

SENATE, No. 510

STATE OF NEW JERSEY

INTRODUCED JANUARY 29, 1996

By Senator BASSANO

1 AN ACT concerning inspection of mobile home parks and amending
2 and supplementing P.L.1967, c.76.

3

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

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7 1. Section 3 of P.L.1967, c.76 (C.55:13A-3) is amended to read as
8 follows:

9 3. The following terms whenever used or referred to in this act
10 shall have the following respective meanings for the purposes of this
11 act, except in those instances where the context clearly indicates
12 otherwise:

13 (a) The term "act" shall mean this act, any amendments or
14 supplements thereto, and any rules and regulations promulgated
15 thereunder.

16 (b) The term "accessory building" shall mean any building which is
17 used in conjunction with the main building of a hotel, whether separate
18 therefrom or adjoining thereto.

19 (c) The term "board" shall mean the Hotel and Multiple Dwelling
20 Health and Safety Board created by subsection (a) of section 5 of this
21 act in the Division of Housing and Development of the Department of
22 Community Affairs.

23 (d) The term "bureau" shall mean the Bureau of Housing
24 Inspection in the Division of Housing and Development of the
25 Department of Community Affairs.

26 (e) (Deleted by amendment.)

27 (f) The term "commissioner" shall mean the Commissioner of the
28 Department of Community Affairs.

29 (g) The term "department" shall mean the Department of
30 Community Affairs.

31 (h) The term "unit of dwelling space" or the term "dwelling unit"
32 shall mean any room or rooms, or suite or apartment thereof, whether
33 furnished or unfurnished, which is occupied, or intended, arranged or
34 designed to be occupied, for sleeping or dwelling purposes by one or

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

Matter underlined thus is new matter.

1 more persons, including but not limited to the owner thereof, or any
2 of his servants, agents or employees, and shall include all privileges,
3 services, furnishings, furniture, equipment, facilities and improvements
4 connected with the use or occupancy thereof.

5 (i) The term "protective equipment" shall mean any equipment,
6 device, system or apparatus, whether manual, mechanical, electrical or
7 otherwise, permitted or required by the commissioner to be
8 constructed or installed in any hotel or multiple dwelling for the
9 protection of the occupants or intended occupants thereof, or of the
10 public generally.

11 (j) The term "hotel" shall mean any building, including but not
12 limited to any related structure, accessory building, and land
13 appurtenant thereto, and any part thereof, which contains 10 or more
14 units of dwelling space or has sleeping facilities for 25 or more persons
15 and is kept, used, maintained, advertised as, or held out to be, a place
16 where sleeping or dwelling accommodations are available to transient
17 or permanent guests.

18 This definition shall also mean and include any hotel, motor hotel,
19 motel, or established guesthouse, which is commonly regarded as a
20 hotel, motor hotel, motel, or established guesthouse, as the case may
21 be, in the community in which it is located; provided, that this
22 definition shall not be construed to include any building or structure
23 defined as a multiple dwelling in this act, registered as a multiple
24 dwelling with the Commissioner of Community Affairs as hereinafter
25 provided, and occupied or intended to be occupied as such nor shall
26 this definition be construed to include a rooming house or a boarding
27 house as defined in the "Rooming and Boarding House Act of 1979,"
28 P.L.1979, c.496 (C.55:13B-1 et al.) or, except as otherwise set forth
29 in P.L.1987, c.270 (C.55:13A-7.5, 55:13A-7.6, 55:13A-12.1,
30 55:13A-13.2), any retreat lodging facility, as defined in this section.

31 (k) The term "multiple dwelling" shall mean any building or
32 structure of one or more stories and any land appurtenant thereto, and
33 any portion thereof, in which three or more units of dwelling space are
34 occupied, or are intended to be occupied by three or more persons
35 who live independently of each other. This definition shall also mean
36 and include any group of ten or more buildings on a single parcel of
37 land or on contiguous parcels under common ownership, in each of
38 which two units of dwelling space are occupied or intended to be
39 occupied by two persons or households living independently of each
40 other, and any land appurtenant thereto, and any portion thereof, and
41 any mobile home park. This definition shall not be construed to
42 include any building or structure defined as a hotel in this act, or
43 registered as a hotel with the Commissioner of Community Affairs as
44 hereinafter provided, or occupied or intended to be occupied
45 exclusively as such; nor shall this definition be construed to include
46 any building section containing not more than two dwelling units held

