

46:8C-2 thru 46:8C-4

LEGISLATIVE HISTORY CHECKLIST

RISA 46:8C-2 thru 46:8C-4 (Mobile homes - various amendments)

LAWS OF 1977 CHAPTER 350

Bill No. A1657

Sponsor(s) Hamilton and others

Date Introduced March 3, 1976

Committee: Assembly Commerce, Banking & Insurance

Senate Labor, Industry & Professions

Amended during passage Yes ~~xx~~ Amendments during passage denoted by asterisks

Date of Passage: Assembly May 27, 1976

Senate Dec. 15, 1977

Date of approval Jan. 30, 1978

Following statements are attached if available:

Sponsor statement	Yes	No
Committee Statement: Assembly	Yes	No
Senate	Yes	No
Fiscal Note	Yes	No
Veto Message	Yes	No
Message on signing	Yes	No

Following were printed:

Reports	Yes	No
Hearings	Yes	No

A.1657 formerly A.1716 in 1974-75 session:

Hearing held:
 974.90 N.J. Legislature. Assembly. Commerce,
 H842 Industry & Professions Committee.
 1974d Public hearing on A1641, 1713,
 1715, 1716 and 1718. June 6, 1974.

NOT RECORDED

9/1/78

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[OFFICIAL COPY REPRINT]
ASSEMBLY, No. 1657

STATE OF NEW JERSEY

INTRODUCED MARCH 3, 1976

By Assemblymen HAMILTON, HERMAN, BORNHEIMER
and BARBOUR

Referred to Committee on Commerce, Banking and Insurance

AN ACT to amend "An act concerning mobile homes and the rights and obligations of mobile home park owners and operators and mobile home dwellers," approved May 31, 1973 (P. L. 1973, c. 153).

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

1 1. Section 2 of P. L. 1973, c. 153 (C. 46:8C-2) is amended to
2 read as follows:

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

10 b. (1) No mobile home park owner or operator shall charge
11 any resident who chooses to install an electric or gas appliance in
12 his mobile home an additional fee unless that fee reflects the cost
13 to the mobile home park of such installation or its use, or to restrict
14 the installation, service or maintenance of any such appliance, or
15 to restrict the making of any interior improvement in such mobile
16 home, so long as such an installation or improvement is in com-
17 pliance with applicable building codes and other provisions of law.

18-22 (2) *No mobile home park owner or operator shall re-*
23 *quire a resident therein to purchase from him, or from any vendor*
24 *or supplier he designates or selects, any natural product, by-prod-*
25 *uct or synthetic of petroleum gas; ***[provided however, whenever]****
26 **except when* said owner or operator owns or has a possessory*
27 *interest in the lines or equipment transmitting or consuming ***[the***

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

28 petroleum or gas] * a specific fuel and when said system is prop-
29 erly operating under state and local laws and when said fuel is
30 competitively priced. If the park owner or operator does not own
31 or have a possessory interest in said lines or equipment* park
31A owner or operator may, by rule or regulation, designate a specific
31B grade or quality of petroleum or gas to be used. Specification of
31C grade or quality is also permitted whenever reasonably necessary
31D to maintain safety standards prescribed by State law or regulation
32 or by local ordinance.

33 (3) No mobile home park owner or operator shall move, or
34 require to be moved or relocated within the park, any mobile
35 home owned by any person other than the park owner or
36 operator, unless reasonably necessary and unless written notice is
37 served personally on the mobile home dweller 30 days prior to such
38 proposed move, except in case of an emergency requiring a
39 temporary move or relocation. All costs and fees related, directly
40 or indirectly, to any such move or relocation shall be borne by the
41 owner or operator. In addition, the dweller of the mobile home
42 shall have a right to reimbursement for any loss or damage caused
43 by any such move or relocation, and this right shall not be waived;
44 and any instrument containing a waiver thereof shall be null and
44A void.

45 c. A mobile home park owner or operator shall be required to
46 fully disclose in writing all fees, charges, assessments, rules and
47 regulations prior to a mobile home dweller assuming occupancy
48 in the park. No fees, charges or assessments so disclosed may be
49 increased or rules and regulations changed by the park owner or
50 operator without specifying the date of implementation of said
51 fees, charges, assessments or rules and regulations, which date shall
52 be no less than 30 days after written notice to all tenants.

