

# 46:8C-10

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2005 **CHAPTER:** 68

**NJSA:** 46:8C-10 (Distinguishes campgrounds from private residential leasehold communities)

**BILL NO:** A3247 (Substituted for S2008)

**SPONSOR(S):** Van Drew

**DATE INTRODUCED:** September 23, 2004

**COMMITTEE:** **ASSEMBLY:** Tourism and Gaming  
**SENATE:** Community and Urban Affairs

**AMENDED DURING PASSAGE:** No

**DATE OF PASSAGE:** **ASSEMBLY:** November 15, 2004

**SENATE:** March 21, 2005

**DATE OF APPROVAL:** April 7, 2005

### FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (Original version of bill enacted)

#### A3247

[SPONSOR'S STATEMENT](#): (Begins on page 3 of original bill) [Yes](#)

**COMMITTEE STATEMENT:** **ASSEMBLY:** [Yes](#)

**SENATE:** [Yes](#)

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

#### S2008

[SPONSOR'S STATEMENT](#): (Begins on page 3 of original bill) [Yes](#)

**COMMITTEE STATEMENT** **ASSEMBLY:** No

**SENATE:** [Yes](#)

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

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No

**NEWSPAPER ARTICLES:**

No

IS 5/1/07

P.L. 2005, CHAPTER 68, *approved April 7, 2005*  
Assembly, No. 3247

1 AN ACT distinguishing campgrounds from private residential leasehold  
2 communities and amending P.L.1991, c.483 (C.46:8C-10 et seq.).

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. Section 1 of P.L.1991, c.483 (C.46:8C-10) is amended to read  
8 as follows:

9 1. a. For the purposes of **[this act,]** P.L.1991, c.483 (C.46:8C-10  
10 et seq.):

11 "campground facility" means real property designed and used for  
12 the purpose of renting or leasing individual portions thereof to  
13 occupants who are to have access for the purposes of camping and the  
14 recreation associated therein, which may not be used as a permanent  
15 dwelling place or domicile for occupants, other than by the owner, and  
16 upon which recreational vehicles, as defined in this section, in excess  
17 of 400 square feet, and mobile homes and manufactured homes, as  
18 those terms are defined in section 3 of the "Manufactured Home  
19 Taxation Act," P.L.1983, c.400 (C.54:4-1.4), in excess of 400 square  
20 feet, may not enter;

21 "Camping trailer" means a recreational vehicle that is mounted on  
22 wheels and constructed with collapsible partial side walls that fold for  
23 towing and unfold for use;

24 "Fifth wheel trailer" means a recreational vehicle designed to be  
25 towed by a motorized vehicle containing a towing mechanism mounted  
26 above or forward of the tow vehicle's rear axle;

27 "Motor home" means a recreational vehicle built on or permanently  
28 attached to a self-propelled motor vehicle chassis, chassis cab or van  
29 that is an integral part of the completed vehicle;

30 "Owner" means the person or persons having legal authority to  
31 permit the occupancy of a campground facility;

32 "Park trailer" means a recreational vehicle that is built on a single  
33 chassis mounted on wheels and certified by the manufacturer as  
34 complying with the American National Standards Institute (ANSI)  
35 standard A119.5;

36 "private residential leasehold community" means a community on  
37 a parcel of land, or two or more contiguous parcels of land, containing  
38 no fewer than ten home sites where such sites are under common  
39 ownership and control, other than a cooperative or a campground  
40 facility, for the purpose of leasing such sites to the owners of certain  
41 homes, including, but not limited to, mobile homes and manufactured

**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 underlined thus is new matter.**

1 homes as those terms are defined in section 3 of the "Manufactured  
2 Home Taxation Act," P.L.1983, c.400 (C.54:4-1.4), and specifically  
3 including homes constructed entirely or partly on site, the location and  
4 use of which may or may not be permanent, and where the owner or  
5 owners of the land provide services to the homeowners which are  
6 provided by the municipality in which the community is located for the  
7 property owners outside the community, which services may include  
8 but shall not be limited to:

- 9 (1) The construction and maintenance of streets;
- 10 (2) Lighting of streets and other common areas;
- 11 (3) Garbage removal;
- 12 (4) Snow removal;
- 13 (5) Provisions for the drainage of surface water from home sites  
14 and common areas;