1 under a condominium or cooperative form of ownership, or by a
2 mutual housing corporation, where all the dwelling units in the section
3 are occupied by their owners, if a condominium, or by shareholders in
4 the cooperative or mutual housing corporation, and where such
5 building section has at least two exterior walls unattached to any
6 adjoining building section and is attached to any adjoining building
7 sections exclusively by walls of such fire-resistant rating as shall be
8 established by the bureau in conformity with recognized standards; nor
9 any building of three stories or less, owned or controlled by a
10 nonprofit corporation organized under any law of this State for the
11 primary purpose to provide for its shareholders or members housing
12 in a retirement community as same is defined under the provisions of
13 the "Retirement Community Full Disclosure Act," P.L.1969, c.215
14 (C.45:22A-1 et seq.), provided that the corporation meets the
15 requirements of section 2 of [this amendatory and supplementary act]
16 P.L.1983, c.154 (C.55:13A-13.1).

17 (l) The term "owner" shall mean the person who owns, purports to
18 own, or exercises control of any hotel or multiple dwelling.

19 (m) The term "person" shall mean any individual, corporation,
20 association, or other entity, as defined in R.S.1:1-2.

21 (n) The term "continuing violation" shall mean any violation of this
22 act or any regulation promulgated thereunder, where notice is served
23 within two years of the date of service of a previous notice and where
24 violation, premise and person cited in both notices are substantially
25 identical.

26 (o) The term "project" shall mean a group of buildings subject to
27 the provisions of this act, which are or are represented to be under
28 common or substantially common ownership and which stand on a
29 single parcel of land or parcels of land which are contiguous and which
30 group of buildings is named, designated or advertised as a common
31 entity. The contiguity of such parcels shall not be adversely affected
32 by public rights-of-way incidental to such buildings.

33 (p) The term "mutual housing corporation" means a corporation
34 not-for-profit incorporated under the laws of New Jersey on a mutual
35 or cooperative basis within the scope of Title VI, §607 of the "Lanham
36 Public War Housing Act," 54 Stat. 1125, 42 U.S.C. §1501 et seq., as
37 amended, which acquired a National Defense Housing Project
38 pursuant to said act.

39 (q) "Condominium" means the form of ownership so defined in the
40 "Condominium Act," P.L.1969, c.257 (C.46:8B-1 et seq.).

41 (r) "Cooperative" means a housing corporation or association
42 which entitles the holder of a share or membership interest thereof to
43 possess and occupy for dwelling purposes a house, apartment or other
44 structure owned or leased by said corporation or association, or to
45 lease or purchase a dwelling constructed or to be constructed by said
46 corporation or association.

1 (s) "Retreat lodging facility" means a building or structure,
2 including but not limited to any related structure, accessory building,
3 and land appurtenant thereto, and any part thereof, owned by a
4 nonprofit corporation or association which has tax-exempt charitable
5 status under the federal Internal Revenue Code and which has sleeping
6 facilities used exclusively on a transient basis by persons participating
7 in programs of a religious, cultural or educational nature, conducted
8 under the sole auspices of one or more corporations or associations
9 having tax-exempt charitable status under the federal Internal Revenue
10 Code, which are made available without any mandatory charge to such
11 participants.

12 (t) "Manufactured home" means a dwelling unit that (1) consists of
13 one or more transportable sections that are substantially constructed
14 off-site and, if more than one section, are joined together on-site; (2)
15 is built on a permanent chassis; and (3) is designed to be used, when
16 connected to utilities, as a dwelling on a permanent or nonpermanent
17 foundation.

18 (u) "Mobile home park" means a parcel of land, or two or more
19 contiguous parcels of land under common ownership, containing three
20 or more sites equipped or designed for the installation of
21 manufactured homes.

22 (cf: P.L.1987, c.270, s.1)

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24 2. (New section) The commissioner shall adopt rules pursuant to
25 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
26 seq.) establishing fees necessary to cover the cost of enforcement of
27 P.L. , c. (C.) (now pending before the Legislature as this bill)
28 in mobile home parks.

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30 3. This act shall be effective immediately.

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STATEMENT

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35 Like apartment houses, mobile home parks are a form of
36 multi-family housing in which tenants depend upon the owner of the
37 property to provide maintenance services that are necessary in order
38 to ensure habitability. This act is intended to provide residents of
39 mobile home parks with the same benefit of periodic inspection and
40 code enforcement now provided by law to apartment residents.

41 It is expected that the main focus of inspections would be on such
42 services as plumbing and electrical hook-ups, sanitation including
43 septic systems, and grounds maintenance, including safety hazards and
44 crowding.

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3 Defines “mobile home park” as “multiple dwelling” for inspection
4 purposes.