding facility, and 1.5 acres is appurtenant woodland. 125 bales of hay with a value of \$3 per bale generating \$375 are produced annually and fed to the boarded horses. Income imputed to land for grazing of \$100 per acre times 4 acres equals \$400. As 7 acres of land producing \$775 in income is adjacent to the boarding facility, 9 acres qualified for Farmland Assessment.

### **Qualifying Woodland**

The Farmland Assessment Act of 1964 provides that land "shall be deemed to be in agricultural use when devoted to

the production for sale of plants and animals useful to man, including trees and forest products." Land devoted to the growing of trees (woodland) can qualify for Farmland Assessment when it meets certain requirements.

(1). **Self-qualifying woodland or acreage** composed of non-appurtenant woodland qualifies for Farmland Assessment, if the tract of land meets all statutory requirements with respect to income, acreage, years actively devoted to agricultural use, and compliance with an approved woodlot management plan. Self-qualifying woodland is considered to be non-appurtenant woodland and is entered as such on the Farmland Assessment application Form FA-1.

To qualify this type of woodland, the following additional requirements must be met and submitted annually:

(a). A properly prepared woodlot management plan (filed first year only, until plan is renewed or changed); *Note: A woodlot management plan must be in place 2 full calendar years before qualification is permitted.*

(b). A woodland data Form WD-1 signed by an approved forester;

(c). A scaled map indicating location of woodland activity and soil classes; and

(d). An exact copy of the information submitted to the assessor is to be submitted, at the same time, to the New Jersey Forest Service, Department of Environmental Protection, Trenton, NJ.

(2). **Appurtenant woodland** (supportive) is woodland acreage which is part of a crop or livestock farm, and which may or may not contribute income to the farm. Typically, this land does contribute benefits to the farm, such as lumber or fencing for on-farm use, protection from wind, erosion, water conservation, or buffer areas for the farm from neighbors. This woodland is considered to be appurtenant woodland and is entered under this category on the Form FA-1.

A wooded piece of property is presumed to be supportive and subordinate woodland when the area is less than the area of cropland and pastureland qualifying for Farmland Assessment. An owner claiming Farmland Assessment for a wooded piece of property exceeding the acreage in cropland or pastureland must submit an explanation and additional proofs the assessor may require to support the claim that such woodland is supportive and subordinate.

Woodland that does not qualify under (1) or (2) is not eligible for Farmland Assessment. For additional information on woodland management and Farmland Assessment, the New Jersey Forest Service, Department of Environmental Protection may be contacted at 609-292-2531 or [www.nj.gov/dep/parksandforests/forest](http://www.nj.gov/dep/parksandforests/forest) and click on the link for Private Lands Management.

### **Rented Farmland**

Under the Farmland Assessment Act, land may be rented to another person who actively devotes the land to an agricultural or horticultural use. It is the owners' responsibility to annually complete an application, Form FA-1, for Farmland Assessment. For rented land, the name of the farmer, address, telephone number, and the current year farming activity must be provided. The municipal assessor may require clear evidence of sales, especially where farming activities are not readily apparent. Rent received from a farmer is not considered the sale of an agricultural or horticultural commodity, and cannot be used to meet the gross sales requirement for Farmland Assessment. Instead, the value of farm products sold from the land is used.

### **When the Use of Land Changes - Rollback Taxes**

The Farmland Assessment Act provides special treatment for land which is continued in active, agricultural or horticultural use by permitting reduced assessments and reduced tax on such qualifying lands. To recapture some of the taxes which would have been paid had the land been taxed on the same basis as all other non-farm property, the Farmland Assessment Act provides for levy of rollback tax if the use of the land changes. Change includes the abandonment of agricultural activity.

The liability for rollback taxes attaches to the land when a change in use of the land occurs, but not when a change in ownership takes place, if the new owner continues to devote the land to qualified agricultural or horticultural uses. Any land which changes from an eligible agricultural or horticultural use under the Farmland Assessment Act to a non-farm use is subject to rollback taxes for the year in which the change takes place, and for the two tax years immediately prior, in which the land was valued, assessed and taxed under the Act.

