

46:8C-1

LEGISLATIVE HISTORY CHECKLIST
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(Mobil homeowners--
first refusal)

NJSA: 46:8C-1

LAWS OF: 1991

CHAPTER: 483

BILL NO: A1461

SPONSOR(S): Pelly

DATE INTRODUCED: Pre-filed

COMMITTEE: ASSEMBLY: Consumer Affairs

SENATE: County & Municipal Government

AMENDED DURING PASSAGE: Yes Amendments during passage denoted
by asterisks

DATE OF PASSAGE: ASSEMBLY: October 18, 1990

SENATE: December 12, 1991

DATE OF APPROVAL: January ~~16~~¹⁸, 1992

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG/pp

[SECOND REPRINT]
ASSEMBLY, No. 1461

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1990 SESSION

By Assemblymen PELLY and SPADORO

1 AN ACT to establish a right of first refusal for owners of mobile
2 homes in a mobile home park upon the sale or offering for sale
3 of such a park ²in certain cases², and to provide for the
4 acquisition and management of such a park by an association of
5 the mobile home owners therein, and supplementing P.L.1973,
6 c.153 (C.46:8C-1 et seq.).

7
8 BE IT ENACTED *by the Senate and General Assembly of the*
9 *State of New Jersey:*

10 1. a. For the purposes of this act, "mobile home" means a
11 "manufactured home" located in a "mobile home park," as those
12 terms are defined in the "Manufactured Home Taxation Act,"
13 P.L.1983, c.400 (C.54:4-1.4 et seq.).

14 b. As used in sections 2 and 3 of this act, "notify" means to
15 place in the United States mail a notice addressed to the officers
16 of the homeowners' association. Each such notice shall be
17 deemed to have been given upon the deposit thereof in the United
18 States mail.

19 c. As used in section 2 of this act, "offer" means any
20 solicitation by the park owner to the general public.

21 2. a. If a mobile home park owner offers a mobile home park
22 for sale, he shall notify the board of directors of the
23 homeowners' association created pursuant to this act of his
24 offer, stating the price and the terms and conditions of sale.

25 b. The mobile home owners, by and through an association duly
26 formed in accordance with section 6 of this act, shall have the
27 right to purchase the park, ¹provided two-thirds of the unit
28 owners in the mobile home park have approved the purchase, and
29 further¹ provided that the home owners meet the price and terms
30 and conditions of the mobile home park owner by executing a
31 contract with the park owner within 45 days of being notified
32 under subsection a., except as an extension of time may be
33 mutually agreed upon by the owner and the association; provided,
34 however, that if there is no homeowners' association at the time
35 a mobile home park owner offers a mobile home park for sale and
36 the park owner notifies homeowners individually as required
37 under subsection b. of section 6 of this act, the period within
38 which the terms and conditions of the mobile home park owner

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ACO committee amendments adopted September 10, 1990.

² Senate SJU committee amendments adopted December 5, 1991.

1 may be met by execution of a contract between the owner and a
2 homeowners' association shall be 60 days from the date of the
3 notification of individual homeowners and at any time after
4 notification to the park owner that a homeowners' association
5 has been formed, in accordance the provisions of subsection a. of
6 section 7 of this act. If a contract between the park owner and
7 the association is not executed within that extension period, then,
8 unless the park owner thereafter elects to offer the park at the
9 same price or at a lower price than specified in his notice to the
10 directors of the association, he shall have no further obligations
11 under this subsection, and his only obligation shall be as set forth
12 in section 3 of this act.

13 c. If the park owner thereafter elects to offer the park at the
14 same price or at a lower price than specified in his notice to the
15 directors of the association pursuant to subsection a. of this
16 section, the homeowners, by and through the association, shall
17 have an additional 10 days after receipt of that offer to meet the
18 price and terms of conditions of the park owner by executing a
19 contract; provided, however, that if more than three months have
20 elapsed since the receipt by the homeowners' association of the
21 previous offer to sell the park under this subsection, the
22 association shall have ¹[45] 30¹ days after receipt of the
23 subsequent offer to meet the price and terms of conditions of the
24 park owners by executing a contract.

25 3. a. If a mobile home park owner receives a bona fide offer
26 to purchase the park that he intends to consider or make a
27 counter-offer to, he shall notify the directors of the
28 homeowners' association within ¹[five] 10¹ business days of
29 receiving the offer, if such an association has been formed in
30 accordance with the provisions of sections 6 through 8 of this act,
31 that he has received the offer. If a homeowners' association has
32 not been formed, the park owner shall, within ¹[five] 10¹ business
33 days, notify individual homeowners as required under section 6 of
34 this act. The park owner shall not ¹[enter into] conclude¹ any
35 agreement to sell the park until after the 30 day period therein
36 specified has elapsed.

37 b. Upon receipt of such notice the board of directors of the
38 homeowners' association shall appoint from among its members a
39 committee, not exceeding three persons, who may be assisted by
40 such legal and other professional and technical counsel as the
41 board may provide, to receive from the park owner the price and
42 terms of the offer that has been made, and to negotiate the
43 terms upon which the park owner would be willing to sell the
44 mobile home park to the homeowners' association. Members and
45 assistants to the committee shall be pledged to maintain in
46 confidence any information disclosed to them by the park owner
47 in the course of such negotiations, and shall be personally liable
48 to the park owner and any other party to the transaction for any
49 damages resulting from unauthorized disclosure thereof.

1 c. Not later than the ¹[45th] 30th¹ day next following its
2 receipt of offering terms pursuant to subsection b. of this
3 section, or following a period of extension agreed to by the
4 committee and the park owner, the committee appointed
5 pursuant to subsection b. of this section shall report to the board
6 of directors of the homeowners' association the price and other
7 material terms upon which the mobile home park owner has
8 agreed to sell the mobile home park to the association. In the
9 absence of any agreement between the park owner and the
10 committee, the park owner shall be deemed to agree to such sale
11 upon the identical terms communicated by him to the committee
12 pursuant to subsection a. of this section. The report of the
13 committee shall include such supporting data and documentation
14 as the committee and the park owner have agreed upon to be so
15 submitted and authorized to be disclosed. The price and other
16 terms so agreed upon and reported shall be binding upon the park
17 owner for 10 days next following the submission of the
18 committee's report, and if agreed to by the board of directors of
19 the homeowners' association and consented to by two-thirds of
20 the homeowners in that mobile home park¹ shall constitute a
21 contract of sale.

