

2A:18-61.1 et al

LEGISLATIVE HISTORY CHECKLIST

NJSA 2A:18-61.1 et al. (Mobile home parks--eviction--require 18 months advance notice)

LAWS 1981 CHAPTER 8

Bill No. S1346

Sponsor(s) Feldman

Date Introduced June 12, 1980

Committee: Assembly -----

Senate Labor, Industry and Professions

Amended during passage Yes ~~No~~ Amendments during passage denoted by asterisks

Date of Passage: Assembly Nov. 24, 1980

Senate Oct. 6, 1980

Date of approval Jan. 26, 1981

Following statements are attached if available:

Sponsor statement	Yes	<del>No</del>	Also attached: Assembly amendments, adopted 11-10-80 (with statement)
Committee Statement: Assembly	<del>Yes</del>	No	
	Senate	Yes	<del>No</del>
Fiscal Note	<del>Yes</del>	No	
Veto Message	<del>Yes</del>	No	
Message on signing	<del>Yes</del> Yes	<del>No</del>	

Following were printed:

Reports	<del>Yes</del>	No
Hearings	<del>Yes</del>	No

6/25/81

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SENATE, No. 1346

STATE OF NEW JERSEY

INTRODUCED JUNE 12, 1980

By Senator FELDMAN

Referred to Committee on Labor, Industry and Professions

AN ACT concerning tenant-landlord relations, amending P. L. 1974,  
c. 49, and P. L. 1975, c. 311.

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

1 1. Section 2 of P. L. 1974, c. 49 (C. 2A:18-61.1) is amended to  
2 read as follows:

3 2. No lessee or tenant or the assigns, under-tenants or legal  
4 representatives of such lessee or tenant may be removed by the  
5 county district court or the Superior Court from any house, build-  
6 ing, mobile home or land in a mobile home park or tenement leased  
7 for residential purposes, other than owner-occupied premises with  
8 not more than two rental units or a hotel, motel or other guest  
9 house or part thereof rented to a transient guest or seasonal  
10 tenant, except upon establishment of one of the following grounds  
11 as good cause:

12 a. The person fails to pay rent due and owing under the lease  
13 whether the same be oral or written;

14 b. The person has continued to be, after written notice to  
15 cease, so disorderly as to destroy the peace and quiet of the occu-  
16 pants or other tenants living in said house or neighborhood;

17 c. The person has willfully or by reason of gross negligence  
18 caused or allowed destruction, damage or injury to the premises;

19 d. The person has continued, after written notice to cease, to  
20 substantially violate or breach any of the landlord's rules and  
21 regulations governing said premises, provided such rules and  
22 regulations are reasonable and have been accepted in writing by the  
23 tenant or made a part of the lease at the beginning of the lease term;

24 e. The person has continued, after written notice to cease, to  
25 substantially violate or breach any of the covenants or agreements

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

26 contained in the lease for the premises where a right of reentry  
27 is reserved to the landlord in the lease for a violation of such  
28 covenant or agreement, provided that such covenant or agreement  
29 is reasonable and was contained in the lease at the beginning of the  
30 lease term;

31 f. The person has failed to pay rent after a valid notice to  
32 quit and notice of increase of said rent, provided the increase in  
33 rent is not unconscionable and complies with any and all other  
34 laws or municipal ordinances governing rent increases.

35 g. The landlord or owner (1) seeks to permanently board up or  
36 demolish the premises because he has been cited by local or State  
37 housing inspectors for substantial violations affecting the health  
38 and safety of tenants and it is economically unfeasible for the  
39 owner to eliminate the violations; (2) seeks to comply with local or  
40 State housing inspectors who have cited him for substantial viola-  
41 tions affecting the health and safety of tenants and it is unfeasible  
42 to so comply without removing the tenant; simultaneously with  
43 service of notice of eviction pursuant to this clause, the landlord  
44 shall notify the Department of Community Affairs of the intention  
45 to institute proceedings and shall provide the department with  
46 such other information as it may require pursuant to rules and  
47 regulations. The department shall inform all parties and the court  
48 of its view with respect to the feasibility of compliance without re-  
49 moval of the tenant and may in its discretion appear and present  
50 evidence; (3) seeks to **[collect]** *correct* an illegal occupancy because  
51 he has been cited by local or State housing inspectors and it is un-  
52 feasible to correct such illegal occupancy without removing the  
53 tenant or; (4) is a governmental agency which seeks to permanently  
54 retire the premises from the rental market pursuant to a redevelop-  
55 ment or land clearance plan in a blighted area. In those cases where  
56 the tenant is being removed for any reason specified in this subsec-  
57 tion, no warrant for possession shall be issued until P. L. 1967, c. 79  
58 (C. 52:31B-1 et seq.) and P. L. 1971, c. 362 (C. 20:4-1 et seq.) have  
59 been complied with.