15 "recreational vehicle" means a vehicular-type unit primarily  
16 designed as temporary living quarters for recreational camping or  
17 travel use. The vehicle shall have either its own motive power or be  
18 mounted on or towed by another vehicle. Recreational vehicles  
19 include, but are not limited to, camping trailers, fifth wheel trailers,  
20 motor homes, park trailers, travel trailers, and truck campers;

21 "Travel trailer" means a recreational vehicle designed to be towed  
22 by a motorized vehicle containing a towing mechanism which is  
23 mounted behind the tow vehicle's bumper;

24 "Truck camper" means a recreational vehicle consisting of a roof,  
25 floor, and sides, designed to be loaded onto and unloaded from the bed  
26 of a pickup truck.

27 b. As used in sections 2 and 3 of [this act] P.L.1991, c.483  
28 (C.46:8C-11 and C.46:8C-12), "notify" means to place in the United  
29 States mail a notice addressed to the officers of the homeowners'  
30 association. Each such notice shall be deemed to have been given  
31 upon the deposit thereof in the United States mail.

32 c. As used in section 2 of [this act] P.L.1991, c.483 (C.46:8C-11),  
33 "offer" means any solicitation by the landowner to the general public.  
34 (cf: P.L.1995, c.365, s.1)

35

36 2. This act shall take effect immediately.

37

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#### STATEMENT

40

41 This bill would clarify that a campground is not a "private  
42 residential leasehold community," as that term is defined in section 1  
43 of P.L.1991, c.483 (C.46:8C-10).

44 The provisions of P.L.1991, c.483 bestowed upon mobile  
45 homeowners residing in a mobile home park a right of first refusal to  
46 purchase the mobile home park whenever the owner contemplates

1 selling the park. To that end, the 1991 law authorized mobile  
2 homeowners to form a homeowner's association for the purpose of  
3 acquiring and managing the park.

4 The provisions of P.L.1995, c.365 extended the rights and  
5 obligations afforded mobile home park owners, operators, and  
6 residents under the 1991 law to the owners, operators, and residents  
7 of private residential communities. The sponsor's statement to the bill  
8 that was enacted in 1995, Assembly Bill No. 1704 of 1994, indicated  
9 the following:

10 "Private residential leasehold communities and mobile home parks  
11 have many similar characteristics. There is, however, one major  
12 difference. While the residents of mobile home parks live in units that  
13 are "mobile" and which can be moved, *homeowners in private*  
14 *residential leasehold communities live in homes that are permanent,*  
15 *immobile structures.* Consequently, the residents of private residential  
16 leasehold communities are at greater risk than mobile home owners if  
17 the property owner decides to sell the land on which the community  
18 is located. For this reason, it is essential that these homeowners be  
19 afforded the rights mobile home owners are granted under P.L.1991,  
20 c.483." (emphasis supplied).

21 The Assembly Housing Committee Statement and Senate  
22 Commerce Committee Statement to Assembly Bill No. 1704 of 1994  
23 both echoed that reasoning and characterization of what was intended  
24 by the term "private residential leasehold community."

25 The October 2002 unreported Appellate Division decision in Resort  
26 Civic Association v. Resort Campground Association, blurred the  
27 distinctions between campgrounds and mobile home parks by finding  
28 that a campground was covered by the definition of "private residential  
29 leasehold community." Mobile home parks are often the permanent  
30 residence and domicile for their residents, and the underlying 1991 law  
31 was enacted in recognition of the importance of protecting those  
32 residents from losing their homes. The same cannot be said of  
33 occupants of campgrounds who maintain a campsite for recreational  
34 purposes. It is for this reason that this bill would specifically exclude  
35 campground facilities from the definition of "private residential  
36 leasehold community."

37

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41 Distinguishes campgrounds from private residential leasehold  
42 communities.

# ASSEMBLY, No. 3247

## STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED SEPTEMBER 23, 2004

**Sponsored by:**

**Assemblyman JEFF VAN DREW**

**District 1 (Cape May, Atlantic and Cumberland)**

**Co-Sponsored by:**

**Assemblymen Dancer, Conover and Senator Asselta**

**SYNOPSIS**

Distinguishes campgrounds from private residential leasehold communities.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 3/22/2005)**

1 AN ACT distinguishing campgrounds from private residential leasehold  
2 communities and amending P.L.1991, c.483 (C.46:8C-10 et seq.).