22 d. During the period provided for negotiations and for
23 consideration by the association's board of directors under
24 subsection c. of this section the park owner shall not conclude
25 ¹[or negotiate for]¹ any agreement for sale of the mobile home
26 park to any other party ¹, but may negotiate with any other party
27 as to terms and conditions of such an agreement, contingent upon
28 the failure or refusal of the homeowners to exercise their prior
29 right of purchase under this act¹.

30 4. The provisions of sections 2 and 3 of this act shall not apply
31 to:

32 ²a. Any sale or transfer of the property of a mobile home park
33 which is not made in contemplation of changing that property to
34 a use or uses other than as a mobile home park.²

35 ²[a.] b.² Any sale or transfer to a person who would be
36 included within the table of descent and distribution if the park
37 owner were to die intestate.

38 ²[b.] c.² Any transfer by gift, devise, or operation of law.

39 ²[c.] d.² Any transfer by a corporation to an affiliate. As used
40 herein, "affiliate" means (1) any shareholder exercising control,
41 or control through attribution as defined under section 318 of the
42 Internal Revenue Code, of the transferring corporation; (2) any
43 corporation or entity owned or controlled, directly or indirectly,
44 by the transferring corporation; or (3) any other corporation or
45 entity owned or controlled, directly or indirectly, by any
46 shareholder of the transferring corporation. For the purposes of
47 this subsection, control shall mean control as defined in section
48 304 of the Internal Revenue Code.

49 ²[d.] e.² Any transfer by a partnership to any of its partners,

1 whether general partners or limited partners ¹, or partners or
2 individuals to a corporation where the control of the corporation
3 is substantially the same¹.

4 ²[e.] f.² Any conveyance of an interest in a mobile home park
5 incidental to the financing of that park.

6 ²[f.] g.² Any conveyance resulting from the foreclosure of a
7 mortgage, deed of trust, or other instrument encumbering a
8 mobile home park, or any deed given in lieu of such foreclosure.

9 ²[g.] h.² Any sale or transfer between or among joint tenants
10 or tenants in common owning a mobile home park.

11 ²[h.] i.² The purchase of a mobile home park by a
12 governmental entity under its powers of eminent domain.

13 ²[i.] j.² Any sale which occurs as a result of a condominium or
14 cooperative conversion.

15 ²[j.] k.² Any sale of real estate owned by the mobile home
16 park owner which is adjacent to the mobile home park, but does
17 not have appurtenant to it mobile home spaces or related
18 recreational facilities.

19 5. In addition to other prerequisites for recording, no deed
20 evidencing transfer of title to a mobile home park shall be
21 recorded in the office of any county recording officer unless,
22 accompanying the application to transfer the title is an affidavit
23 annexed thereto in which the owner of the mobile home park
24 certifies:

25 a. with reference to an offer by him for the sale of the park,
26 he has complied with the provisions of section 2 of this act; or

27 b. with reference to an offer received by him for the purchase
28 of the park, or with reference to a counter-offer which he has
29 made or intends to make to such an offer, he has complied with
30 the provisions of section 3 of this act; or

31 c. notwithstanding his compliance with section 2 or 3 of this
32 act, as applicable, no contract has been executed for the sale of
33 the park between himself and the homeowners' association; or

34 d. the provisions of sections 2 and 3 of this act are not
35 applicable to a particular sale or transfer of the park by him, and
36 compliance therewith is not required; or

37 e. a particular sale or transfer of the park is exempted from
38 the provisions of sections 2 through 5 of this act.

39 6. a. In order to exercise the rights provided in sections 2 and
40 3 of this act, the owners of mobile homes in a mobile home park
41 shall form an association in compliance with this section and
42 sections 7 and 8 of this act. Such an association shall be
43 organized as a corporation or association either for profit or not
44 for profit, upon the consent, in writing, of two-thirds of the
45 owners of mobile homes in the park to become members or
46 shareholders therein. For the purposes of this act, whenever the
47 consent of homeowners is required on any question, there shall be
48 counted only one vote for each mobile home unit. Upon consent
49 by two-thirds of the homeowners, all consenting homeowners

1 shall become members of the association and shall be bound by
2 the provisions of the articles of incorporation, the bylaws of the
3 association, and such restrictions as may be properly promulgated
4 pursuant thereto. Upon incorporation and service of the notice
5 described in section 7 of this act, the association shall become
6 the representative of the mobile home owners in all matters
7 relating to the provisions of this act.

8 b. If at the time when a park owner determines to offer a
9 mobile home park for sale, or receives a bona fide offer from a
10 prospective purchaser, there is no homeowners' association then
11 in being in the mobile home park, the park owner shall, at least
12 15 days before proceeding to make such offer of sale, or within
13 ¹[5] 10¹ business days of receiving such a bona fide offer, as the
14 case may be, notify in writing each owner of a mobile home
15 within the mobile home park that he intends doing so. If, after
16 receipt of such individual notices and within the period fixed by
17 subsection b. of section 2 of this act for execution of a contract,
18 a homeowners' association is formed pursuant to this act, the
19 association so formed shall exercise and perform all the rights,
20 duties and functions provided in this act on and from the day on
21 which notification is made to the mobile home park owner
22 pursuant to section 7 of this act.

23 7. a. Upon receipt of its certificate of incorporation, or, if
24 the homeowners' association does not incorporate, upon its
25 establishment, the homeowners' association shall notify the park
26 owner in writing of such incorporation, or establishment, as
27 appropriate, and shall advise the park owner of the names and
28 addresses of the officers of the homeowners' association by
29 personal delivery upon the park owner or by certified mail, return
30 receipt requested.

31 b. The homeowners' association shall file with the clerk of the
32 county in which the mobile home park is located a notice of its
33 rights under sections 2 and 3 of this act. The notice shall contain
34 the name of the association, the name of the park owner, and the
35 address or legal description of the park. Within 10 days of the
36 recording of the notice, the association shall provide a copy of
37 the recorded notice to the park owner, at the address provided by
38 the park owner, by certified mail, return receipt requested.

