

46:8C-1 et seq.

November 12, 1973

LEGISLATIVE HISTORY OF R.S.46:8C-1 et seq.  
(Mobile Home Park Owners-Dwellers-Rights,  
Obligations)

L.1973 - chap.153 - A1245 - 2nd OCR, May 31  
Mar.19 - Passed Assembly. Amended.  
Apr.5 - Passed Senate. Amended.  
Apr.12 - Senate Amendment passed Assembly.  
May 31 - Approved.

Bill had no Statement. (~~Bill~~, Assembly Amendment, ~~OCR~~, Senate  
Amendment, Senate Reprint, enclosed)

Governors Statement (Enclosed)

No hearings or reports were found.

Similar bills

1972/73 - A1157, 2180 were not reported out of committee.

For explanation of history leading to enactment see:

J711.5 Gibson, Constance B.  
G448 Policy Alternatives for Mobile Homes  
New Brunswick. ~ Center for Urban Policy  
Research Rutgers University. 1972

*I/Per*  
F294

Sussna, Stephen  
Mobile Home Parks in New Jersey Municipalities.  
New Jersey Federation of Planning Officials  
Federation Planning Information. Report vol.  
4 no.5 November 1969.

HP/EH  
Encl.

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[SENATE REPRINT]  
**ASSEMBLY, No. 1245**  
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with Senate committee amendment adopted March 29, 1973

STATE OF NEW JERSEY

INTRODUCED JUNE 15, 1972

By Assemblymen HAMILTON, KOLODZIEJ, FROUDE,  
BORNHEIMER, DEVERIN, FAY and PERSKIE

Referred to Committee on Commerce, Industry and Professions

AN ACT concerning mobile homes and the rights and obligations of  
mobile home park owners and operators and mobile home  
dwellers.

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

1 1. No mobile home park owner or operator may evict a mobile  
2 home dweller other than for the following reasons:

3 a. nonpayment of rent;

4 b. violation of a Federal or State law or local ordinance which  
5 may be deemed detrimental to the safety and welfare of other  
6 dwellers in the mobile home park;

7 c. *\*continued\** violation of any rule or regulation established by  
8 the park owner or operator, provided that the mobile home owner  
9 received written notice of said violation at least 30 days prior to the  
10 date he is required to vacate *\*and has not ceased to violate said*  
10A *rule or violation\**. A copy of all rules and regulations shall  
11 be delivered by the park owner or operator to the mobile home  
12 owner prior to his signing the lease or entering into a rental agree-  
13 ment. A copy of the rules and regulations also shall be posted in  
14 the recreation hall, if any, or some other conspicuous place in the  
15 park\***[.]**\* \*;\*

16 *\*d. where the mobile home dweller holds over or continues in*  
17 *possession after the expiration of his term and after written demand*  
18 *has been made by the mobile home **\*\*park\*\*** owner or operator for*  
19 *possession thereof;*

20 *e. termination of the use of the park for mobile home purposes*  
21 *provided that all mobile home dwellers receive written notice of*  
22 *said termination 90 days prior to the effective date thereof;\**

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

23 \*f.\* **[Additional]** \*additional\* grounds for eviction proceed-  
 24 ings may be established in a written lease agreement between the  
 25 park owner or operator and a mobile home dweller in addition to  
 26 those established by law.

27 **[This section shall not preclude summary eviction proceedings**  
 28 and if the park operator or owner does not have one of the above  
 29 grounds available, the park tenant may raise the same by affirma-  
 30 tive defense.]\*

31 *\*This section shall not preclude summary actions for recovery*  
 32 *of premises. If the park operator or owner does not have one of*  
 33 *the above grounds available, the park tenant may raise the same*  
 34 *by affirmative defense.\**

1 2. a. No mobile home park owner or operator shall require a  
 2 resident therein to purchase from said owner or operator under-  
 3 skirting, equipment for tying down mobile homes, or any other  
 4 equipment required by law, local ordinance or regulations of the  
 5 mobile home park. However, the park operator may determine by  
 6 rule or regulation the style or quality of such equipment to be  
 7 purchased by the tenant from a vendor of the tenant's choosing.

8 b. No mobile home park owner or operator shall charge any  
 9 resident who chooses to install an electric or gas appliance in his  
 10 mobile home an additional fee **[solely on the basis]** \*unless that  
 10A fee reflects the cost to the mobile home park\* of such installation \*or  
 11 its use\*, or to restrict the installation, service or maintenance of  
 12 any such appliance, or to restrict the making of any interior im-  
 13 provement in such mobile home, so long as such an installation or  
 14 improvement is in compliance with applicable building codes and  
 15 other provisions of law.

16 c. A mobile home park owner or operator shall be required to  
 17 fully disclose in writing all fees, charges, assessments, rules and  
 18 regulations prior to a mobile home dwellers assuming occupancy  
 19 in the park. No fees, charges or assessments so disclosed may be  
 20 increased or rules and regulations changed by the park owner or  
 21 operator without specifying the date of implementation of said  
 22 fees, charges, assessments or rules and regulations, which date shall  
 23 be no less than 30 days after written notice to all tenants.

