

LEGISLATIVE HISTORY CHECKLIST

NJSA: 46:8C-2 (Mobile home park operators-- prohibit fees)
CHAPTER 89
Laws Of: 1987
Bill No: S233
Sponsor(s): Connors
Date Introduced: Pre-filed
Committee: **Assembly:** Housing
Senate: County and Municipal Government
Amended during passage: Yes Amendments during passage denoted by asterisks.
Date of Passage: **Assembly:** October 23, 1986
Senate: March 3, 1986
Date of Approval: April 8, 1987
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

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SENATE, No. 233

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1986 SESSION

By Senator CONNORS

AN ACT concerning fees charged by mobile home park owners and operators, and amending 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 (2) No mobile home park owner or operator shall require a resi-
19 dent therein to purchase from him, or from any vendor or supplier
20 he designates or selects, any natural product, by-product or
21 synthetic of petroleum gas; except when said owner or operator
22 owns or has a possessory interest in the lines or equipment trans-
23 mitting or consuming a specific fuel and when said system is prop-

**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 printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

***—Assembly committee amendments adopted October 2, 1986.**

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

32 (3) No mobile home park owner or operator shall move, or
33 require to be moved or relocated within the park, any mobile
34 home owned by any person other than the park owner or operator,
35 unless reasonably necessary and unless written notice is served
36 personally on the mobile home dweller 30 days prior to such pro-
37 posed move, except in case of an emergency requiring a temporary
38 move or relocation. All costs and fees related, directly or in-
39 directly, to any such move or relocation shall be borne by the
40 owner or operator. In addition, the dweller of the mobile home
41 shall have a right to reimbursement for any loss or damage caused
42 by any such move or relocation, and this right shall not be waived;
43 and any instrument containing a waiver thereof shall be null and
44 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. *No fee ***[shall***
58 *be charged]* in reimbursement of the owner's or operator's costs*
59 *in determining a prospective tenant's credit rating *shall exceed*
60 *the actual cost to the owner or operator of obtaining such deter-*
61 *mination, including the cost of providing the prospective tenant*
62 *with copies of credit reports in conformity with the requirements*
63 *of this act. A complete and accurate copy of any report furnished*
63A *to an owner or operator by a credit reporting service with respect*
63B *to a prospective tenant shall be promptly forwarded to the pros-*
63C *pective tenant by the owner or operator.** All disclosures made

63b in accordance with this section shall be completed prior to the ex-
63e ecution of any leasing agreement as required by section 4 of this
63r act, or the entering into of any other contractual relationship.

64 d. Failure on the part of the mobile home park owner or oper-
65 ator to fully disclose all fees, charges or assessments shall prevent
66 the park owner or operator from collecting said fees, charges or
67 assessments, and refusal by the dweller to pay any undisclosed
68 charges shall not be used by the owner or operator as a cause for
69 eviction in any court of law.

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

83 f. In any action by any person to recover any donation, gratuity,
84 bonus or gift acquired by another in violation of the provisions of
85 this act, the court, upon finding for such person, shall award
86 recovery of double the value of such donation, gratuity, bonus or
87 gift, together with costs of the action, *including reasonable attor-*
88 *ney's fees.*

1 2. This act shall take effect immediately.

HOUSING AND BOARDING HOMES

Prohibits a mobile home park operator from charging a prospec-
tive tenant a fee for determining credit rating that exceeds actual
cost of the determination.

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68 charges shall not be used by the owner or operator as a cause for
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75 an advantage over others in entering into an agreement, either oral
76 or written, for the lease or rental of real property for any term or
77 for the use or occupation thereof, or any such owner or operator
78 who refuses to enter into such agreement unless he receives,
79 directly, or indirectly, any such donation, gratuity, bonus or gift,
80 or any such owner or operator, who, directly or indirectly, aids,
81 abets, requests or authorizes any other person to violate any of
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88 *ney's fees.*

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STATEMENT

This bill prohibits a mobile home park owner or operator from charging a prospective tenant a fee to determine his credit rating. It also allows a person who takes an owner or operator to court for the purpose of recovering an illegal donation or gratuity to recover the amount of his attorney's fees. Without this provision subsection f. allowing a person to sue for the recovery of an illegal donation would be meaningless, since in the great majority of the cases, the recovery would be less than the injured party's attorney's fees.

ASSEMBLY HOUSING COMMITTEE

STATEMENT TO

SENATE, No. 233

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 2, 1986

Senate Bill No. 233 is reported favorably, with amendments.

This bill would prohibit a mobile home park owner or operator from charging a fee for determining a prospective tenant's credit rating that exceeds his actual costs in obtaining that determination. It also would permit a person suing to recover any "donation, gratuity, bonus or gift" prohibited by P. L. 1973, c. 153, "An act concerning . . . the rights and obligations of mobile home park owners and operators and mobile home dwellers" (C. 46:8C-1 et seq.) to recover attorney fees in the suit.

The section which this bill would amend enumerates certain types of fees and other charges, including obligatory purchases of equipment and supplies, that a mobile home park operator may not require of a tenant. It also requires that all fees and charges that are made be disclosed in writing to the tenants, be "specifically related to and identifiable with actual costs," and not be changed without 30 days' written notice to the tenants.

The proposed amendment to subsection c. specifically bars an owner or operator from charging more than his actual cost for determining a prospective tenant's credit rating.

Subsection e. forbids the owner or operator from taking any "donation, gratuity, bonus or gift," in addition to charges lawfully made, on the understanding that the giver will thus obtain an advantage over others in the rental of park space; and subsection f. provides that one from whom such a bribe has been demanded and paid may sue to recover double its value, plus costs of suit. This bill would amend subsection f. to allow the plaintiff to recover attorney's fees as well.

The committee amended the bill, which originally would have prohibited the charging of any fee for credit checks, so as to permit such fees but limit them to the actual cost incurred by the park owner or operator. Another committee amendment requires that the prospective tenant be furnished with a copy of any report on him that was obtained from a credit reporting service.

SENATE COUNTY AND MUNICIPAL GOVERNMENT
COMMITTEE

STATEMENT TO

SENATE, No. 233

STATE OF NEW JERSEY

DATE: JANUARY 30, 1986

The Senate County and Municipal Government Committee reports favorably Senate Bill No. 233.

Senate Bill No. 233 amends section 2 of P. L. 1973, c. 153 (C. 46:8C-2) to prohibit mobile home park owners and operators from charging a prospective tenant a fee to cover the cost of determining that individual's credit rating.

Currently, section 2 of P. L. 1973, c. 153 outlines the rights and obligations of mobile home park owners, operators and tenants and includes: (1) prohibitions against requiring a tenant to purchase certain items and equipment from the owner or operator of the park; (2) limitations on the types of fees which may be charged a tenant; (3) limitations on the movement and relocation of mobile homes within the park and the assignment of costs related to permissible moves or relocations; and (4) prohibitions against the solicitation of donations, gratuities, bonuses or gifts for the purpose of granting an advantage over others. The subsection concerning permissible fees, charges and assessments does not specifically prohibit an owner or operator from charging a prospective tenant a fee to cover the cost of determining that individual's credit rating.

In addition to prohibiting recovery of credit rating fees, the bill also amends the section to permit individuals who take a mobile home park owner or operator to court for the purpose of recovering an illegally solicited donation or gratuity to recover, in addition to the recovery of double the value of the illegal donation or gratuity currently authorized by the section, the amount of the attorney fees.

This bill was pre-filed for introduction in the 1986 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.