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. Section 1 of P.L.1991, c.483 (C.46:8C-10) is amended to read  
8 as follows:

9 1. a. For the purposes of **[this act,]** P.L.1991, c.483 (C.46:8C-10  
10 et seq.):

11 "campground facility" means real property designed and used for  
12 the purpose of renting or leasing individual portions thereof to  
13 occupants who are to have access for the purposes of camping and the  
14 recreation associated therein, which may not be used as a permanent  
15 dwelling place or domicile for occupants, other than by the owner, and  
16 upon which recreational vehicles, as defined in this section, in excess  
17 of 400 square feet, and mobile homes and manufactured homes, as  
18 those terms are defined in section 3 of the "Manufactured Home  
19 Taxation Act," P.L.1983, c.400 (C.54:4-1.4), in excess of 400 square  
20 feet, may not enter;

21 "Camping trailer" means a recreational vehicle that is mounted on  
22 wheels and constructed with collapsible partial side walls that fold for  
23 towing and unfold for use;

24 "Fifth wheel trailer" means a recreational vehicle designed to be  
25 towed by a motorized vehicle containing a towing mechanism mounted  
26 above or forward of the tow vehicle's rear axle;

27 "Motor home" means a recreational vehicle built on or permanently  
28 attached to a self-propelled motor vehicle chassis, chassis cab or van  
29 that is an integral part of the completed vehicle;

30 "Owner" means the person or persons having legal authority to  
31 permit the occupancy of a campground facility;

32 "Park trailer" means a recreational vehicle that is built on a single  
33 chassis mounted on wheels and certified by the manufacturer as  
34 complying with the American National Standards Institute (ANSI)  
35 standard A119.5;

36 "private residential leasehold community" means a community on  
37 a parcel of land, or two or more contiguous parcels of land, containing  
38 no fewer than ten home sites where such sites are under common  
39 ownership and control, other than a cooperative or a campground  
40 facility, for the purpose of leasing such sites to the owners of certain  
41 homes, including, but not limited to, mobile homes and manufactured  
42 homes as those terms are defined in section 3 of the "Manufactured  
43 Home Taxation Act," P.L.1983, c.400 (C.54:4-1.4), and specifically

**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 underlined thus is new matter.**

1 including homes constructed entirely or partly on site, the location and  
2 use of which may or may not be permanent, and where the owner or  
3 owners of the land provide services to the homeowners which are  
4 provided by the municipality in which the community is located for the  
5 property owners outside the community, which services may include  
6 but shall not be limited to:

- 7 (1) The construction and maintenance of streets;
- 8 (2) Lighting of streets and other common areas;
- 9 (3) Garbage removal;
- 10 (4) Snow removal;
- 11 (5) Provisions for the drainage of surface water from home sites  
12 and common areas;

13 "recreational vehicle" means a vehicular-type unit primarily  
14 designed as temporary living quarters for recreational camping or  
15 travel use. The vehicle shall have either its own motive power or be  
16 mounted on or towed by another vehicle. Recreational vehicles  
17 include, but are not limited to, camping trailers, fifth wheel trailers,  
18 motor homes, park trailers, travel trailers, and truck campers;

19 "Travel trailer" means a recreational vehicle designed to be towed  
20 by a motorized vehicle containing a towing mechanism which is  
21 mounted behind the tow vehicle's bumper;

22 "Truck camper" means a recreational vehicle consisting of a roof,  
23 floor, and sides, designed to be loaded onto and unloaded from the bed  
24 of a pickup truck.

25 b. As used in sections 2 and 3 of [this act] P.L.1991, c.483  
26 (C.46:8C-11 and C.46:8C-12), "notify" means to place in the United  
27 States mail a notice addressed to the officers of the homeowners'  
28 association. Each such notice shall be deemed to have been given  
29 upon the deposit thereof in the United States mail.

30 c. As used in section 2 of [this act] P.L.1991, c.483 (C.46:8C-11),  
31 "offer" means any solicitation by the landowner to the general public.  
32 (cf: P.L.1995, c.365, s.1)

33

34 2. This act shall take effect immediately.

35

36

37

#### STATEMENT

38

39 This bill would clarify that a campground is not a "private  
40 residential leasehold community," as that term is defined in section 1  
41 of P.L.1991, c.483 (C.46:8C-10).

