

46:8C-8 and 46:8C-9

**LEGISLATIVE HISTORY CHECKLIST**

**NJSA:** 46:8C-8 and 46:8C-9

("Affordable Housing Act of 1983" - mobile home parks - regulation and licensing.)

**LAWS OF:** 1983

**CHAPTER:** 399

**Bill No:** A3355

**Sponsor(s):** Riley

**Date Introduced:** April 25, 1983

**Committee:**

**Assembly:** -----

**Senate:** Revenue, Finance & Appropriations

**Amended during passage:** YES Amendments denoted by asterisks  
According to Governor's recommendations

**Date of Passage:** **Assembly:** June 23, 1983 Re-enacted 12/8/83

**Senate:** September 15, 1983 Re-enacted 12/15/83

**Date of Approval:** December 22, 1983

**Following statements are attached if available:**

**Sponsor statement:** YES

Also attached: Assembly amendments to A3355 adopted 6/30/83 (with statement)

**Committee statement:** **Assembly** NO

**Senate** YES

**Fiscal Note:** NO

**Veto Message:** NO

**Message on Signing:** NO

**Following were printed:**

**Reports:** YES

**Hearings:** YES

974.90 New Jersey. Mobile Home Taxation Commission  
H842 Report...June, 1983. Trenton, 1983  
1983b

(OVER)

DEFINITIVE COPY  
DO NOT REMOVE FROM LIBRARY

974.90 New Jersey. Mobile Home Taxation Commission.  
H842 Public hearing on A3355, held 5/19/83 and 5/24/83  
1983f Williamstown and Toms River, New Jersey 1983.

974.90 New Jersey. Mobile Home Study Commission  
H842 Report and recommendations...  
1980a October, 1980. Trenton, 1980

LAW LIBRARY COPY  
DO NOT REMOVE

[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 3355

STATE OF NEW JERSEY

INTRODUCED APRIL 25, 1983

By Assemblymen RILEY, WOLF, HENDRICKSON, DOYLE  
and MARSELLA

AN ACT concerning the regulation\***[, taxation]**\* and licensing of  
\***[manufactured homes, mobile homes and]**\* mobile home  
parks\***[, and supplementing Title 40 of the Revised Statutes]**\*.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 \***[1. This act shall be known and may be cited as "The Afford-**  
2 **able Housing Act of 1983."]**\*

1 \***[2. As used in this act:**

2 a. "Concrete" means a building material made by mixing a  
3 cementing material and a mineral aggregate with water, and shall  
4 include asphalt and other nonporous concrete substitutes.

5 b. "Manufactured home" means any unit of housing consisting  
6 of one or more sections which were substantially constructed off  
7 site and joined together on site and which were manufactured in  
8 accordance with any construction code recognized by the United  
9 States Government or that of the State of New Jersey, and which  
10 meets the Health Code of the State of New Jersey, and that has  
11 perimeter walls. The manufactured housing shall have a width of  
12 not less than 22 feet.

13 c. "Mobile home" means any unit of manufactured housing  
14 sited in a mobile home park on a nonpermanent foundation except  
15 for those defined as trailers.

16 d. "Mobile home park" means any group of 10 or more mobile  
17 home sites under common ownership or control, whose principal  
18 business is to lease said sites for the primary purpose of providing

**EXPLANATION**—Matter enclosed in bold-faced brackets [thus] in the above bill  
is not enacted and is intended to be omitted in the law.

Matter printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

\*—Assembly amendments adopted June 20, 1983.

\*\*—Assembly amendments adopted in accordance with Governor's recom-  
mendations November 21, 1983.

19 a location for the siting of a mobile home by a lessee on a non-  
 20 permanent foundation, which mobile home is owned by the lessee.  
 21 Any group of three to nine mobile homes existing prior to the  
 22 effective date of this act shall qualify as a mobile home park for  
 23 the purposes of this act.

24 e. "Mobile home transfer certificate" means a permit issued  
 25 by a municipality for the purpose of allowing the mobile home to  
 26 be removed from a leased site within a mobile home park in the  
 27 municipality.

28 f. "Municipal service fee" means a fee imposed on a mobile  
 29 home for the purpose of payment for the services rendered to  
 30 mobile homeowners by a municipality, limited to local school  
 31 board, regional school board, fire district and trash district services.  
 32 This fee shall be based only upon the services provided to the  
 33 mobile home park. Sewer and water taxes will not be included in  
 34 the municipal service fee.