## **Assessment Values**

The Farmland Assessment Act established the Farmland Evaluation Advisory Committee (FEAC) made up of the Director of the Division of Taxation, the Dean of Cook College, and the New Jersey Secretary of Agriculture. The FEAC publishes ranges of fair value for use by assessors in assessing qualified farmland in accordance with its agricultural or horticultural use. The land use classes established by the FEAC are cropland harvested, cropland pastured, permanent pasture, non-appurtenant woodland, and appurtenant woodland. The soil ratings are A through E, from very productive farmland to very poor farmland. Example: For cropland harvested, soil group B, the assessment value ranged from \$620 to \$860 per acre by county for the 2006 tax year. The Report of the State Farmland Evaluation Advisory Committee is published annually each October 1 by the New Jersey Division of Taxation. A copy can be obtained by calling (609) 292-7974.

## **Filing for Farmland Assessment**

The owner or owners of land used for agricultural or horticultural purposes may apply for valuation of the land under the Farmland Assessment Act by filing application Form FA-1, available from the respective municipal tax assessor. Where an application is filed for lands not previously qualified for Farmland Assessment, the owner must also submit a map of land use, use classes and soil groups. Soils maps for Farmland Assessment may be obtained from the respective soil conservation district in which the land is located. A listing of soil conservation districts is found at <http://www.nj.gov/agriculture/rural/natrsrc.htm> or by calling the New Jersey Department of Agriculture, Natural Resource Conservation Program at (609) 292-5540. The United States Department of Agriculture, Natural Resources Conservation Service provides a soil survey website, that permits a landowner to develop a soils map of their property, and can be found at <http://websoilsurvey.nrcs.usda.gov/app/>

Woodland owners must file, in addition to the Form FA-1, a completed Woodland Data Form WD-1 and a copy of their Woodland Management Plan (first year only, until Plan is renewed or changed) with both the municipal tax assessor and with the New Jersey Department of Environmental Protection.

Form FA-1, and Form WD-1 if required, must be filed annually **on or before August 1** of the year before the year for which Farmland Assessment is being sought. An extension of time for filing is granted to December 1 of the pre-tax year if the taxing district completes a revaluation of all real property in time to be reflected in the assessments for the next succeeding tax year. The assessor may also grant an extension of time for filing the application for Farmland Assessment to no later than September 1 of the pre-tax year, where it appears to the satisfaction of the assessor that failure to file by August 1 was due to:

- a). The illness of the owner certified by a physician stating a physical incapacity; or
- b). The death of the owner or immediate member of the owners' family. A certified copy of the death certificate must be filed with the application by the individual legally responsible for the estate of the owner or the owner.

An assessor can not approve an extension of time to file an application in cases where the death of the owner or a member of the owners' immediate family occurred prior to first day of January of the pre-tax year.

By law, an on-site inspection of the land will be made by the tax assessor at least once every three years. The municipality may impose a fee for an on-site inspection of not more than \$25 in a 3-year period. On-site inspections may be made as many times as reasonably necessary to establish the eligibility status of the land for the purpose of approving or disapproving the application.

### **Additional Information**

The above information is intended to help landowners understand the basic requirements of the Farmland Assessment Act. The New Jersey Department of Agriculture will answer questions on agricultural and horticultural production related to farmland assessment requirements. The New Jersey Division of Taxation will answer questions on tax procedures, tax laws, regulations, and court cases. The New Jersey Forest Service will answer questions concerning woodland. Rutgers Cooperative Research and Extension can provide information on crop and livestock production, farm management and marketing, and other related topics. Municipal tax assessors can provide forms needed for filing.