60 h. The owner seeks to retire permanently the residential build-  
61 ing or the mobile home park from residential use or use as a mobile  
62 home park, provided this paragraph shall not apply to circum-  
63 stances covered under paragraph g. of this section.

64 i. The landlord or owner proposes, at the termination of a  
65 lease, reasonable changes of substance in the terms and conditions  
66 of the lease, including specifically any change in the term thereof,  
67 which the tenant, after written notice, refuses to accept.

68 j. The person, after written notice to cease, has habitually and  
69 without legal justification failed to pay rent which is due and owing.

70 k. The landlord or owner of the building or mobile home park  
71 is converting from the rental market to a condominium [or a],  
72 cooperative or fee simple ownership of two or more dwelling units  
73 or park sites, except as hereinafter provided in subsection \*[1]\*  
74 \*i\*. Where the tenant is being removed pursuant to this subsection,  
75 no warrant for possession shall be issued until this act has been  
75a complied with.

76 l. (1) The owner of a building or mobile home park, which is  
77 constructed as or being converted to a condominium [or], coopera-  
78 tive or fee simple ownership, seeks to evict a tenant or sublessee  
79 whose initial tenancy began after the master deed [or], agreement  
80 establishing the cooperative or subdivision plat was recorded,  
81 because the owner has contracted to sell the unit to a buyer who  
82 seeks to personally occupy it and the contract for sale calls for the  
83 unit to be vacant at the time of closing. However, no action shall  
84 be brought against a tenant under paragraph (1) of this subsection  
85 unless the tenant was given a statement in accordance with section  
86 6 of this amendatory act.

87 (2) The owner of three or less condominium or cooperative units  
88 seeks to evict a tenant whose initial tenancy began by rental from  
89 an owner of three or less units after the master deed or agreement  
90 establishing the cooperative was recorded, because the owner seeks  
91 to personally occupy the unit, or has contracted to sell the unit to  
92 a buyer who seeks to personally occupy it and the contract for sale  
93 calls for the unit to be vacant at the time of closing.

94 (3) The owner of a building of three residential units or less  
95 seeks to personally occupy a unit, or has contracted to sell the  
96 residential unit to a buyer who wishes to personally occupy it and  
97 the contract for sale calls for the unit to be vacant at the time of  
98 closing.

99 m. The landlord or owner conditioned the tenancy upon and in  
100 consideration for the tenant's employment by the landlord or owner  
101 as superintendent, janitor or in some other capacity and such  
102 employment is being terminated.

1 2. Section 3 of P. L. 1974, c. 49 (C. 2A:18-61.2) is amended to  
2 read as follows:

3 3. No judgment of possession shall be entered for any premises  
4 covered by section 2 of this act, except in the nonpayment of  
5 rent under paragraphs a. or f. of section 2, unless the landlord  
6 has made written demand and given written notice for delivery  
7 of possession of the premises. The following notice shall be  
8 required:

9 a. For an action alleging disorderly conduct under paragraph  
10 b. of section 2, or injury to the premises under paragraph c. of  
11 section 2 or any grounds under paragraph m. of section 2, 3 days'  
12 notice prior to the institution of the action for possession;

13 b. For an action alleging continued violation of rules and  
14 regulations under paragraph d. of section 2, or substantial breach  
15 of covenant under paragraph e. of section 2, or habitual failure to  
16 pay rent, 1 month's notice prior to the institution of the action  
17 for possession;

18 c. For an action alleging any grounds under paragraph g. of  
19 section 2, 3 months' notice prior to the institution of the action;

20 d. For an action alleging permanent retirement under paragraph  
21 h. of section 2, 6 months' notice, *in the case of a residential build-*  
22 *ing and, in the case of a mobile home park, \*\*[2 years]\*\* \*\*18*  
23 *months\*\* notice* prior to the institution of the action and, provided  
24 that, where there is a lease in effect, no action may be instituted  
24A until the lease expires.

25 e. For an action alleging refusal of acceptance of reasonable  
26 lease changes under paragraph i. of section 2, 1 month's notice  
27 prior to institution of action.

28 f. For an action alleging any grounds under paragraph l. of  
29 section 2, 2 months' notice prior to the institution of the action and,  
30 provided that where there is a written lease in effect no action shall  
31 be instituted until the lease expires.

32 g. For an action alleging any grounds under paragraph k. of  
33 section 2, 3 years' notice prior to the institution of action, and  
34 provided that where there is a written lease in effect, no action  
35 shall be instituted until the lease expires.