53 In addition, all fees, charges or assessments, including but not
54 limited to entrance, membership or association fees, however
55 denominated, disclosed by said mobile home park owner or operator,
56 must be specifically related to and identifiable with actual costs
57 incurred by the mobile home park owner or operator. All dis-
58 closures made in accordance with this section shall be completed
59 prior to the execution of any leasing agreement as required by
60 section four of this act, or the entering into of any other contractual
61 relationship.

62 d. Failure on the part of the mobile home park owner or oper-
63 ator to fully disclose all fees, charges or assessments shall prevent
64 the park owner or operator from collecting said fees, charges or
65 assessments, and refusal by the dweller to pay any undisclosed

66 charges shall not be used by the owner or operator as a cause for
67 eviction in any court of law.

68 e. Any mobile home park owner or operator who, directly or
69 indirectly, receives, collects or accepts from another any donation,
70 gratuity, bonus or gift, in addition to lawful charges, upon the
71 representation, understanding or statement that compliance with
72 the request or demand therefor will facilitate, influence or procure
73 an advantage over others in entering into an agreement, either oral
74 or written, for the lease or rental of real property for any term or
75 for the use or occupation thereof, or any such owner or operator
76 who refuses to enter into such agreement unless he receives,
77 directly, or indirectly, any such donation, gratuity, bonus or gift,
78 or any such owner or operator, who, directly or indirectly, aids,
79 abets, requests or authorizes any other person to violate any of
80 the provisions of this section, is a disorderly person.

81 f. In any action by any person to recover any donation, gratuity,
82 bonus or gift acquired by another in violation of the provisions of
83 this act, the court, upon finding for such person, shall award
84 recovery of double the value of such donation, gratuity, bonus or
85 gift, together with costs of the action.

1 2. Section 3 of P. L. 1973, c. 153 (C. 46:8C-3) is amended to
2 read as follows:

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

13 **When a resident of the park plans to sell his home, he shall give*
14 *written notice to the park owner or operator. Before a home in the*
15 *park may be sold, the seller shall provide the buyer with an appli-*
16 *cation for park tenancy, which shall be returned to the park owner*
17 *or operator by the prospective buyer in person. On the private sale*
18 *of a mobile home, failure to comply with the application procedure*
19 *as described, before any sales agreement is entered into, shall*
20 *absolve the park owner or operator from the requirements of*
21 *Sec. 2e and 2d, and Sec. 4 of this act. The preceding is not applicable*
22 *if a buyer plans to immediately remove a home from the park.*
23 *Either a mobile home owner, mobile home purchaser or park owner*

24 or operator aggrieved by the failure of any person to comply with
 25 the provisions of this section may seek damages and reasonable
 26 costs and attorneys fees in a complaint, cross-claim, or third party
 27 complaint in a court of competent jurisdiction.

28 b. No contract for the sale of a mobile home, where the buyer
 29 and the seller intend the mobile home remain in the park, shall be
 30 valid unless the seller has advised the purchaser, in writing, of the
 31 park owner or operator's right to approve the purchaser as pro-
 32 vided for in this section.*

33 ***[b.]*** *c.* If the mobile home park owner or operator shall
 34 unreasonably withhold approval of a purchaser of a mobile home
 35 as a tenant, either the mobile home owner who is selling or the
 36 intended purchaser of the mobile home may institute an action in
 37 the Superior Court. A plaintiff who shall recover a judgment in any
 38 such action shall be awarded all damages proximately caused by
 39 the unreasonable refusal of the mobile home park owner or
 40 operator to approve the sale together with the costs of the action
 41 and reasonable attorneys' fees. In any such action the court shall
 42 also be empowered to order the admission of the purchaser of the
 43 mobile home to the mobile home park.

1 3. Section 4 of P. L. 1973, c. 153 (C. 46:8C-4) is amended to
 2 read as follows:

3 4. A mobile home park owner or operator shall be required:

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

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

12 c. **[Within 30 days of the first sale of a mobile home as provided**
 13 **in section 3 hereof, to offer to the purchaser who has been approved**
 14 **the remainder of the written lease or written rental agreement then**
 15 **in effect, but in no event for a period of less than 6 months.]**
 16 *(Deleted by amendment.)*

17 d. To deliver a copy of all rules and regulations established
 18 by the park owner or operator to the mobile home owner prior to
 19 his signing a lease or entering into a rental agreement.