**NJ Dept. of Agriculture (609) 984-2503** or  
 Robert.Bruch@ag.state.nj.us  
<http://www.state.nj.us/agriculture>  
 Click on "Publications" then "For Farmers" and scroll to Farmland Assessment Act

**NJ Division of Taxation (609) 292-7974**  
<http://www.state.nj.us/treasury/taxation/lpt/localtax.htm>  
 Scroll down to "General Assessment Issues" then scroll to "Farmland"

**NJ Forest Service (609) 292-2531**  
<http://www.nj.gov/dep/parksandforests/forest>  
 Click on "Private Lands Management" then on "Farmland Assessment"

**Rutgers Cooperative Research and Extension** - For your county office refer to the listing in the blue pages of your telephone directory under "County Government" - Extension Service - Agricultural Agent

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Prepared by the New Jersey Department of Agriculture, in consultation with the New Jersey Division of Taxation and the New Jersey Forest Service.

**SAMPLE ONLY – Obtain application from municipal tax assessor**

FORM FA-1  
 DIV. OF TAXATION  
 (REVISED APRIL, 2003)

**APPLICATION FOR FARMLAND ASSESSMENT**

**REFER TO EXCERPTS OF THE LAW AND INSTRUCTIONS BEFORE COMPLETING**

COUNTY \_\_\_\_\_ MUNICIPALITY \_\_\_\_\_ TAX  
 YEAR \_\_\_\_\_

**SECTION 1 - IDENTIFICATION INFORMATION** (Please print or type all information)

- (1) Owner's Name \_\_\_\_\_ (8) Farm operator(s) other than owner: \_\_\_\_\_
- (2) Mailing Address \_\_\_\_\_ (a1) Name \_\_\_\_\_  
 \_\_\_\_\_ (b1) Address \_\_\_\_\_
- (3) Telephone ( ) \_\_\_\_\_
- (4) Land Location \_\_\_\_\_ (c1) Telephone ( ) \_\_\_\_\_
- (5) Block(s) Lot(s) \_\_\_\_\_ (a2) Name \_\_\_\_\_  
 (a) Qualification No (if assigned by assessor) \_\_\_\_\_ (b2) Address \_\_\_\_\_
- (6) The land is  farmed solely by owner  
 rented to farmer  
 farmed by owner and tenant (c2) Telephone ( ) \_\_\_\_\_
- (7) Is farm deed restricted to agriculture? Yes No # of Acres

**SECTION 2 - BREAKDOWN OF LAND USE CLASSES** (All entries and totals must be accurate)

Insert the current year's acreage in the appropriate land use class. Indicate acres to the nearest hundredth (0.00) - DO NOT USE DIMENSIONS

REFER TO DEFINITIONS OF LAND USE CLASSES UNDER "INSTRUCTIONS"

**ACTIVELY DEVOTED LAND**

**Acreage**

**LAND NOT ACTIVELY DEVOTED**

**Acreage**

(1) Cropland harvested	(1) _____	(8) Land under and land used in connection with farmhouse.	(8) _____
(2) Cropland pastured	(2) _____	(9) All other land not devoted to agricultural or horticultural use.	(9) _____
(3) Permanent pasture	(3) _____	(10) TOTAL NOT DEVOTED TO AGRICULTURAL OR HORTICULTURAL USE (Sum of lines 8 & 9)	(10) _____
(4) Non-appurtenant woodland (See instructions before making entry)	(4) _____	(11) TOTAL ACREAGE OF ALL LAND (Sum of lines 7 & 10)	(11) _____
(5) Appurtenant woodland or wetland (See instructions before making entry)	(5) _____	*If less than 5 acres, cite the municipality, block(s) and lot(s) of contiguous acreage in adjacent municipality	
(6) Acres used for: (don't include pastured acres)	(6) _____	(12) Is there a claim for land under:	
(a) <u>        </u> boarding	(b) <u>        </u> rehabilitating	(c) <u>        </u> training	
	Total a, b & c		
(7) *TOTAL DEVOTED TO AGRICULTURAL OR HORTICULTURAL USE (Sum of lines 1 to 6)	(7) _____	• Seasonal farm markets? Yes _____ No _____	
		• Seasonal agricultural labor housing? Yes _____ No _____	

**SECTION 3 - CURRENT YEAR FARMING ACTIVITY** - Indicate acres to nearest tenth (0.0). Include Double Cropping, for example, two plantings on fifty acres should be reported as 100.0 acres.