35 g. "Nonpermanent" means and includes any dwelling unit on  
 36 nonmortared blocks, piers, wheels, concrete pad or concrete runners  
 37 or any other Department of Community Affairs approved tempo-  
 38 rary support system.

39 h. "Trailer" means any recreational vehicle, travel trailer,  
 40 camper or other manufactured unit on a nonpermanent site, not  
 41 conforming to Federal and State codes for manufactured  
 42 housing.]\*

1 \***[3. Manufactured homes shall be considered for all purposes to  
 2 be real property, and subject to taxation on the same basis as other  
 3 real property located within the municipality. A manufactured  
 4 home shall not be subject to taxation or licensing as a motor vehicle  
 5 or other personal property, nor shall its purchase be financed in  
 6 the manner of personal property.]\***

1 \***[4. A mobile home shall be subject to the sales tax imposed by  
 2 the "Sales and Use Tax Act", P. L. 1966, c. 30 (C. 54:32B-1 et seq.)  
 3 at a rate not to exceed 60% of the manufacturer's invoice on the  
 4 mobile home when it is first offered for sale. A subsequent sale  
 5 of a mobile home shall be exempt from the tax imposed by the  
 6 "Sales and Use Tax Act.']\***

1 \***[5. The Division of Motor Vehicles in the Department of Law  
 2 and Public Safety shall establish a system for the licensing of  
 3 mobile homes and the issuing of certificates of title to mobile home  
 4 owners. No mobile home shall be occupied until licensed by the  
 5 division. Mobile homes occupied prior to the effective date of  
 6 this act shall comply with this act 180 days following its effective  
 7 date or by a date to be established by the Director of the Division  
 8 of Motor Vehicles.]\***

1 \***[6.** A municipality where a mobile home is located may not  
 2 charge the mobile homeowner any fee or tax other than the municipi-  
 3 pal service fee, nor shall the municipality charge the owner of the  
 4 mobile home park any fee, tax or other charge except for the  
 5 tax due on the land and real property. Sewer and water taxes  
 6 may be billed as per established municipal procedures.]\*\*

1 \***[7.** Municipalities may charge mobile homeowners a municipal  
 2 service fee. The municipal service fee shall be an annual fee billed  
 3 on a quarterly basis directly to the mobile home owner. The owner  
 4 of a mobile home park will provide the municipality, on a quar-  
 5 terly basis, with the name and address of all mobile home owners  
 6 located within the park. Exemptions and deductions allowed to  
 7 owners on real property taxes shall not be applicable to municipal  
 8 service fees.]\*\*

1 \***[8.** No transfer certificate shall be issued for a mobile home if  
 2 the municipal service fee due on that home is not paid for the  
 3 current quarter. Unpaid municipal service fees shall become a lien  
 4 upon the mobile home and collectible by the municipality in the  
 5 same manner as tax liens.]\*\*

1 \*1. \***[a.]\*\*** *In addition to the powers set forth in R. S. 40:52-1,*  
 2 *the governing body of a municipality may, by ordinance, provide*  
 3 *for the regulation and licensing of mobile home parks.*

4 \***[b.** *The municipality, by ordinance, may impose an annual fee,*  
 5 *not to exceed \$200.00, for a mobile home park license, except that in*  
 6 *any municipality in which, on the effective date of this act, an*  
 7 *annual license fee in excess of \$200.00 is in effect, the amount of*  
 8 *that fee shall be the maximum fee which the municipality shall*  
 9 *impose.]\*\*\**

1 \***[9.]\* \*2.\*** The mobile home park owner *\*or operator\** may  
 2 **[place for sale]\*** *\*sell\** the first mobile home to be located on  
 3 **[any]\*** *\*each\** site to be leased within the mobile home park.

1 \***[10.** Municipalities shall issue mobile home transfer certifi-  
 2 cates. The maximum charge for a mobile home transfer certificate  
 3 shall be \$25.00.]\*\*

1 \***[11.** The owner of a mobile home park shall not allow a mobile  
 2 home to be moved from the leased site or relocated within the  
 3 mobile home park until the mobile home owner obtains a mobile  
 4 home transfer certificate. The fee for the certificate shall be paid  
 5 by the mobile homeowner unless the mobile home is being moved  
 6 at the park owner's request, in which case the park owner shall  
 7 pay the transfer certificate fee.]\*\*

1 \***[12.** A municipality may not exclude manufactured homes from  
 2 the municipality through the use of its planning and zoning ordi-