36 The notice in each of the foregoing instances shall specify in  
37 detail the cause of the termination of the tenancy and shall be  
38 served either personally upon the tenant or lessee or such person  
39 in possession by giving him a copy thereof, or by leaving a copy  
40 thereof at his usual place of abode with some member of his family  
41 above the age of 14 years, or by certified mail; if the certified letter  
42 is not claimed, notice shall be sent by regular mail.

1 3. Section 4 of P. L. 1975, c. 311 (C. 2A:18-61.7) is amended to  
2 read as follows:

3 4. As used in this act:

4 a. "Comparable housing or park site" means housing that is  
5 (1) decent, safe, sanitary, and in compliance with all local and State  
6 housing codes; (2) open to all persons regardless of race, creed,  
7 national origin, ancestry, marital status or sex; and (3) provided  
8 with facilities equivalent to that provided by the landlord in the  
9 dwelling unit or park site in which the tenant then resides in regard

10 to each of the following: (a) apartment size including number of  
 11 rooms *or park site size*, (b) rent range, (c) *apartment's* major  
 12 kitchen and bathroom facilities, and (d) special facilities neces-  
 13 sary for the handicapped or infirmed; (4) located in an area  
 14 not less desirable than the area in which the tenant then resides in  
 15 regard to each of the following: (a) accessibility to the tenant's  
 16 place of employment, (b) accessibility of community and commer-  
 17 cial facilities, and (c) environmental quality and conditions; and  
 18 (5) in accordance with additional reasonable criteria which the  
 19 tenant has requested in writing at the time of making any request  
 20 under this act.

21 b. "Condominium" means a condominium as defined in the "Con-  
 22 dominium Act," P. L. 1969, c. 257 (C. 46:8B-1 et seq.).

23 c. "Cooperative" means a housing corporation or association  
 24 which entitles the holder of a share or membership interest thereof  
 25 to possess and occupy for dwelling purposes a house, apartment  
 26 or other structure owned or leased by said corporation or associa-  
 27 tion, or to lease or purchase a dwelling constructed or to be con-  
 28 structed by said corporation or association.

29 d. "*Mobile home park*" means any park, including a trailer  
 30 park or camp, equipped to handle mobile homes sited on a year  
 31 round basis.

1 4. Section 5 of P. L. 1975, c. 311 (C. 2A:18-61.8) is amended to  
 2 read as follows:

3 5. Any owner who intends to convert a multiple dwelling as  
 4 defined in P. L. 1967, c. 76 (C. 55:13A-1 et seq.), other than a hotel  
 5 or motel, or a mobile home park into a condominium or cooperative,  
 6 *or to fee simple ownership of the several dwelling units or park*  
 7 *sites* shall give the tenants 60 days' notice of his intention to convert  
 8 and the full plan of the conversion prior to serving notice, provided  
 9 for in section 3 of P. L. 1974, c. 49 (C. 2A:18-61.2). A duplicate  
 10 of the first such 60-day notice and full plan shall be transmitted  
 11 to the clerk of the municipality at the same time. In the notice of  
 12 intention to convert tenants shall be notified of their right to  
 13 purchase ownership in the premises at a specified price in accord-  
 14 ance with this section, and their other rights as tenants under this  
 15 act in relation to the conversion of a building *or park* to a con-  
 16 dominium [or a], cooperative *or fee simple ownership*. A tenant  
 17 in occupancy at the time of the notice of intention to convert shall  
 18 have the exclusive right to purchase his unit [or], the shares of  
 19 stock allocated thereto *or the park site, \*as the\* case may be*, for the  
 20 first 90 days after such notice that such purchase could be made dur-

21 ing which time the unit *or site* shall not be shown to a third party  
22 unless the tenant has in writing waived the right to purchase.

1 5. Section 6 of P. L. 1975, c. 311 (C. 2A:18-61.9) is amended to  
2 read as follows:

3 6. Any owner who establishes with a person an initial tenancy  
4 after the master deed or agreement establishing the cooperative  
5 was recorded shall provide to such person at the time of applying  
6 for tenancy and at the time of establishing any rental agreement  
7 a separate written statement as follows:

"STATEMENT

8 THIS BUILDING (*PARK*) IS BEING CONVERTED TO OR  
9 IS A CONDOMINIUM OR COOPERATIVE (*OR FEE SIMPLE*  
10 *OWNERSHIP OF THE SEVERAL DWELLING UNITS OR*  
11 *PARK SITES*). YOUR TENANCY CAN BE TERMINATED  
12 UPON 60-DAYS' NOTICE IF YOUR APARTMENT (*PARK*  
13 *SITE*) IS SOLD TO A BUYER WHO SEEKS TO PERSONALLY  
14 OCCUPY IT. IF YOU MOVE OUT AS A RESULT OF RECEIV-  
15 ING SUCH A NOTICE, AND THE LANDLORD ARBITRARILY  
16 FAILS TO COMPLETE THE SALE, THE LANDLORD SHALL  
17 BE LIABLE FOR TREBLE DAMAGES AND COURT COSTS."