INSERT CURRENT YEAR HARVESTED OR TO BE HARVESTED ACRES FOR LAND ONLY IN SECTION II

<b>A. FIELD CROPS (Harvested Acres)</b>		<b>Acres</b>	Trees & shrubs (nursery).....(30) _____	Eggplant.....(53) _____
Irrigated Acres.....(80)	_____		Sod (cultivated).....(31) _____	Lettuce.....(54) _____
Barley (grain).....(11)	_____		Christmas trees.....(32) _____	Onions.....(55) _____
Corn for grain.....(12)	_____		Other:	Peas.....(56) _____
Corn for silage.....(13)	_____		(specify) _____	Peppers (sweet).....(57) _____
Hay (alfalfa).....(15)	_____	<b>D. LIVESTOCK</b>	<b>Avg. No. of</b>	Potatoes (white).....(58) _____
Hay (other excluding salt hay).....(16)	_____		<b>Livestock</b>	Potatoes (sweet).....(59) _____
Oats (grain).....(17)	_____	All beef cattle.....(33) _____		Pumpkins.....(60) _____
Rye (grain).....(18)	_____	Dairy.....(34) _____		Spinach.....(61) _____
Sorghum.....(19)	_____	Dairy (young).....(35) _____		Squash.....(62) _____
Soybeans.....(20)	_____	Horses & ponies.....(36) _____		Tomatoes.....(63) _____
Wheat.....(21)	_____	Sheep.....(37) _____		Melons.....(64) _____
Cover Crops Planted:		Swine.....(38) _____		Mixed and other vegetable
(specify) _____		Bees (Hives).....(39) _____		crops.....(65) _____
Other Field Crops:		Ducks.....(40) _____		Other crops:
(specify) _____		Fur animals.....(41) _____		(specify) _____
		Goats.....(42) _____		<b>F. AQUACULTURE</b>
<b>B. FRUIT CROPS (Bearing Acres)</b>	<b>Acres</b>	Chickens (meat).....(43) _____		Clams, oysters (other specify).....(66) _____
Irrigated Acres.....(81)	_____	Chickens (layers).....(44) _____		Fresh water, pond fish.....(67) _____
Apples.....(22)	_____	Turkeys.....(45) _____		Other:
Blueberries.....(23)	_____	Other:		(specify) _____
Cranberries.....(24)	_____	(specify) _____		<b>G. ANNUAL HARVEST OF</b>
Grapes.....(25)	_____	<b>E. VEGETABLE CROPS (Harvested Acres)</b>		<b>WOODLAND PRODUCTS</b>
Nectarines.....(86)	_____		<b>Acres</b>	Fuelwood (cords).....(68) _____
Peaches.....(26)	_____	Irrigated Acres.....(83) _____		Pulpwood (cords).....(69) _____
Strawberries.....(27)	_____	Asparagus.....(46) _____		Timber (Bd. Ft.).....(70) _____
Other fruit crops:		Beans, lima.....(47) _____		Other:
(specify) _____		Beans snap.....(48) _____		(specify) _____
Non-bearing fruit:		Cabbage.....(49) _____		<b>H. LAND IN FEDERAL GOVERNMENT PROGRAMS</b>
(specify) _____		Carrots.....(50) _____		Name of Program _____
<b>C. ORNAMENTAL CROPS</b>	<b>Acres</b>	Corn, sweet.....(51) _____		Program Number _____
Irrigated Acres.....(82)	_____	Cucumbers.....(52) _____		Acres in Program.....(73) _____
Bedding plants.....(28)	_____			
Flowers (cut).....(29)	_____			

**SECTION 4 - SIGNATURE AND VERIFICATION OF OWNER(S)**      **ANNUALLY FILE BY AUGUST 1 (SEE INSTRUCTION 2d)**  
The undersigned declares under the penalties provided by law, that this application, including any accompanying schedules and statements, has been examined by him (her) and to the best of his (her) knowledge and belief is true and correct. Filing of this application is also a representation that the land will continue to be devoted to an agricultural or horticultural use during the year for which farmland assessment is requested.