24 d. Failure on the part of the mobile home park owner or oper-  
 25 ator to fully disclose all fees, charges or assessments shall prevent  
 26 the park owner or operator from collecting said fees, charges or  
 27 assessments, and refusal by the dweller to pay any undisclosed  
 28 charges shall not be used by the owner or operator as a cause for  
 29 eviction in any court of law.

30 e. Any mobile home park owner or operator who, directly or  
 31 indirectly, receives, collects or accepts from another any donation,  
 32 gratuity, bonus or gift, in addition to lawful charges, upon the  
 33 representation, understanding or statement that compliance with  
 34 the request or demand therefor will facilitate, influence or procure  
 35 an advantage over others in entering into an agreement, either oral  
 36 or written, for the lease or rental of real property for any term or  
 37 for the use or occupation thereof, or any such owner or operator  
 38 who refuses to enter into such agreement unless he receives, di-  
 39 rectly, or indirectly, any such donation, gratuity, bonus or gift, or  
 40 any such owner or operator, who, directly or indirectly, aids, abets,  
 41 requests or authorizes any other person to violate any of the pro-  
 41A visions of this section, is a disorderly person.

42 f. In any action by any person to recover any donation, gratuity,  
 43 bonus or gift acquired by another in violation of the provisions of  
 44 this act, the court, upon finding for such person, shall award re-  
 45 covery of double the value of such donation, gratuity, bonus or gift,  
 46 together with costs of the action.

1 3. No mobile home park shall deny any resident of such mobile  
 2 home park the right to sell said resident's mobile home within the  
 3 park or require the resident to remove the mobile home from the  
 4 park solely on the basis of the sale thereof. The park may reserve  
 5 the right to approve the purchaser of said mobile home as a tenant,  
 6 but such permission may not be unreasonably withheld and the  
 7 park shall not exact a commission or fee with respect to the price  
 8 realized by the seller unless the park owner or operator has acted  
 9 as agent for the mobile home owner in the sale pursuant to a  
 10 written contract.

1 4. A mobile home park owner or operator shall be re-  
 2 quired\***[,]**\* \*.\*  
 3 \***[within 30 days of a mobile home dweller assuming occupancy in**  
 4 **the park, to offer to such dweller a written lease or rental agreement**  
 4A **for a period not less than 6 months.]**\*

5 *\*a. within 30 days of the effective date of this enactment to offer*  
 6 *a written lease or written rental agreement for a period not less*  
 7 *than 12 months, to mobile home dwellers within the park;*

8 *b. within 30 days of a mobile home dweller assuming occupancy*  
 9 *in the park by virtue of the purchase of a mobile home from a mobile*  
 10 *home park owner or operator to offer a written lease or written*  
 11 *rental agreement for a period of not less than 12 months;*

12 *c. within 30 days of the first sale of a mobile home as provided in*  
 13 *section 3 hereof, to offer to the purchaser who has been approved*

14 *the remainder of the written lease or written rental agreement then*  
15 *in effect, but in no event for a period of less than 6 months.\**

1 *\*5. Any provision of a lease or other agreement whereby any*  
2 *provision of this act is waived shall be deemed against public policy*  
3 *and shall be void.*

1 *6. If any provision of this act or the application of such pro-*  
2 *vision to any person or circumstance is declared invalid, such*  
3 *invalidity shall not affect other provisions or applications of this*  
3A *act which can be given effect; and, to this end, the provisions of this*  
4 *act are declared to be severable.*

1 *7. This act being necessary for the welfare of the State and its*  
2 *inhabitants shall be liberally construed to effectuate the purposes*  
3 *thereof.\**

1 *\*[5.]\* \*8.\* This act shall take effect immediately but remain in-*  
2 *operative for 30 days after enactment.*

ASSEMBLY COMMITTEE AMENDMENTS TO

**ASSEMBLY, No. 1245**

[CORRECTED COPY]

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**STATE OF NEW JERSEY**

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ADOPTED FEBRUARY 15, 1973

Amend page 1, section 1, line 7, after "c.", insert "continued".

Amend page 1, section 1, line 10, after "vacate", insert "and has not ceased to violate said rule or regulation".

Amend page 1, section 1, line 15, after "park", omit "." insert ";

Amend page 1, section 1, after line 15, insert new subsections d. and e. to read as follows:

"d. where the mobile home dweller holds over or continues in possession after the expiration of his term and after written demand has been made by the mobile home owner or operator for possession thereof;"

"e. termination of the use of the park for mobile home purposes provided that all mobile home dwellers receive written notice of said termination 90 days prior to the effective date thereof;"

Amend page 1, section 1, line 16, insert "f.", omit "Additional", insert "additional".