42 The provisions of P.L.1991, c.483 bestowed upon mobile  
43 homeowners residing in a mobile home park a right of first refusal to  
44 purchase the mobile home park whenever the owner contemplates  
45 selling the park. To that end, the 1991 law authorized mobile  
46 homeowners to form a homeowner's association for the purpose of



1 acquiring and managing the park.

2 The provisions of P.L.1995, c.365 extended the rights and  
3 obligations afforded mobile home park owners, operators, and  
4 residents under the 1991 law to the owners, operators, and residents  
5 of private residential communities. The sponsor's statement to the bill  
6 that was enacted in 1995, Assembly Bill No. 1704 of 1994, indicated  
7 the following:

8 "Private residential leasehold communities and mobile home parks  
9 have many similar characteristics. There is, however, one major  
10 difference. While the residents of mobile home parks live in units that  
11 are "mobile" and which can be moved, *homeowners in private*  
12 *residential leasehold communities live in homes that are permanent,*  
13 *immobile structures.* Consequently, the residents of private residential  
14 leasehold communities are at greater risk than mobile home owners if  
15 the property owner decides to sell the land on which the community  
16 is located. For this reason, it is essential that these homeowners be  
17 afforded the rights mobile home owners are granted under P.L.1991,  
18 c.483." (emphasis supplied).

19 The Assembly Housing Committee Statement and Senate  
20 Commerce Committee Statement to Assembly Bill No. 1704 of 1994  
21 both echoed that reasoning and characterization of what was intended  
22 by the term "private residential leasehold community."

23 The October 2002 unreported Appellate Division decision in Resort  
24 Civic Association v. Resort Campground Association, blurred the  
25 distinctions between campgrounds and mobile home parks by finding  
26 that a campground was covered by the definition of "private residential  
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28 residence and domicile for their residents, and the underlying 1991 law  
29 was enacted in recognition of the importance of protecting those  
30 residents from losing their homes. The same cannot be said of  
31 occupants of campgrounds who maintain a campsite for recreational  
32 purposes. It is for this reason that this bill would specifically exclude  
33 campground facilities from the definition of "private residential  
34 leasehold community."

# ASSEMBLY TOURISM AND GAMING COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 3247

# STATE OF NEW JERSEY

DATED: OCTOBER 21, 2004

The Assembly Tourism and Gaming Committee reports favorably Assembly, No. 3247.

This bill would clarify that a campground is not a "private residential leasehold community," as that term is defined in section 1 of P.L.1991, c.483 (C.46:8C-10).

The provisions of P.L.1991, c.483 bestowed upon mobile homeowners residing in a mobile home park a right of first refusal to purchase the mobile home park whenever the owner contemplates selling the park. To that end, the 1991 law authorized mobile homeowners to form a homeowner's association for the purpose of acquiring and managing the park.

The provisions of P.L.1995, c.365 extended the rights and obligations afforded mobile home park owners, operators, and residents under the 1991 law to the owners, operators, and residents of private residential communities. The sponsor's statement to the bill that was enacted in 1995, Assembly Bill No. 1704 of 1994, indicated the following:

"Private residential leasehold communities and mobile home parks have many similar characteristics. There is, however, one major difference. While the residents of mobile home parks live in units that are "mobile" and which can be moved, *homeowners in private residential leasehold communities live in homes that are permanent, immobile structures*. Consequently, the residents of private residential leasehold communities are at greater risk than mobile home owners if the property owner decides to sell the land on which the community is located. For this reason, it is essential that these homeowners be afforded the rights mobile home owners are granted under P.L.1991, c.483." (emphasis supplied).

The Assembly Housing Committee Statement and Senate Commerce Committee Statement to Assembly Bill No. 1704 of 1994 both echoed that reasoning and characterization of what was intended by the term "private residential leasehold community."

The October 2002 unreported Appellate Division decision in Resort Civic Association v. Resort Campground Association, blurred the distinctions between campgrounds and mobile home parks by finding that a campground was covered by the definition of "private residential leasehold community." Mobile home parks are often the

permanent residence and domicile for their residents, and the underlying 1991 law was enacted in recognition of the importance of protecting those residents from losing their homes. The same cannot be said of occupants of campgrounds who maintain a campsite for recreational purposes. It is for this reason that this bill would specifically exclude campground facilities from the definition of "private residential leasehold community."