**OR**

Signature of Individual Owner or Co-owner Corporate Name	Date	Signature of Corporate Officer	Date
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This application is      ( ) APPROVED  
( ) DISAPPROVED

**RESERVED FOR OFFICIAL USE**



ASSESSOR

**APPLICATION IN DUPLICATE TO BE FILED WITH LOCAL TAX ASSESSOR  
TAXPAYER SHOULD RETAIN A COPY FOR HIS FILES  
(IF ENTRY MADE IN SECTION II, LINE 4, COPY MUST ALSO BE FILED WITH DEPT. OF ENVIRONMENTAL PROTECTION)**

**INSTRUCTIONS**

1. GENERAL—For the purpose of these instructions, the term "farmland assessment" shall refer to valuation, assessment and taxation under the Farmland Assessment Act, C. 48, L. 1964, N.J.S.A. 54:4-23.1, et seq. Only one application form in duplicate shall be filed for each farm made up of contiguous land. Application form is to be filed with local tax assessor. If an entry is made in Section 2, line 4, Form WD-1 (woodland data form) must also be filed with this application.
2. GENERAL QUALIFICATIONS—Land may be eligible for "farmland assessment" when it meets the following qualifications:
  - a. It has been actively devoted to agricultural or horticultural use for at least the 2 successive years immediately preceding the tax year for which "farmland assessment" is requested.
  - b. The area of the land actively devoted to agricultural or horticultural use, exclusive of the land upon which the farmhouse is located and such additional land as may be actually used in connection with the farmhouse, is not less than 5 acres.
  - c. Gross sales, fees, or payments average at least \$500 annually on the first 5 acres and on all acreage above 5 acres average sales of \$5.00 per acre on farmland and \$0.50 per acre on woodland and wetland. (See N.J.S.A. 54:4-23.5)
  - d. Application by the owner for "farmland assessment" has been made on or before August 1 of the year immediately preceding the tax year (See N.J.S.A. 54:4-23.13a and 54:4-23.6)

**SECTION 1-IDENTIFICATION INFORMATION**—Complete the information noted under this Section for items 1 through 8.

For item #1, "Owner's Name." List every individual, partnership or corporation having an interest in the land as owner.

For item #5, "Blocks and Lots." State block(s) and lot(s) as shown on the official tax map or page(s) and line(s) on the current year's tax list that make up a farm unit of contiguous land. This information may be obtained from your tax bill.

**SECTION 2-BREAKDOWN OF LAND USE CLASSES**—Complete the information noted under this Section for items 1 through 12.

For item #1, "Cropland Harvested." This is land that is the heart of a farming enterprise and represents the highest use of land in agriculture. All land from which a crop was harvested in the current year falls into this category.

For item #2, "Cropland Pastured." This is land that can be and often is used to produce crops but its maximum income may not be realized in a particular year.

For item #3, "Permanent Pasture." This is land that is not cultivated because its maximum economic potential is realized from grazing or as part of erosion control programs. Animals may or may not be part of the farm operation for land to be qualified in this category.

For item #4, "Non-appurtenant Woodland." This is woodland devoted exclusively to the production for sale of trees and forest products, except for Christmas trees which should be entered in the cropland harvested classification (item #1). Also woodland which is not "supported and subordinate" to land entered in land use classification #1, 2, or 3 should be entered under this classification (item #4). The owner of this classification of woodland must submit information noted under excerpt N.J.A.C. 18:15-2.7.

For item #5, "Appurtenant Woodland." This is woodland which is not devoted to the production for sale of trees and forest products, but nevertheless can be eligible for farmland assessment on the basis of being "beneficial to a tract of land" which is 5 acres or more and is otherwise actively devoted and qualified farmland (land uses #1, 2, or 3). Generally, only woodland acreage less than the otherwise actively devoted qualified farmland acreage (land uses #1, 2, or 3) will be considered as "appurtenant woodland". Woodland acreage exceeding the otherwise actively devoted farmland should only be entered as "appurtenant woodland" when proof of its benefit to the otherwise actively devoted farmland can be explained and substantiated to the assessor.