20 e. To post a copy of the rules and regulations established by the
 21 park owner or operator in the recreation hall, if any, or some other
 22 conspicuous place within the park.

1 4. This act shall take effect immediately.

19 *unreasonable refusal of the mobile home park owner or operator*
 20 *to approve the sale together with the costs of the action and reason-*
 21 *able attorneys' fees. In any such action the court shall also be em-*
 22 *powered to order the admission of the purchaser of the mobi'e*
 23 *home to the mobile home park.*

1 3. Section 4 of P. L. 1973, c. 153 (C. 46:8C-4) is amended to
 2 read as follows:

3 4. A mobile home park owner or operator shall be required:

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

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

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 13 **in section 3 hereof, to offer to the purchaser who has been approved**
 14 **the remainder of the written lease or written rental agreement then**
 15 **in effect, but in no event for a period of less than 6 months.】**
 16 *(Deleted by amendment.)*

17 d. *To deliver a copy of all rules and regulations established*
 18 *by the park owner or operator to the mobile home owner prior to*
 19 *his signing a lease or entering into a rental agreement.*

20 e. *To post a copy of the rules and regulations established by the*
 21 *park owner or operator in the recreation hall, if any, or some other*
 22 *conspicuous place within the park.*

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STATEMENT

The purposes of this bill are to provide for the full disclosure of the costs incident to the purchase of a mobile home; to prevent charges such as "entrance" or "acceptance" fees unless they are directly related to actual costs incurred by the mobile home owner or operator; to require owners and operators who require tenants to move their homes between sites within the park to incur the cost of the move; as a condition precedent to acceptance into a mobile home park, the purchase of a mobile home from the owner or affiliate; to prevent undue restrictions on the purchase of petroleum and gas within the park, and to require a copy of rules and regulations published by the owner or operator to be made available to mobile home owners and prospective mobile home purchasers.

ASSEMBLY COMMERCE, BANKING AND INSURANCE
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 1657

STATE OF NEW JERSEY

DATED: MAY 12, 1976

This legislation amends New Jersey law governing mobile homes. The bill would prohibit a mobile home park owner or operator from requiring that a mobile home park resident purchase any natural product, by-product, or synthetic of petroleum gas from the owner or operator or from any vendor selected by him. If the owner or operator owns or has a possessory interest in the lines or equipment transmitting or consuming the petroleum or gas he may specify a specific grade or quality of petroleum or gas to be used.

The bill would also prohibit a park owner or operator from requiring the relocation of a mobile home within the park unless such relocation is reasonably necessary and unless he serves written notice on the mobile home dweller at least 30 days prior to the proposed move, except in the event that a temporary move is occasioned by an emergency. The bill also provides that all costs and fees related directly or indirectly to such move be borne by the owner or operator of the mobile home park. The legislation also provides that the mobile home dweller is entitled to reimbursement for any loss or damage caused by any such move or relocation, and that this right may not be waived.

Present law (P. L. 1973, c. 153) requires that a mobile home park owner or operator disclose in writing all fees, charges, assessments, rules and regulations prior to a mobile home taking up residence in the park. This legislation amends this section to require that all such fees, charges, or assessments be specifically related to and identifiable with actual costs incurred by the mobile home park owner. All disclosures made in accordance with this section of the act would have to be completed prior to the execution of the leasing agreement or the entering into of any other contractual arrangement.

This legislation would also provide that if any mobile home park owner or operator should unreasonably withhold approval of a purchaser of a mobile home as a tenant, either the owner of the mobile home or the prospective purchaser could institute an action in the Superior Court. A plaintiff who recovered a judgment in such a suit

would be entitled to all damages caused by the unreasonable refusal of the park owner or operator to approve the sale together with the costs of the action. The court would also be empowered to order the admission of the purchaser of the mobile home to the mobile home park.