18 *The parenthesized words shall be omitted or substituted for*  
19 *preceding words where appropriate.* Such statement shall also be  
20 reproduced as the first clause in any written lease provided to such  
21 person.

1 6. Section 8 of P. L. 1975, c. 311 (C. 2A:18-61.11) is amended  
2 to read as follows:

3 8. Tenants receiving notice under section 3 g. of P. L. 1974, c. 49  
4 may request of the landlord within 18 full months after receipt  
5 of such notice, and the landlord shall offer to the tenant, personally  
6 or through an agent, the rental of comparable housing *or park site*  
7 and a reasonable opportunity to examine and rent such comparable  
8 housing *or park site*. In any proceeding under subsection 2 k. of  
9 P. L. 1974, c. 49 instituted following the expiration of notice re-  
10 quired under section 3 g. of P. L. 1974, c. 49, the owner shall prove  
11 that a tenant was offered such comparable housing *or park site*  
12 and provided such reasonable opportunity to examine and rent  
13 such housing *or park site* as requested pursuant to this section.  
14 The court shall authorize 1-year stays of eviction with reasonable  
15 rent increases until such time as the court is satisfied that the  
16 tenant has been offered comparable housing *or park site* and pro-  
17 vided a reasonable opportunity to examine and rent such housing  
18 *or park site* as requested pursuant to this section. However, in no  
19 case shall more than five such stays be granted.

20 The court shall automatically renew any 1-year stay of eviction  
 21 in any case where the landlord failed to allege to the court within  
 22 1 year of a prior stay that the tenant was offered a reasonable  
 23 opportunity to examine and rent comparable housing *or park site*  
 24 within such prior year.

25 However the court shall not authorize any further stays at any  
 26 time after one such stay has been authorized when the owner  
 27 has also provided a tenant with hardship relocation compensation  
 28 of waiver of payment of 5 months' rent.

1 7. Section 9 of P. L. 1975, c. 311 (C. 2A:18-61.12) is amended  
 2 to read as follows:

3 9. In accordance with the "Administrative Procedure Act"  
 4 (P. L. 1968, c. 410, C. 52:14B-1 et seq.), the Department of Com-  
 5 munity Affairs shall adopt rules and regulations setting forth  
 6 procedures required to be followed by landlords in providing  
 7 tenants a reasonable opportunity to examine and rent comparable  
 8 housing and setting forth procedures and content for information  
 9 required to be disclosed to tenants regarding such procedures, the  
 10 rights and responsibilities of tenants under this act, and the plans  
 11 and proposals of landlords which may effect any tenant in order  
 12 to maximize tenants' ability to exercise rights provided under this  
 13 act. Any rules and regulations adopted under this section shall  
 14 only be applicable to tenants and owners of a building or mobile  
 15 home park which is being, or is about to be converted from the  
 16 rental market to a condominium [or a], cooperative *or to fee simple*  
 17 *ownership of the several dwelling units or park sites, or to any*  
 18 *mobile home park being permanently retired from the rental*  
 19 *market.*

1 \*8. *The period of any notice given prior to the date of this act*  
 2 *by a mobile home park owner to a mobile home owner shall be*  
 3 *computed in the determination of the \*\*[2-year]\*\* \*\*18 month\*\**  
 4 *period of notice required under subsection d. of section 3 of P. L.*  
 5 *1974, c. 49.\* \*\*However, the portion of a judicial stay of eviction*  
 6 *authorized prior to the date of this act shall be calculated against*  
 7 *the 18 month notice period and shall be considered to be advance*  
 8 *notice.\*\**

1 \***[8.]**\* \*9.\* This act shall take effect immediately.



20 The court shall automatically renew any 1-year stay of eviction  
21 in any case where the landlord failed to allege to the court within  
22 1 year of a prior stay that the tenant was offered a reasonable  
23 opportunity to examine and rent comparable housing *or park site*  
24 within such prior year.