For item #6, "Acres Used for Boarding, Rehabilitating or Training Livestock." For this acreage to be deemed actively devoted to an agricultural use it must be contiguous to land which otherwise qualifies for farmland assessment.

For item #8, "Land Under And Land Used in Connection With Farmhouse." This is land on which a farmhouse is located, together with such land area as may be devoted to lawns, flower gardens, shrubs, swimming pools, tennis courts and like purposes related to the use and enjoyment of the farmhouse. This is land not deemed to be in agricultural or horticultural use and, therefore, is assessed and taxed in accordance with the true value standard.

For item #9, "All Other Land Not Devoted To Agricultural Or Horticultural Use." This is land other than used in connection with the farmhouse that is not devoted to an agricultural or horticultural use nor is it necessary to support or enhance land actively devoted to an agricultural or horticultural use. This land will be assessed and taxed in accordance with the true value standard.

For item #12 enter "YES" or "NO".

For purposes of this application certain land uses shall be considered to be in the categories as noted below:

Land Use	Category	Land Use	Category
Land under farm buildings	Cropland Harvested	Nurseries, Christmas trees	Cropland Harvested
Swampland, wetland	Appurtenant Woodland	Crops grown under glass	Cropland Harvested
Lakes, ponds, streams, irrigation ditches	Appurtenant Woodland	Wood and forest products	Non-appurtenant Woodland
Land in government programs	Cropland Harvested	Seasonal Farm Markets	Cropland Harvested
		Agricultural Labor Housing	

**SECTION 3-CURRENT YEAR FARMING ACTIVITY**—Complete this Section by inserting the current year acreage or other information that is specified.

**SECTION 4-SIGNATURE AND VERIFICATION**—In the case of multiple ownership, one of the owners may sign on behalf of the other co-owners, except corporate co-owners. Any such signer will be presumed to have authority to sign in behalf of the other non-corporate owners. In the case of a corporate owner, the full name of the corporation must be separately filled in, accompanied by the signature and the title of the corporate officer authorized to sign the application in its behalf.

**CHANGE IN USE-ALL APPLICANTS PLEASE NOTE**

- a. When land, which is in agricultural or horticultural use and is being valued under the Farmland Assessment Act, is applied to a use other than agricultural or horticultural, it is subject to additional taxes, referred to as roll-back taxes, in an amount equal to the difference, if any, between the taxes paid or payable on the basis of "Farmland Assessment" and the taxes that would

- have been paid or payable had the land been valued, assessed and taxed as other land in the taxing district.
- b. In the case of a change in use, the roll-back taxes shall be applicable in the year in which the change took place and in such of the 2 tax years, immediately preceding, in which the land was valued, assessed and taxed under the Farmland Assessment Act.

**FARMLAND ASSESSMENT EXCERPTS  
EXCERPTS FROM N.J.S.A. 54:4-23.1 et seq.**

N.J.S.A. 54:4-23.3 - Land shall be deemed to be in agricultural use when devoted to the production for sale of plants and animals useful to man, including but not limited to: forages and sod crops; grains and feed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats, including the breeding, boarding, raising, rehabilitating, training or grazing of any or all of such animals, except that "livestock" shall not include dogs; bees and apiary products; fur animals, trees and forest products; or when devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the federal government... (See N.J.A.C. 18:15-2.7 for additional conditions imposed on woodland not deemed to be appurtenant).

N.J.S.A. 54:4-23.4 - Land shall be deemed to be in horticultural use when devoted to the production for sale of fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral ornamental and greenhouse products; or when devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the federal government.