39 8. a. The articles of incorporation of a homeowners'
40 association or the by-laws of any ¹[incorporated] unincorporated¹
41 homeowners' association formed under this act shall provide:

42 (1) that the association has the power to negotiate for,
43 acquire, and operate the mobile home park on behalf of the
44 mobile home owners; and

45 (2) that the association shall convert the mobile home park,
46 once acquired by the homeowners, to a condominium, a
47 cooperative, or other type of ownership.

48 b. Upon acquisition of the property, the association shall be
49 the entity that creates a condominium, or offers condominium

1 parcels for sale or lease in the ordinary course of business, or, if
2 the homeowners choose a different form of ownership, the entity
3 that owns the record interest in the property and is responsible
4 for the operation of property; provided, however, that if the
5 association converts the mobile home park to a cooperative, an
6 election shall be held within 30 days following the establishment
7 of the cooperative to elect a board of directors of the
8 cooperative.

9 9. In order for a homeowners' association to exercise the
10 rights provided in section 2 or 3 of this act, the bylaws of the
11 association shall provide for the following:

12 a. The directors of the association and the operation of the
13 association shall be governed by the bylaws.

14 b. The bylaws shall include, and, if they do not, shall be
15 deemed to include, the following provisions:

16 (1) The form of administration of the association shall be
17 described, providing for the titles of the officers and for a board
18 of directors, specifying the powers, duties, manner of selection
19 and removal, and compensation, if any, of the officers and
20 directors. Unless otherwise provided in the bylaws, the board of
21 directors shall consist of five members. The board of directors
22 shall elect from among its members a president, secretary, and
23 treasurer, who shall perform the duties of those offices
24 customarily performed by officers of corporations, and these
25 officers shall serve without compensation and at the pleasure of
26 the board of directors. The board of directors may appoint and
27 designate other officers and assign them such duties as it deems
28 appropriate.

29 (2) Meetings of the board of directors shall be open to all
30 members of the homeowners' association, and notice of meetings
31 shall be posted in a conspicuous place upon the park property at
32 least 48 hours in advance, except in an emergency. Notice of any
33 meeting in which assessments against members are to be
34 considered for any reason shall specifically contain a statement
35 that assessments will be considered, and of the nature of those
36 assessments.

37 (3) Members of the association shall meet at least once each
38 calendar year, and the meeting shall be the annual meeting. All
39 members of the board of directors shall be elected at the annual
40 meeting unless the bylaws provide for staggered election terms or
41 for their election at another meeting. The bylaws shall not
42 restrict any member desiring to be a candidate for board
43 membership from being nominated from the floor. The bylaws
44 shall provide the method for calling the meetings of the
45 members, including annual meetings. The method shall provide at
46 least 14 days' written notice to each member in advance of the
47 meeting and require the posting in a conspicuous place on the
48 park property of a notice at least 14 days prior to the meeting.
49 Unless a member waives in writing the right to receive notice of

1 the annual meeting by mail, the notice of the annual meeting and
2 of any meeting other than the annual meeting in which
3 acquisition or conversion of the mobile home park as provided
4 under section 8 of this act is to be voted on, shall be sent by mail
5 to each member, and the mailing shall constitute notice. An
6 officer of the association shall provide an affidavit affirming that
7 the notices were mailed or hand delivered in accordance with the
8 provisions of this section to each member at the address last
9 furnished to the association. These meeting requirements shall
10 not prevent members from waiving notice of meetings or from
11 acting by written agreement without meetings, if allowed by the
12 bylaws.

13 (4) A majority of the members shall constitute a quorum.
14 Decisions shall be made by a majority of members represented at
15 a meeting at which a quorum is present; provided, however, that
16 any decision to acquire the mobile home park ¹[or] shall only be
17 made by not less than two-thirds of all the homeowners and any
18 decision¹ to convert the mobile home park to a condominium or
19 cooperative or other form of ownership following its acquisition
20 by the homeowners' association shall only be made by not less
21 than a majority vote of all of the members of the homeowners'
22 association. In addition, provision shall be made in the bylaws for
23 definition and use of proxy. Any proxy given shall be effective
24 only for the specific meeting for which originally given and any
25 lawfully adjourned meetings thereof. In no event shall any proxy
26 be valid for a period longer than 90 days after the date of the
27 first meeting for which it was given. Every proxy shall be
28 revocable at any time at the pleasure of the member executing it.

29 (5) The board of directors shall mail a meeting notice and
30 copies of the proposed annual budget of expenses to the members
31 not less than 30 days prior to the meeting at which the budget
32 will be considered. If the bylaws provide that the budget may be
33 adopted by the board of directors, the members shall be given
34 written notice of the time and place at which the meeting of the
35 board of directors to consider the budget will be held. The
36 meeting shall be open to all members.

37 (6) The board of directors may, in any event, propose a budget
38 to the members of the association at a general membership
39 meeting or in writing, and, if the budget or proposed budget is
40 approved by the members at the meeting, or by a majority of
41 their whole number in writing, that budget shall be adopted.

42 (7) Minutes of all meetings of members and of the board of
43 directors shall be kept in a businesslike manner and shall be
44 available for inspection by members, or their authorized
45 representatives, and board members at reasonable times. The
46 association shall retain these minutes for a period of not less than
47 seven years.

48 (8) The share or percentage of, and manner of sharing,
49 expenses for each member shall be stated.

1 (9) The manner of collecting from the members their shares of
2 the expenses for the maintenance of the park property shall be
3 stated. Assessments shall be made against members not less
4 frequently than quarterly, in amounts not less than are required
5 to provide funds in advance for payments of all of the anticipated
6 current operating expenses and for all of the unpaid operating
7 expenses previously incurred.

8 (10) The method by which the bylaws may be amended
9 consistent with the provisions of this act shall be stated. If the
10 bylaws fail to provide a method of amendment, the bylaws may
11 be amended if the amendment is approved by no less than
12 two-thirds of the members. No bylaw shall be revised or
13 amended by reference to its title only.

14 (11) The officers and directors of the association have
15 fiduciary relationship to the members.

16 (12) Any member of the board of directors may be recalled and
17 removed from office, with or without cause, by the vote of, or
18 agreement in writing by, a majority of all members. A special
19 meeting of the association membership to recall a member or
20 members of the board of directors may be called by 10 per cent
21 of the members giving notice of the meeting as required for a
22 meeting of members, and the notice shall state the purpose of the
23 meeting.

24 c. The bylaws may provide the following:

25 (1) A method of adopting and of amending administrative rules
26 and regulations governing the details of the operation and use of
27 the park property.