**SENATE, No. 2008**

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**STATE OF NEW JERSEY**  
**211th LEGISLATURE**

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INTRODUCED NOVEMBER 8, 2004

**Sponsored by:**

**Senator NICHOLAS ASSELTA**

**District 1 (Cape May, Atlantic and Cumberland)**

**SYNOPSIS**

Distinguishes campgrounds from private residential leasehold communities.

**CURRENT VERSION OF TEXT**

As introduced.



S2008 ASSELTA

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19 The Assembly Housing Committee Statement and Senate  
20 Commerce Committee Statement to Assembly Bill No. 1704 of 1994  
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22 by the term "private residential leasehold community."

23 The October 2002 unreported Appellate Division decision in Resort  
24 Civic Association v. Resort Campground Association, blurred the  
25 distinctions between campgrounds and mobile home parks by finding  
26 that a campground was covered by the definition of "private residential  
27 leasehold community." Mobile home parks are often the permanent  
28 residence and domicile for their residents, and the underlying 1991 law  
29 was enacted in recognition of the importance of protecting those  
30 residents from losing their homes. The same cannot be said of  
31 occupants of campgrounds who maintain a campsite for recreational  
32 purposes. It is for this reason that this bill would specifically exclude  
33 campground facilities from the definition of "private residential  
34 leasehold community."

# SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 3247

# STATE OF NEW JERSEY

DATED: FEBRUARY 3, 2005

The Senate Community and Urban Affairs Committee reports favorably Assembly Bill No. 3247.

This bill would clarify that a campground is not a "private residential leasehold community," as that term is defined in section 1 of P.L.1991, c.483 (C.46:8C-10).

The provisions of P.L.1991, c.483 bestowed upon mobile homeowners residing in a mobile home park a right of first refusal to purchase the mobile home park whenever the owner contemplates selling the park. To that end, the 1991 law authorized mobile homeowners to form a homeowner's association for the purpose of acquiring and managing the park.

The provisions of P.L.1995, c.365 extended the rights and obligations afforded mobile home park owners, operators, and residents under the 1991 law to the owners, operators, and residents of private residential communities. The sponsor's statement to the bill that was enacted in 1995, Assembly Bill No. 1704 of 1994, indicated the following:

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# SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

## STATEMENT TO

### SENATE, No. 2008

# STATE OF NEW JERSEY

DATED: FEBRUARY 3, 2005

The Senate Community and Urban Affairs Committee reports favorably Senate Bill No. 2008.

This bill would clarify that a campground is not a "private residential leasehold community," as that term is defined in section 1 of P.L.1991, c.483 (C.46:8C-10).

The provisions of P.L.1991, c.483 bestowed upon mobile homeowners residing in a mobile home park a right of first refusal to purchase the mobile home park whenever the owner contemplates selling the park. To that end, the 1991 law authorized mobile homeowners to form a homeowner's association for the purpose of acquiring and managing the park.

The provisions of P.L.1995, c.365 extended the rights and obligations afforded mobile home park owners, operators, and residents under the 1991 law to the owners, operators, and residents of private residential communities. The sponsor's statement to the bill that was enacted in 1995, Assembly Bill No. 1704 of 1994, indicated the following:

"Private residential leasehold communities and mobile home parks have many similar characteristics. There is, however, one major difference. While the residents of mobile home parks live in units that are "mobile" and which can be moved, *homeowners in private residential leasehold communities live in homes that are permanent, immobile structures*. Consequently, the residents of private residential leasehold communities are at greater risk than mobile home owners if the property owner decides to sell the land on which the community is located. For this reason, it is essential that these homeowners be afforded the rights mobile home owners are granted under P.L.1991, c.483." (emphasis supplied).

The Assembly Housing Committee Statement and Senate Commerce Committee Statement to Assembly Bill No. 1704 of 1994 both echoed that reasoning and characterization of what was intended by the term "private residential leasehold community."

The October 2002 unreported Appellate Division decision in Resort Civic Association v. Resort Campground Association, blurred the distinctions between campgrounds and mobile home parks by finding that a campground was covered by the definition of "private residential leasehold community." Mobile home parks are often the

permanent residence and domicile for their residents, and the underlying 1991 law was enacted in recognition of the importance of protecting those residents from losing their homes. The same cannot be said of occupants of campgrounds who maintain a campsite for recreational purposes. It is for this reason that this bill would specifically exclude campground facilities from the definition of "private residential leasehold community."