25 However the court shall not authorize any further stays at any  
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10 rights and responsibilities of tenants under this act, and the plans  
11 and proposals of landlords which may effect any tenant in order  
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13 act. Any rules and regulations adopted under this section shall  
14 only be applicable to tenants and owners of a building or mobile  
15 home park which is being, or is about to be converted from the  
16 rental market to a condominium [or a], cooperative *or to fee simple*  
17 *ownership of the several dwelling units or park sites, or to any*  
18 *mobile home park being permanently retired from the rental*  
19 *market.*

1 8. This act shall take effect immediately.

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#### STATEMENT

When mobile home owners who have been renting park sites face eviction from a mobile home park because the premises are to be permanently retired from use as a mobile home park, they require greater advance notice of the eviction than an apartment renter whose premises are being permanently retired from the rental market. Therefore this act changes the advance notice for mobile home owners in these situations to 2 years, as opposed to the 6 months which presently applies to both mobile home park dwellers and apartment dwellers. The greater notice is required for mobile home parks in contrast to apartments because the mobile home parks have much smaller turnover rates, are fewer in number and

are less widely distributed. What little turnover exists is often filled by those who are encouraged to buy a new mobile home in the process. In addition, mobile homes often involve very elaborate site installations which includes advance planning and contracting before components can be disconnected, disassembled, secured, specially routed and placed in a different installation. If time runs out the consequences may be more serious for the mobile home owner than the apartment tenant. The act also makes a number of technical changes which correct the somewhat inconsistent inclusion of references to mobile home parks in the eviction for cause and condominium and cooperative conversion statutes, as well as extending these conversion statutes to cover the rare situations where a rental mobile home park or rental apartment building is converted into a number of fee simple ownership premises.

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SENATE LABOR, INDUSTRY AND PROFESSIONS  
COMMITTEE

STATEMENT TO

**SENATE, No. 1346**

with Senate committee amendments

**STATE OF NEW JERSEY**

DATED: SEPTEMBER 29, 1980

This bill would extend from 6 months to 2 years the advance notice required for mobile home owners who are to be evicted because the mobile home park is being retired from residential use.

The bill also makes a number of technical changes which correct the inconsistent inclusion of mobile home parks in the eviction for cause and condominium and cooperative conversion statutes, as well as extending these conversion statutes to cover the rare situation of conversion to a number of fee simple ownership premises.

The bill's sponsor feels that the limited options open to an evicted mobile home owner make a longer eviction notice period necessary in order to give him time to salvage the value of his mobile home. The problems of evicted mobile home owners, he feels, are far more numerous than those facing a person evicted from an apartment building.

The Senate Labor, Industry and Professions Committee amended the bill to insure that any portion of a notice period which occurred prior to the effective date of the act, would be included within the 2-year notice requirement.

ASSEMBLY AMENDMENTS TO  
**SENATE, No. 1346**  
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**STATE OF NEW JERSEY**

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ADOPTED NOVEMBER 10, 1980

Amend page 4, section 2, line 22, after "park," delete "2 years' " and insert "18 months' ".

Amend page 7, section 8, line 3, after "determination of the", delete "2-year" and insert "18 month".

Amend page 7, section 8, line 4, after "c. 49", insert "However, the portion of a judicial stay of eviction authorized prior to the date of this act shall be calculated against the 18 month notice period and shall be considered to be advance notice.".

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STATEMENT

This amendment shortens the advance notice under the provision of S. 1346 required for mobile home owners who are being evicted because the mobile home park is being retired from use as a mobile home park from 2 years to 18 months. It also establishes that any judicial stay of eviction before the effective date of the act shall be deducted from the 18 month notice requirement.

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

JANUARY 26, 1981

KATHRYN FORSYTH

Governor Brendan Byrne today signed the following bills:

S-963, sponsored by Senator Francis X. Herbert (D-Bergen) which permits municipal employees who are currently members of the Public Employees Retirement System (PERS) and who were formerly employed by county governments to purchase credit for their county service.

It also allows county employees to purchase credit for prior service in other counties.

S-1346, sponsored by Senator Matthew Feldman (D-Bergen) which extends the time that tenants in a mobile home park a remain in the park after the landlord has notified them of the closing of the park.

Current law, which applies to all other tenants as well, required that mobile park tenants be given six months notice that the property is being permanently retired before the landlord can institute actions to regain possession.

This bill extends that length of time for mobile park tenants to 18 months.

Existing law also permits the court, in cases of hardship, to stay the execution of the warrant for possession for a period of up to six months from the entry of judgment of possession. Thus, under current law, if the tenant is unable to find other accommodations, he can remain on the lease-hold for a maximum period of one year plus the time spent in litigation from the commencement of action until entry of the judgment.

This bill would effectively increase that maximum time period to two years plus the time of litigation.

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