28 (2) Restrictions on, and requirements respecting, the use and
29 maintenance of mobile homes located within the park, and the
30 use of the park property, so long as such restrictions and
31 requirements are not inconsistent with the articles of
32 incorporation of the association.

33 (3) Other provisions not inconsistent with the provisions of this
34 act or with other documents governing the park property or
35 mobile homes located therein.

36 d. No amendment to the bylaws may change the proportion or
37 percentage by which members share in the expenses as initially
38 established, unless all the members affected by such change
39 approve the amendment.

40 10. a. An association may contract, sue, or be sued, with
41 respect to the exercise or non-exercise of its powers. For these
42 purposes, the powers of the association include, but are not
43 limited to, the maintenance, management, and operation of the
44 park property. The association may institute, maintain, settle or
45 appeal actions or hearings in its name on behalf of all
46 homeowners concerning matters of common interest, including,
47 but not limited to: the common property; structural components
48 of a building or other improvements; mechanical, electrical and
49 plumbing elements serving the park property; and protests of

1 ad-valorem taxes on commonly used facilities. If the association
2 has the authority to maintain a class action, the association may
3 be joined in an action as representative of that class with
4 reference to litigation and disputes involving the matters for
5 which the association could bring a class action. Nothing herein
6 limits any statutory or common-law right of any individual
7 homeowner or class of homeowners to bring any action which may
8 otherwise be available.

9 b. The powers and duties of an association include those set
10 forth in this section, in sections 6 and 9 of this act, and in the
11 articles of incorporation and bylaws and any recorded
12 declarations or restrictions encumbering the park property, if not
13 inconsistent with the provisions of this act.

14 c. An association has the power to make and collect
15 assessments and to lease, maintain, repair and replace the
16 common areas upon purchase of the mobile home park.

17 d. An association shall maintain financial records in
18 accordance with generally accepted accounting standards and
19 principles. The records shall be open to inspection by association
20 members or their authorized representatives at reasonable times,
21 and written summaries of such records shall be supplied at least
22 annually to the members or their authorized representatives. The
23 failure of the association to permit inspection of its accounting
24 records by members or their authorized representatives entitles
25 any persons prevailing in an enforcement action to recover
26 reasonable attorney's fees from the person in control of the
27 books and records who, directly or indirectly, knowingly denied
28 access to the books and records for inspection. The records shall
29 include, but not be limited to:

30 (1) A record of all receipts and expenditures.

31 (2) An account for each member, designating the name and
32 current mailing address of the member, the amount of each
33 assessment, the dates on which and amounts in which the
34 assessments come due, the amount paid on the account, and the
35 balance due.

36 e. An association has the power to purchase lots in the park
37 and to acquire, hold, lease, mortgage and convey them.

38 f. An association shall use its best efforts to obtain and
39 maintain adequate insurance to protect the association and the
40 park property upon purchase of the mobile home park. A copy of
41 each policy of insurance in effect shall be made available for
42 inspection by members at reasonable times.

43 g. An association has the authority, without the joinder of any
44 homeowner, to modify, move, or create any easement for ingress
45 and egress, or for the purpose of utilities, if the easement
46 constitutes part of or crosses the park property upon purchase of
47 the mobile home park. This subsection does not authorize the
48 association to modify or move any easement created in whole or
49 part for the use or benefit of anyone other than the members, or

1 crossing the property of anyone other than the members, without
2 the consent or approval of such person as required by law or the
3 instrument creating the easement. Nothing in this subsection
4 affects the rights of ingress or egress of any member of the
5 association.

6 11. The owner of a mobile home park shall notify in writing
7 each owner of a mobile home therein or, if a homeowners'
8 association has been established under the provisions of this act,
9 the directors of the association, of any application by the owner
10 of the mobile home park for a variance within ¹[five] 10¹ days
11 after the filing for such variance with the approving authority ¹,
12 if the granting of such variance would result in the removal or
13 relocation of the mobile home owners residing in that mobile
14 home park¹.

15 12. No agency of municipal, county or State government, or of
16 any agency or instrumentality thereof, shall approve or take any
17 other final action upon any application for a variance which
18 would result in the removal or relocation of mobile home owners
19 residing in a mobile home park, without first determining that
20 adequate mobile home parks or other suitable facilities exist for
21 the relocation of those mobile home owners.

22 13. This act shall take effect ¹[immediately] on the 90th day
23 following enactment¹.

24
25
26 HOUSING AND CONSTRUCTION

27
28 Gives mobile homeowners right of first refusal upon sale of
29 mobile home park in certain cases.

1 (1) If he contemplated seeking buyers for the park, he would be
2 required to notify the directors of the homeowners' association,
3 setting forth the price and other terms on which he was offering
4 the park for sale. The association would then have 45 days (which
5 might, however, be extended by mutual agreement) to meet those
6 terms and enter into a contract to purchase the park. If the park
7 owner subsequently elects to offer the park at the same price or
8 at a lower price, the homeowners would have an additional 10
9 days to consider the next offer. If, however, there has elapsed a
10 period of more than three months since their receipt of the
11 previous offer, the homeowners would have 45 days in which to
12 consider the subsequent offer under this provision.

13 (2) If, on the other hand, the owner had received an unsolicited
14 offer of purchase, which he was prepared to consider or to make
15 a counter-offer upon, he would be required to notify the directors
16 of the association within five business days. The homeowners
17 would then be required to appoint a negotiating committee which
18 would be pledged to maintain confidence regarding the pertinent
19 details of any negotiations conducted. After 45 days and any
20 agreed upon extension, the committee would be required to
21 report to the association regarding any agreement and any price
22 and terms agreed to would be binding on the park owner for 10
23 days following the submission of the negotiating committee's
24 report to the board of directors.

25 Certain sales or other transfers of mobile home park property
26 are exempted from the above requirements: transfers by
27 inheritance, by gift, through foreclosure or other legal process,
28 sales or transfers among limited or general partners or
29 shareholders with a controlling interest in the same business
30 entity or affiliates thereof; acquisitions by governmental entities
31 through eminent domain; sales of units through condominium or
32 cooperative conversion; and any sale of contiguous property to
33 the mobile home park by the park owner which is not used for
34 mobile home or related recreational facilities.