Amend page 1, section 1, lines 19 to 22, omit in their entirety and insert:

"This section shall not preclude summary actions for recovery of premises. If the park operator or owner does not have one of the above grounds available, the park tenant may raise the same by affirmative defense."

Amend page 2, section 2, line 10, omit "solely on the basis", insert "unless that fee reflects the cost to the mobile home park".

Amend page 2, section 2, line 11, after "tion", insert "or its use".

Amend page 3, section 4, line 1, omit "," insert ":'".

Amend page 3, section 4, lines 2 through 4, omit in their entirety and insert new subsections a. b. and c. to read as follows:

"a. within 30 days of the effective date of this enactment to offer a written lease or written rental agreement for a period not less than 12 months, to mobile home dwellers within the park;

b. within 30 days of a mobile home dweller assuming occupancy in the park by virtue of the purchase of a mobile home from a mobile home park owner or operator to offer a written lease or written rental agreement for a period of not less than 12 months;

c. within 30 days of the first sale of a mobile home as provided in section 3 hereof, to offer to the purchaser who has been approved the remainder of the written lease or written rental agreement then in effect, but in no event for a period of less than 6 months.’’.

Amend page 3, after section 4, insert new sections 5, 6 and 7 as follows:

“5. Any provision of a lease or other agreement whereby any provision of this act is waived shall be deemed against public policy and shall be void.

6. If any provision of this act or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect; and, to this end, the provisions of this act are declared to be severable.

7. This act being necessary for the welfare of the State and its inhabitants shall be liberally construed to effectuate the purposes thereof.’’

Amend page 3, section 5, line 1, omit “5.’’, insert “8.’’.

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SENATE COMMITTEE AMENDMENT TO

**ASSEMBLY, No. 1245**

[OFFICIAL COPY REPRINT]

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**STATE OF NEW JERSEY**

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ADOPTED MARCH 29, 1973

Amend page 1, section 1, line 18, after "home", insert "park".



FROM THE OFFICE OF THE GOVERNOR

JUNE 1, 1973

FOR RELEASE:  
IMMEDIATE

Governor William T. Cahill has signed into law a bill setting down the rights and obligations of mobile home owners and the operators of mobile home parks.

"This bill, described as a 'mobile home owner's bill of rights'," the Governor said, "affords protection to the mobile home owner in that he will be able to sell his home without first having to remove it from the park where it is situated. It also spells out the reasons for which a park owner or operator may evict a mobile home dweller."

In signing this bill, Governor Cahill said that it would fill a long-felt need for a measure to provide mobile home owners with rights similar to those given tenants of conventional apartment house buildings. The Governor further noted that this measure could effectively protect the vital interests of the many mobile home owners in New Jersey while, at the same time, preserving the property rights of the mobile home park owners and operators.

It further preserves the ability of park owners to effectively regulate matters within the park that must be controlled in the interest of all the tenants as well as the owner, the Governor said.

Assembly bill 1245, sponsored by Assemblyman William J. Hamilton, Jr., (D., Middlesex), states that such evictions can be obtained only for non-payment of rent, violation of the law, continued violation of the established rules or regulations of the mobile home park, termination of the use of the park property for mobile home purposes or holding over by the mobile home owner after the end of his lease.

In addition, the park owner or operator and the mobile home dweller may enter into a written agreement establishing other grounds for eviction.

The new law also requires all owners and operators of mobile home parks to fully disclose in writing all applicable fees, charges, assessments, rules and

regulations prior to the time the mobile home owners assume occupancy in the park. No owner or operator may collect any fees or charges which were not properly disclosed, and refusal to pay any non-disclosed fees cannot be used in an eviction proceeding. Any change in rules or regulations governing a mobile home park or any increase in fees or assessments to park dwellers can be implemented only after notice to all tenants at least 30 days before the proposed change or increase.

Under this newly enacted law, it would be illegal for any park owner or operator to solicit or accept a donation, gratuity or gift from one who is seeking to rent space in the park. Violation of this prohibition is made a disorderly persons offense, and the tenant may recover double the value of the illegal gift or bonus. The owner or operator will also be required to offer a 12-month written lease to all mobile home dwellers within the park, and to all new tenants who move in. Any present tenant may sell his mobile home without removing it from the park, although the park owner may reserve the right to approve the purchaser as a tenant. Such approval may not be unreasonably withheld, and the park owner may not exact a commission or fee for such a sale unless he has actually acted as an agent for the seller. In addition, the park owner must offer to the purchaser a written lease of at least six months or the amount of time remaining on the seller's lease, whichever is greater.

The bill also protects mobile home owners by prohibiting park owners from requiring residents to purchase underskirting or other equipment from the park owner or a dealer of his choosing. Charges for the installation of electric or gas appliances are also prohibited, unless these charges reflect the actual cost to the mobile home park, and the park owners may not restrict the installation of appliances or the making of interior improvements which are in compliance with local building codes and other laws.

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