3 nances or its construction code, nor in any other manner based  
4 solely on the fact that the homes are manufactured homes.]\*

1 \***[13.** When enacting provisions in its master plan, subdivision  
2 ordinance, zoning ordinance or other land use ordinance, concern-  
3 ing the provision of affordable housing within the municipality, a  
4 municipality shall give due consideration to mobile home parks  
5 as a means of providing such housing.]\*

1 \***[14.** Trailers shall not be considered as mobile homes or manu-  
2 factured homes and shall not be subject to the provisions of  
3 this act.]\*

1 \***[15.]** \*3.\* This act shall take effect \***[immediately]**\* \*on  
2 *January 1, 1984, but shall remain inoperative until Assembly Bill*  
3 *No. 3600 of 1983, now pending before the Legislature, is enacted*  
4 *into law.*\*

---

## STATEMENT

This bill clarifies the law concerning manufactured homes, mobile homes and mobile home parks. It is in part a response to the challenge to provide affordable housing as raised in the "Mount Laurel II" decision of the Supreme Court, and an answer to the dilemma presented by *Koester v. Hunterdon County Board of Taxation*, 79 N. J. 381 (1979) which required the taxing of certain mobile homes as real property.

The bill provides definitions distinguishing manufactured homes from mobile homes and trailers. It provides for the taxation as real estate of some homes previously known as mobile homes. It exempts part of the sales price of a mobile home from the sales tax. It also prohibits municipalities from discriminating against manufactured homes and mobile home parks in their land use ordinances. Municipalities would be allowed to charge mobile home owners an annual municipal service fee in order to place the mobile home owners in a more equitable tax situation with other residents. When implemented, the provisions of the bill will be of great assistance in allowing municipalities and developers to provide affordable housing in a fair and equitable manner.

A 3355(1983)

SENATE REVENUE, FINANCE AND APPROPRIATIONS  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 3355**

[OFFICIAL COPY REPRINT]

---

**STATE OF NEW JERSEY**

---

DATED: JUNE 30, 1983

Assembly Bill No. 3355 OCR provides that municipalities may, by ordinance, provide for the licensing and regulation of mobile home parks and may impose an annual fee of up to \$200.00. If a higher fee is in effect in any municipality, that higher fee may be continued, but is the maximum licensing fee amount that the municipality can charge.

In addition, the bill provides that the mobile home park owner or operator may sell the first mobile home to be located on each site to be leased within the park.



adopt 16 30 - 83

Assembly Bill No. 3355

(Sponsored by Assemblyman Riea  
6-20-83)

Amend:

Page	Sec.	Line	
3	11	1-7	Omit these lines in their entirety
3	12	1-4	Omit these lines in their entirety
3	13	1-5	Omit these lines in their entirety
3	14	1-2	Omit these lines in their entirety
3	15	1	Omit "15." insert "3."  Omit "immediately" insert "On January 1, 1984, but shall remain inoperative until Assembly Bill No. 3600 of 1983, now pending before the Legislatu is enacted into law."

#### STATEMENT

These amendments delete certain sections of the bill which relate to three bills recently introduced by the sponsor.

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

November 21, 1983

ASSEMBLY BILL NO. 3355 (OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the Constitution, I herewith return Assembly Bill No. 3355 (OCR) without my signature.

Assembly Bill No. 3355 (OCR) authorizes the governing body of municipalities to regulate and license by ordinance mobile home parks and permits a municipality by ordinance to change an annual fee for a mobile home park license. The bill places a limitation of \$200 on a mobile home park license fee. However, if on the effective date of this act, the municipality charges an annual license fee in excess of \$200, then that amount shall be the maximum fee for that municipality. The bill also provides that a mobile home park owner or operator may sell the first mobile home located on each site to be leased within the mobile home park.

No evidence has been presented to me demonstrating that a limitation of \$200 on a mobile home park license fee is reasonably related to the cost incurred by a municipality in exercising its regulatory functions over mobile home parks. For this reason, I find no need for this limitation in our laws.

Accordingly, I herewith return Assembly Bill No. 3355 (OCR) and I recommend that it be amended as follows:

Page 3, Section 1, Line 1: Delete "a"

Page 3, Section 1, Lines 4-9: Delete in entirety

Respectfully,

/s/ Thomas H. Kean

GOVERNOR

(seal)

Attest:

/s/ W. Cary Edwards  
Chief Counsel