35

36

HOUSING AND CONSTRUCTION

37

38 Gives mobile homeowners right of first refusal upon sale of
39 mobile home park.

ASSEMBLY CONSUMER AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1461

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 10, 1990

The Assembly Consumer Affairs Committee favorably reports Assembly Bill No. 1461 with committee amendments.

Assembly Bill No. 1461, as amended by the committee, requires that the mobile homeowners in a mobile home park be given the right of first refusal to purchase that park whenever the owner intends to sell it or has received an unsolicited offer from a potential buyer.

To exercise this right, at least two-thirds of the mobile homeowners in the park must form a homeowner's association through which the park would be acquired and subsequently managed. Under the provisions of the bill, the association is required, after acquiring the park, to convert it into a cooperative, condominium, or other such form of ownership.

The bill sets forth certain requirements for the bylaws of the association. These bylaw requirements are designed to assure the participation and the protection of the individual homeowners.

If the homeowners have not formed an association when the park owner either offers the property for sale or receives an offer, the owner is required to notify the individual homeowners, who are then given the opportunity to form an association to purchase the park. In such cases, the negotiation period for the purchase of the park is extended an additional 15 days in order to allow the homeowners to establish an association. If the homeowners in such cases do not organize, they are not accorded the right of first refusal under the bill.

Where there is an association, the park owner has the following obligations:

- 1) In cases where the owner is contemplating seeking buyers for the park, he must notify the directors of the association, setting forth the price and other terms on which he is offering the park for sale. The association then has 45 days (or longer, if mutually agreed) in which to meet those terms and enter into a sales agreement. If the park owner subsequently elects to offer the park at the same price or at a lower price, the homeowners are accorded an additional 10 day days in which to consider the offer and reach an agreement. In those cases where there is a period of more than three months between the receipt of the owner's initial notice and the subsequent offer, the association is afforded 30 days, rather than 10, in which to review the offer.

2) In cases where the owner has received an unsolicited offer of purchase which he either is prepared to consider or to make a counter-offer upon, he is required to so notify the association within 10 days. The homeowners are then required to appoint a negotiating committee. After 30 days, and any mutually agreed upon extension, the committee is required to report to the association. The agreement, the price and terms of sale, worked out by the committee and the owner is to be binding for 10 days.

Certain sales or other transfers of mobile park property are exempted from the provisions of the bill. For example, transfers by inheritance, by gift, through foreclosure or other legal process, sales or transfers among limited or general partners or shareholder with a controlling interest in the same business entity or affiliates thereof; acquisitions by governmental entities through eminent domain; sales of units through condominium or cooperative conversion; and any sale of contiguous property to the mobile home park by the park owner which is not used for mobile home or related recreational facilities.

In addition to revising the time periods in which certain notices must be given and certain agreements must be completed, the committee amendments, clarify that a park owner may negotiate with other parties while the association is considering whether or not it should enter into an agreement to purchase, and specify that two-thirds of the mobile home owners must give their consent for a purchase.

This bill was prefiled for introduction in the 1990 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

ASSEMBLY ACO COMMITTEE

ADOPTED

AMENDMENTS

SEP 10 1990

to

ASSEMBLY, No. 1461

(Sponsored by Assemblymen PELLY and SPADORO)

REPLACE SECTION 2 TO READ:

2. a. If a mobile home park owner offers a mobile home park for sale, he shall notify the board of directors of the homeowners' association created pursuant to this act of his offer, stating the price and the terms and conditions of sale.

b. The mobile home owners, by and through an association duly formed in accordance with section 6 of this act, shall have the right to purchase the park, ¹provided two-thirds of the unit owners in the mobile home park have approved the purchase, and further¹ provided that the home owners meet the price and terms and conditions of the mobile home park owner by executing a contract with the park owner within 45 days of being notified under subsection a., except as an extension of time may be mutually agreed upon by the owner and the association; provided, however, that if there is no homeowners' association at the time a mobile home park owner offers a mobile home park for sale and the park owner notifies homeowners individually as required under subsection b. of section 6 of this act, the period within which the terms and conditions of the mobile home park owner may be met by execution of a contract between the owner and a homeowners' association shall be 60 days from the date of the notification of individual homeowners and at any time after notification to the park owner that a homeowners' association has been formed, in accordance the provisions of subsection a. of section 7 of this act. If a contract between the park owner and the association is not executed within that extension period, then, unless the park owner thereafter elects to offer the park at the same price or at a lower price than specified in his notice to the directors of the association, he shall have no further obligations under this subsection, and his only obligation shall be as set forth in section 3 of this act.

c. If the park owner thereafter elects to offer the park at the same price or at a lower price than specified in his notice to the directors of the association pursuant to subsection a. of this section, the homeowners, by and through the association, shall have an additional 10 days after receipt of that offer to meet the price and terms of conditions of the park owner by executing a contract; provided, however, that if more than three months have elapsed since the receipt by the homeowners' association of the previous offer to sell the park under this subsection, the association shall have ¹[45] ³⁰ days after receipt of the subsequent offer to meet the price and terms of conditions of the park owners by executing a contract.

REPLACE SECTION 3 TO READ:

3. a. If a mobile home park owner receives a bona fide offer to purchase the park that he intends to consider or make a counter-offer to, he shall notify the directors of the homeowners' association within ¹[five] ¹⁰ business days of receiving the offer, if such an association has been formed in accordance with the provisions of sections 6 through 8 of this act, that he has received the offer. If a homeowners' association has not been formed, the park owner shall, within ¹[five] ¹⁰ business days, notify individual homeowners as required under section 6 of this act. The park owner shall not ¹[enter into] conclude¹ any agreement to sell the park until after the 30 day period therein specified has elapsed.

b. Upon receipt of such notice the board of directors of the homeowners' association shall appoint from among its members a committee, not exceeding three persons, who may be assisted by such legal and other professional and technical counsel as the board may provide, to receive from the park owner the price and terms of the offer that has been made, and to negotiate the terms upon which the park owner would be willing to sell the mobile home park to the homeowners' association. Members and assistants to the committee shall be pledged to maintain in confidence any information disclosed to them by the park owner in the course of such negotiations, and shall be personally liable to the park owner and any other party to the transaction for any damages resulting from unauthorized disclosure thereof.