N.J.S.A. 54:4-23.5 - Land, five acres in area, shall be deemed to be actively devoted to agricultural or horticultural use when the amount of the gross sales of agricultural or horticultural products produced thereon, any payments received under a soil conservation program, fees received for breeding, raising or grazing any livestock, income imputed to land used for grazing in the amount determined by the State Farmland Evaluation Advisory Committee created pursuant to section 20 of P.L. 1964, c.48 (C.54:4-23.20), and fees received for boarding, rehabilitating or training any livestock where the land under the boarding, rehabilitating or training facilities is contiguous to land which otherwise qualifies for farmland assessment, as long as income from one or more have averaged at least \$500.00 per year during the 2-year period immediately preceding the tax year in issue, or there is clear evidence of anticipated yearly gross sales and such payments amounting to at least \$500.00 within a reasonable period of time. In addition, where the land is more than five acres...(See instructions 2c)

N.J.S.A. 54:4-23.6 - Land which is actively devoted to agricultural or horticultural use shall be eligible for valuation, assessment and taxation as herein provided when it meets the following qualifications:

- (a) It has been so devoted for at least the two successive years immediately preceding the tax year for which valuation under this act is requested;
- (b) The area of such land is not less than five acres when measured in accordance with the provisions of section 11 hereof; and
- (c) Application by the owner of such land for valuation hereunder is submitted on or before August 1 of the year immediately preceding the tax year to the assessor of the taxing district in which such land is situated on the form prescribed by the Director of the Division of Taxation in the Department of the Treasury;
- (d) The assessor may grant an extension of time for filing an application required by this section, which extension shall terminate no later than September 1 of the year immediately preceding the tax year, in any event where it shall appear to the satisfaction of the assessor that failure to file by August 1 was due to (1) the illness of the owner and a certificate of a physician stating that the owner was physically incapacitated and unable to file on or before August 1 and the application is filed with the assessor; or (2) the death of the owner or an immediate member of the owner's family and a certified copy of the death certificate and the application is filed with the assessor by the individual legally responsible for the estate of the owner, or the owner, as the case may be.

As used in this act, "immediate family member" means a person's spouse, child, parent or sibling residing in the same household.

**EXCERPTS FROM N.J.A.C.18:15-1 et seq.**

(Adopted pursuant to P.L. 1986, c201)

N.J.A.C. 18:15-1.1 - "Appurtenant woodland" means a wooded piece of property which is contiguous to, part of, or beneficial to a tract of land, which tract of land has a minimum area of at least 5 acres devoted to agricultural or horticultural uses other than the production for sale of trees and forest products, exclusive of Christmas trees, to which tract of land the woodland is supportive and subordinate.

"Beneficial to a tract of land" means land which enhances the use of other land devoted to agricultural or horticultural production by providing benefits such as, but not limited to, windbreaks, watershed, buffers, soil erosion control, or other recognizable enhancements of the viability of the qualifying land.

"Supportive and subordinate woodland" means a wooded piece of property which is beneficial to or reasonably required for the purpose of maintaining the agricultural or horticultural uses of a tract of land, which tract of land has a minimum area of at least five acres devoted to agricultural or horticultural uses other than to the production for sale of trees and forest products, exclusive of Christmas trees.

N.J.A.C. 18:15-2.7- Additional conditions to be fulfilled...

- (a) The owner of land which is devoted exclusively to the production for sale of trees and forest products other than Christmas trees or the owner of woodland which is not supportive and subordinate woodland shall annually submit to the assessor, in addition to a completed and timely filed application for farmland assessment (Form FA-1), the following accompanying information:
1. A copy of a woodland management plan prepared in accordance with provisions noted under N.J.A.C. 18:15-2.10;
  2. A scaled map of the land showing the location of woodland activity and the soil group classes of the land; and
  3. A completed woodland data form (Form WLD-1), as prescribed by the Director of the Division of Taxation.

N.J.A.C 18:15-2.8 - Supportive and subordinate woodland presumption

- (a) A wooded piece of property as described in the definition of supportive and subordinate woodland in N.J.A.C 18:15-1.1 shall be presumed to be supportive and subordinate woodland when its area is less than the area of the farmland property qualifying for agricultural or horticultural uses other than the production for sale of trees and forest products, exclusive of Christmas trees.
- (b) An owner claiming farmland assessment for a wooded piece of property exceeding the amount set forth in (a) above as presumed to be supportive and subordinate woodland shall submit an explanation and additional proofs the assessor may require to support the claim that such woodland is supportive and subordinate.