This legislation would protect the rights of tenants in a mobile home park by prohibiting the anticompetitive practice of requiring the purchase of fuel from the park owner and the charging of fees and assessments by park owners which bear no relationship to the actual cost of services being offered. Tenants would also be protected from being required to move their homes to other locations in the park without just cause.

SENATE LABOR, INDUSTRY AND
PROFESSIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1657

[CORRECTED COPY]

with Senate committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 1, 1977

This legislation amends New Jersey law governing mobile homes. The bill would prohibit a mobile home park owner or operator from requiring that a mobile home park resident purchase any natural product, by-product, or synthetic of petroleum gas from the owner or operator or from any vendor selected by him. If the owner or operator owns or has a possessory interest in the lines or equipment transmitting or consuming the petroleum or gas he may specify a specific grade or quality of petroleum or gas to be used.

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Superior Court. A plaintiff who recovered a judgment in such a suit would be entitled to all damages caused by the unreasonable refusal of the park owner or operator to approve the sale together with the costs of the action. The court would also be empowered to order the admission of the purchaser of the mobile home to the mobile home park.

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The Senate Labor, Industry and Professions Committee amended the bill to permit a mobile home park owner or operator to require a resident to purchase fuel from him if the park is serviced by a central fuel system owned by the park owner or operator. The purpose of the amendment is to avoid the situation where residents set up their own fuel tanks which might then require many different fuel trucks to traverse the park.

The committee also amended the bill to protect park owners from the "midnight or quickie" sale of a unit by a resident.

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

JANUARY 30, 1978

ANNE BURNS

Governor Brendan Byrne today signed the following bills into law:

S-260, sponsored by Senator Anthony Scardino, (D-Bergen), which requires the State Board of Education to develop regulations governing the creation, retention and security of students' records.

These regulations are required to serve the following purposes: (1) to protect the rights of pupils to obtain necessary information about themselves; (2) to protect the rights of parents or guardians to obtain full information about pupils; and (3) to protect the rights of both pupils and parents to reasonable privacy.

A-908, sponsored by former Assemblyman William Hamilton (D-Middlesex), which directs the Commissioner of Environmental Protection to develop a Comprehensive Master Plan for the acquisition and development of recreation and conservation lands funded under the provisions of the Green Acres law.

The bill also directs the Commissioner to make an annual report to the Legislature concerning the status of the plan.

A-910, sponsored by former Assemblyman William Hamilton which requires tax collectors in municipalities eligible for flood insurance under the "National Flood Insurance Act of 1968" to notify property owners so they may obtain the flood insurance.

Under current provisions of the "National Flood Insurance Act" property owners who are eligible for the insurance and do not purchase it, are prohibited from receiving federal disaster relief in the event of a flood disaster.

A-1657, sponsored by former Assemblyman William Hamilton, which amends the law governing mobile homes.

Under this legislation, a park owner cannot require a mobile home owner to be relocated within the park unless 30 days written notice is given and the relocation is reasonably necessary. The cost of a relocation is to be paid by the owner or operator of the mobile home park, and the mobile home dwellers has a right to reimbursement for any loss or damage caused by a relocation.

-more-

The bill also prescribes the rights of a mobile home owner and provides for the full disclosure of the costs involved in the purchase of a mobile home.

Assembly Committee Substitute for A-3461, sponsored by former Assemblyman William Hamilton, which gives municipal courts the jurisdiction to prosecute certain violations of the "Cable Television Act." The bill classifies deliberate interference or tampering with cable television systems as a disorderly persons offense with a penalty of not more than a \$500 fine or six months in jail or both.

A-2388, sponsored by Assemblyman James Bornheimer (D-Middlesex), which allows insurance companies not subject to the "Life and Health Insurance Code" to keep federal securities outside the state.

The bill permits these companies to participate in the book-entry transfer system of the Federal Reserve Bank. The system allows the transfer of federal securities without the delay and security problems associated with the transportation and custody of negotiable paper. Transfers are made through banks with a position in the Federal Reserve System.

A-400, sponsored by Assemblyman Christopher Jackman (D-Hudson), which grants a leave of absence with pay to a non-civil service employee of a county or municipality who is an authorized representative of certain police and firefighting organizations to attend the organization convention.

* * * *