c. Not later than the ¹[45th] ^{30th}¹ day next following its receipt of offering terms pursuant to subsection b. of this section, or following a period of extension agreed to by the committee and the park owner, the committee appointed pursuant to subsection b. of this section shall report to the board of directors of the homeowners' association the price and other material terms upon which the mobile home park owner has agreed to sell the mobile home park to the association. In the absence of any agreement between the park owner and the committee, the park owner shall be deemed to agree to such sale upon the identical terms communicated by him to the committee pursuant to subsection a. of this section. The report of the committee shall include such supporting data and documentation as the committee and the park owner have agreed upon to be so submitted and authorized to be disclosed. The price and other terms so agreed upon and reported shall be binding upon the park owner for 10 days next following the submission of the committee's report, and if agreed to by the board of directors of the homeowners' association and consented to by two-thirds of the homeowners in that mobile home park¹ shall constitute a contract of sale.

d. During the period provided for negotiations and for consideration by the association's board of directors under subsection c. of this section the park owner shall

not conclude ¹[or negotiate for]¹ any agreement for sale of the mobile home park to any other party ¹, but may negotiate with any other party as to terms and conditions of such an agreement, contingent upon the failure or refusal of the homeowners to exercise their prior right of purchase under this act¹.

REPLACE SECTION 4 TO READ:

4. The provisions of sections 2 and 3 of this act shall not apply to:

a. Any sale or transfer to a person who would be included within the table of descent and distribution if the park owner were to die intestate.

b. Any transfer by gift, devise, or operation of law.

c. Any transfer by a corporation to an affiliate. As used herein, "affiliate" means (1) any shareholder exercising control, or control through attribution as defined under section 318 of the Internal Revenue Code, of the transferring corporation; (2) any corporation or entity owned or controlled, directly or indirectly, by the transferring corporation; or (3) any other corporation or entity owned or controlled, directly or indirectly, by any shareholder of the transferring corporation. For the purposes of this subsection, control shall mean control as defined in section 304 of the Internal Revenue Code.

d. Any transfer by a partnership to any of its partners, whether general partners or limited partners ¹, or partners or individuals to a corporation where the control of the corporation is substantially the same¹.

e. Any conveyance of an interest in a mobile home park incidental to the financing of that park.

f. Any conveyance resulting from the foreclosure of a mortgage, deed of trust, or other instrument ~~concerning~~ a mobile home park, or any deed given in lieu of such foreclosure.

g. Any sale or transfer between or among joint tenants or tenants in common owning a mobile home park.

h. The purchase of a mobile home park by a governmental entity under its powers of eminent domain.

i. Any sale which occurs as a result of a condominium or cooperative conversion.

j. Any sale of real estate owned by the mobile home park owner which is adjacent to the mobile home park, but does not have appurtenant to it mobile home spaces or related recreational facilities.

REPLACE SECTION 6 TO READ:

6. a. In order to exercise the rights provided in sections 2 and 3 of this act, the owners of mobile homes in a mobile home park shall form an association in compliance with this section and sections 7 and 8 of this act. Such an association shall be organized as a corporation or association either for profit or not for profit, upon the consent, in writing, of two-thirds of the owners of mobile homes in the park to become members or shareholders therein. For the purposes of this act,

whenever the consent of homeowners is required on any question, there shall be counted only one vote for each mobile home unit. Upon consent by two-thirds of the homeowners, all consenting homeowners shall become members of the association and shall be bound by the provisions of the articles of incorporation, the bylaws of the association, and such restrictions as may be properly promulgated pursuant thereto. Upon incorporation and service of the notice described in section 7 of this act, the association shall become the representative of the mobile home owners in all matters relating to the provisions of this act.

b. If at the time when a park owner determines to offer a mobile home park for sale, or receives a bona fide offer from a prospective purchaser, there is no homeowners' association then in being in the mobile home park, the park owner shall, at least 15 days before proceeding to make such offer of sale, or within ~~1[5]~~ 10¹ business days of receiving such a bona fide offer, as the case may be, notify in writing each owner of a mobile home within the mobile home park that he intends doing so. If, after receipt of such individual notices and within the period fixed by subsection b. of section 2 of this act for execution of a contract, a homeowners' association is formed pursuant to this act, the association so formed shall exercise and perform all the rights, duties and functions provided in this act on and from the day on which notification is made to the mobile home park owner pursuant to section 7 of this act.

REPLACE SECTION 8 TO READ:

8. a. The articles of incorporation of a homeowners' association or the by-laws of any ~~1[incorporated]~~ unincorporated¹ homeowners' association formed under this act shall provide:

(1) that the association has the power to negotiate for, acquire, and operate the mobile home park on behalf of the mobile home owners; and

(2) that the association shall convert the mobile home park, once acquired by the homeowners, to a condominium, a cooperative, or other type of ownership.

b. Upon acquisition of the property, the association shall be the entity that creates a condominium, or offers condominium parcels for sale or lease in the ordinary course of business, or, if the homeowners choose a different form of ownership, the entity that owns the record interest in the property and is responsible for the operation of property; provided, however, that if the association converts the mobile home park to a cooperative, an election shall be held within 30 days following the establishment of the cooperative to elect a board of directors of the cooperative.

REPLACE SECTION 9 TO READ:

9. In order for a homeowners' association to exercise the rights provided in section 2 or 3 of this act, the bylaws of the association shall provide for the following:

a. The directors of the association and the operation of the association shall be governed by the bylaws.

b. The bylaws shall include, and, if they do not, shall be deemed to include, the following provisions:

(1) The form of administration of the association shall be described, providing for the titles of the officers and for a board of directors, specifying the powers, duties, manner of selection and removal, and compensation, if any, of the officers and directors. Unless otherwise provided in the bylaws, the board of directors shall consist of five members. The board of directors shall elect from among its members a president, secretary, and treasurer, who shall perform the duties of those offices customarily performed by officers of corporations, and these officers shall serve without compensation and at the pleasure of the board of directors. The board of directors may appoint and designate other officers and assign them such duties as it deems appropriate.

(2) Meetings of the board of directors shall be open to all members of the homeowners' association, and notice of meetings shall be posted in a conspicuous place upon the park property at least 48 hours in advance, except in an emergency. Notice of any meeting in which assessments against members are to be considered for any reason shall specifically contain a statement that assessments will be considered, and of the nature of those assessments.

(3) Members of the association shall meet at least once each calendar year, and the meeting shall be the annual meeting. All members of the board of directors shall be elected at the annual meeting unless the bylaws provide for staggered election terms or for their election at another meeting. The bylaws shall not restrict any member desiring to be a candidate for board membership from being nominated from the floor. The bylaws shall provide the method for calling the meetings of the members, including annual meetings. The method shall provide at least 14 days' written notice to each member in advance of the meeting and require the posting in a conspicuous place on the park property of a notice at least 14 days prior to the meeting. Unless a member waives in writing the right to receive notice of the annual meeting by mail, the notice of the annual meeting and of any meeting other than the annual meeting in which acquisition or conversion of the mobile home park as provided under section 8 of this act is to be voted on, shall be sent by mail to each member, and the mailing shall constitute notice. An officer of the association shall provide an affidavit affirming that the notices were mailed or hand delivered in accordance with the provisions of this section to each member at the address last furnished to the association. These meeting requirements shall not prevent members from waiving notice of meetings or from acting by written agreement without meetings, if allowed by the bylaws.

(4) A majority of the members shall constitute a quorum. Decisions shall be made by a majority of members

represented at a meeting at which a quorum is present; provided, however, that any decision to acquire the mobile home park ¹[or] shall only be made by not less than two-thirds of all the homeowners and any decision¹ to convert the mobile home park to a condominium or cooperative or other form of ownership following its acquisition by the homeowners' association shall only be made by not less than a majority vote of all of the members of the homeowners' association. In addition, provision shall be made in the bylaws for definition and use of proxy. Any proxy given shall be effective only for the specific meeting for which originally given and any lawfully adjourned meetings thereof. In no event shall any proxy be valid for a period longer than 90 days after the date of the first meeting for which it was given. Every proxy shall be revocable at any time at the pleasure of the member executing it.

(5) The board of directors shall mail a meeting notice and copies of the proposed annual budget of expenses to the members not less than 30 days prior to the meeting at which the budget will be considered. If the bylaws provide that the budget may be adopted by the board of directors, the members shall be given written notice of the time and place at which the meeting of the board of directors to consider the budget will be held. The meeting shall be open to all members.

(6) The board of directors may, in any event, propose a budget to the members of the association at a general membership meeting or in writing, and, if the budget or proposed budget is approved by the members at the meeting, or by a majority of their whole number in writing, that budget shall be adopted.

(7) Minutes of all meetings of members and of the board of directors shall be kept in a businesslike manner and shall be available for inspection by members, or their authorized representatives, and board members at reasonable times. The association shall retain these minutes for a period of not less than seven years.

(8) The share or percentage of, and manner of sharing, expenses for each member shall be stated.

(9) The manner of collecting from the members their shares of the expenses for the maintenance of the park property shall be stated. Assessments shall be made against members not less frequently than quarterly, in amounts not less than are required to provide funds in advance for payments of all of the anticipated current operating expenses and for all of the unpaid operating expenses previously incurred.

(10) The method by which the bylaws may be amended consistent with the provisions of this act shall be stated. If the bylaws fail to provide a method of amendment, the bylaws may be amended if the amendment is approved by no less than two-thirds of the members. No bylaw shall be revised or amended by reference to its title only.

(11) The officers and directors of the association have fiduciary relationship to the members.

~~(12) Any member of the board of directors may be recalled and removed from office, with or without cause, by the vote of, or agreement in writing by, a majority of all members. A special meeting of the association membership to recall a member or members of the board of directors may be called by 10 per cent of the members giving notice of the meeting as required for a meeting of members, and the notice shall state the purpose of the meeting.~~

c. The bylaws may provide the following:

(1) A method of adopting and of amending administrative rules and regulations governing the details of the operation and use of the park property.

(2) Restrictions on, and requirements respecting, the use and maintenance of mobile homes located within the park, and the use of the park property, so long as such restrictions and requirements are not inconsistent with the articles of incorporation of the association.

(3) Other provisions not inconsistent with the provisions of this act or with other documents governing the park property or mobile homes located therein.

d. No amendment to the bylaws may change the proportion or percentage by which members share in the expenses as initially established, unless all the members affected by such change approve the amendment.

REPLACE SECTION 11 TO READ:

11. The owner of a mobile home park shall notify in writing each owner of a mobile home therein or, if a homeowners' association has been established under the provisions of this act, the directors of the association, of any application by the owner of the mobile home park for a variance within ~~thirty~~ ten days after the filing for such variance with the approving authority ¹, if the granting of such variance would result in the removal or relocation of the mobile home owners residing in that mobile home park¹.

REPLACE SECTION 13 TO READ:

13. This act shall take effect ¹[immediately] on the 90th day following enactment¹.

SENATE COUNTY AND MUNICIPAL
GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1461

STATE OF NEW JERSEY

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DATED: JANUARY 17, 1991

The Senate County and Municipal Government Committee reports favorably Assembly Bill No. 1461.

Assembly Bill No. 1461 requires that the mobile homeowners in a mobile home park be given the right of first refusal to purchase that park whenever the owner intends to sell it or has received an unsolicited offer from a potential buyer.

To exercise this right, at least two-thirds of the mobile homeowners in the park must form a homeowner's association through which the park would be acquired and subsequently managed. Under the provisions of the bill, the association is required, after acquiring the park, to convert it into a cooperative, condominium, or other such form of ownership.

The bill sets forth certain requirements for the bylaws of the association. These bylaw requirements are designed to assure the participation and the protection of the individual homeowners.

If the homeowners have not formed an association when the park owner either offers the property for sale or receives an offer, the owner is required to notify the individual homeowners, who are then given the opportunity to form an association to purchase the park. In such cases, the negotiation period for the purchase of the park is extended an additional 15 days in order to allow the homeowners to establish an association. If the homeowners in such cases do not organize, they are not accorded the right of first refusal under the bill.

Where there is an association, the park owner has the following obligations:

- 1) In cases where the owner is contemplating seeking buyers for the park, he must notify the directors of the association, setting forth the price and other terms on which he is offering the park for sale. The association then has 45 days (or longer, if mutually agreed) in which to meet those terms and enter into an sales agreement. If the park owner subsequently elects to offer the park at the same price or at a lower price, the homeowners are accorded an additional 10 day days in which to consider the offer and reach an agreement. In those cases where there is a period of more than three months between the receipt of the owner's initial notice and the subsequent offer, the association is afforded 30 days, rather than 10, in which to review the offer.

2) In cases where the owner has received an unsolicited offer of purchase which he either is prepared to consider or to make a counter-offer upon, he is required to so notify the association within 10 days. The homeowners are then required to appoint a negotiating committee. After 30 days, and any mutually agreed upon extension, the committee is required to report to the association. The agreement, the price and terms of sale, worked out by the committee and the owner is to be binding for 10 days.

Certain sales or other transfers of mobile park property are exempted from the provisions of the bill. For example, transfers by inheritance, by gift, through foreclosure or other legal process, sales or transfers among limited or general partners or shareholder with a controlling interest in the same business entity or affiliates thereof; acquisitions by governmental entities through eminent domain; sales of units through condominium or cooperative conversion; and any sale of contiguous property to the mobile home park by the park owner which is not used for mobile home or related recreational facilities.

In addition to revising the time periods in which certain notices must be given and certain agreements must be completed, the committee amendments, clarify that a park owner may negotiate with other parties while the association is considering whether or not it should enter into an agreement to purchase, and specify that two-thirds of the mobile home owners must give their consent for a purchase.

This bill is identical to Senate Bill No. 3078, also reported by the committee on January 17, 1991.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 1461

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 5, 1991.

The Senate Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 1461.

This bill requires that the mobile homeowners in a mobile home park be given the right of first refusal to purchase that park whenever the owner intends to sell it or has received an unsolicited offer from a potential buyer.

To exercise this right, at least two-thirds of the mobile homeowners in the park must form a homeowner's association through which the park would be acquired and subsequently managed. Under the provisions of the bill, the association is required after acquiring the park, to convert it into a cooperative, condominium, or other such form of ownership.

The bill sets forth certain requirements for the bylaws of the association. These bylaw requirements are designed to assure the participation and the protection of the individual homeowners.

If the homeowners have not formed an association when the park owner either offers the property for sale or receives an offer, the owner is required to notify the individual homeowners, who are then given the opportunity to form an association to purchase the park. In such cases, the negotiation period for the purchase of the park is extended an additional 15 days in order to allow the homeowners to establish an association. If the homeowners in such cases do not organize, they are not accorded the right of first refusal under the bill.

Where there is an association, the park owner has the following obligations:

1) In cases where the owner is contemplating seeking buyers for the park, he must notify the directors of the association, setting forth the price and other terms on which he is offering the park for sale. The association then has 45 days (or longer, if mutually agreed) in which to meet those terms and enter into a sales agreement. If the park owner subsequently elects to offer the park at the same price or at a lower price, the homeowners are accorded an additional 10 days in which to consider the offer and reach an agreement. In those cases where there is a period of more than three months between the receipt of the owner's initial notice and the subsequent offer, the association is afforded 30 days, rather than 10, in which to review the offer.

2) In cases where the owner has received an unsolicited offer of purchase which he either is prepared to consider or to make a

counter-offer upon, he is required to so notify the association within 10 days. The homeowners are then required to appoint a negotiating committee. After 30 days, and any mutually agreed upon extension, the committee is required to report to the association. The agreement, the price and terms of sale, worked out by the committee and the owner is to be binding for 10 days.

A park owner may negotiate with other parties while the association is considering whether or not to enter into a purchase agreement.

Certain sales or other transfers of mobile park property are exempted from the provisions of the bill. Under an amendment adopted by the committee, the bill would not apply to any sale or transfer of property which is not made in contemplation of changing the use of the property from that of a mobile home park. Other transfers not subject to the bill's provisions include transfers by inheritance, by gift, through foreclosure or other legal process, sales or transfers among limited or general partners or shareholder with a controlling interest in the same business entity or affiliates thereof; acquisitions by governmental entities through eminent domain; sales of units through condominium or cooperative conversion; and any sale of contiguous property to the mobile home park by the park owner which is not used for mobile home or related recreational facilities.

SENATE JUDICIARY COMMITTEE

AMENDMENTS

to

ADOPTED

Assembly, No.1461(IR)

(Sponsored by Assemblymen Pelly and Spadoro)

DEC 5 1991

REPLACE TITLE TO READ:

AN ACT to establish a right of first refusal for owners of mobile homes in a mobile home park upon the sale or offering for sale of such a park ⁽²⁾ in certain cases², and to provide for the acquisition and management of such a park by an association of the mobile home owners therein, and supplementing P.L.1973, c.153 (C.46:8C-1 et seq.).

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REPLACE SECTION 4 TO READ:

4. The provisions of sections 2 and 3 of this act shall not apply to:

²a. Any sale or transfer of the property of a mobile home park which is not made in contemplation of changing that property to a use or uses other than as a mobile home park.²

Font ?

²[a.] b.² Any sale or transfer to a person who would be included within the table of descent and distribution if the park owner were to die intestate.

²[b.] c.² Any transfer by gift, devise, or operation of law.

²[c.] d.² Any transfer by a corporation to an affiliate. As used herein, "affiliate" means (1) any shareholder exercising control, or control through attribution as defined under section 318 of the Internal Revenue Code, of the transferring corporation; (2) any corporation or entity owned or controlled, directly or indirectly, by the transferring corporation; or (3) any other corporation or entity owned or controlled, directly or indirectly, by any shareholder of the transferring corporation. For the purposes of this subsection, control shall mean control as defined in section 304 of the Internal Revenue Code.

²[d.] e.² Any transfer by a partnership to any of its partners, whether general partners or limited partners ¹, or partners or individuals to a corporation where the control of the corporation is substantially the same¹.

²[e.] f.² Any conveyance of an interest in a mobile home park incidental to the financing of that park.

²[f.] g.² Any conveyance resulting from the foreclosure of a mortgage, deed of trust, or other instrument encumbering a mobile home park, or any deed given in lieu of such foreclosure.

²[g.] h.² Any sale or transfer between or among joint tenants or tenants in common owning a mobile home park.

²[h.] i.² The purchase of a mobile home park by a governmental entity under its powers of eminent domain.

²[i.] j.² Any sale which occurs as a result of a condominium or cooperative conversion.

²[j.] k.² Any sale of real estate owned by the mobile home park owner which is adjacent to the mobile home park, but does not have appurtenant to it mobile home spaces or related recreational facilities.

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REPLACE SYNOPSIS TO READ:

HOUSING AND CONSTRUCTION

Gives mobile homeowners right of first refusal upon sale of mobile home park in certain cases.