

SENATE, No. 2486

STATE OF NEW JERSEY
212th LEGISLATURE

INTRODUCED JANUARY 25, 2007

Sponsored by:

Senator ROBERT E. LITTELL

District 24 (Sussex, Hunterdon and Morris)

Co-Sponsored by:

Senator Connors

SYNOPSIS

Clarifies certain standards for regulation of recreational vehicles as housing.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/13/2007)

1 AN ACT concerning the regulation of recreational vehicles in
2 campgrounds, supplementing P.L.1975, c.211 (C.52:27D-119 et
3 seq.), and amending various parts of the statutory law.

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

7
8 1. (New section) The Legislature finds and declares that:

9 a. Pursuant to 42 U.S.C. s.5403, all states are preempted in their
10 regulation of the manufacturing or safety standards of manufactured
11 housing as long as federal standards are in effect, but a state is
12 authorized to establish standards for the stabilizing and support
13 systems of manufactured homes sited within the state, and for the
14 foundations on which manufactured homes sited within that state
15 are installed, and has the right to enforce compliance with such
16 standards, provided that such standards are consistent with the
17 purposes of 42 U.S.C. ss.5401 et seq. and are consistent with the
18 design of the manufacturer.

19 b. Recreational vehicles of a certain configuration are not
20 designed to be used as manufactured housing, or as permanent
21 housing, and thus are not subject to the same treatment as
22 manufactured housing or permanent housing for many purposes,
23 such as taxation as real property, or compliance with the safety
24 standards designed for manufactured housing which is installed as
25 permanent housing.

26 c. Under New Jersey regulations, certain recreational vehicles
27 have been subjected to compliance with regulations applicable to
28 manufactured housing, based on a inconsistency of definitions
29 under federal law. Clarification of the treatment of certain types of
30 recreational trailers in conformance with federal regulations is
31 necessary in order to provide for the safety of the persons utilizing
32 such property as housing.

33
34 2. (New section) The Department of Health and Senior
35 Services, the Department of Treasury, and the Department of
36 Community Affairs shall modify all regulations promulgated
37 respectively by each department concerning manufactured housing
38 and recreational vehicles to comport with the provisions of
39 P.L. , c. (C.) (pending before the Legislature as this
40 bill).

41
42 3. Section 2 of P.L1999, c.299 (C.5:16-2) is amended to read as
43 follows:

44 2. As used in this act:

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 a. "Last known address" means the address provided by the
2 occupant in the latest rental agreement or the address provided by
3 the occupant in a subsequent written notice of change of address.

4 b. "Occupant" means a person, the person's sublessee,
5 successor or assignee entitled to the use of a campground facility or
6 a portion thereof under a rental agreement to the exclusion of
7 others.

8 c. "Owner" means the proprietor, operator, lessor, sublessor or
9 owner of a campground facility, the owner's agent or any other
10 person authorized by the owner to manage the facility or to receive
11 rent from an occupant under a rental agreement.

12 d. "Personal property" means property, located at the
13 campground facility, not affixed to the land and including but not
14 limited to goods, merchandise, household items, trailers, boats,
15 campers, tents and the contents thereof.

16 e. "Rental agreement" means any written agreement or lease
17 that establishes or modifies the terms, conditions, rules or any other
18 provisions concerning the use and occupancy of a campground
19 facility or any portion thereof.

20 f. "Campground facility" means any real property designed and
21 used for the purpose of renting or leasing individual portions
22 thereof to occupants who are to have access for the purpose of
23 camping and the recreation associated therein, which may not be
24 used as a permanent dwelling place or domicile for occupants, other
25 than by the owner, and upon which recreational vehicles which do
26 not meet the definition of recreational vehicles limited to camping
27 as defined pursuant to this section, and mobile homes and
28 manufactured homes, as those terms are defined in section 3 of the
29 "Manufactured Home Taxation Act," P.L.1983, c.400 (C.54:4-1.4),
30 may not enter, unless compliance is made with stabilizing and
31 support standards for such recreational vehicles, as may be
32 promulgated by the Commissioner of Community Affairs.

33 g. "Recreational vehicle limited to camping" means a vehicle
34 which is:

35 (1) Built on a single chassis;

36 (2) 400 square feet or less when measured at the largest
37 horizontal projections, as measured when prepared for towing;

38 (3) Self-propelled or permanently towable by a light duty truck;
39 and

40 (4) Designed primarily not for use as a permanent dwelling but
41 as temporary living quarters for recreational, camping, travel, or
42 seasonal use.

43 (cf: P.L.1999, c.299, s.2.

44
45 4. Section 3 of P.L.1983, c.383 (C.40:55D-102) is amended to
46 read as follows:

47 3. As used in this act:

- 1 a. "Commissioner" means the Commissioner of [the
- 2 Department of] Community Affairs;
- 3 b. "Grade" means a reference plane consisting of the average
- 4 finished ground level adjacent to a structure, building, or facility at
- 5 all visible exterior walls;
- 6 c. "Manufactured home" means a unit of housing which:
- 7 (1) Consists of one or more transportable sections which are
- 8 substantially constructed off site and, if more than one section, are
- 9 joined together on site;
- 10 (2) Is built on a permanent chassis;
- 11 (3) Is designed to be used, when connected to utilities, as a
- 12 dwelling on a permanent or nonpermanent foundation; and
- 13 (4) Is manufactured in accordance with the standards
- 14 promulgated for a manufactured home by the secretary pursuant to
- 15 the "National Manufactured Housing Construction and Safety
- 16 Standards Act of 1974," Pub.L. 93-383 (42 U.S.C. s. 5401 et seq.)
- 17 and is installed and secured on site in accordance with the standards
- 18 promulgated for a manufactured or mobile home by the
- 19 commissioner pursuant to the "State Uniform Construction Code
- 20 Act," P.L.1975, c.217 (C.52:27D-119 et seq.);
- 21 d. "Mobile home park" means a parcel of land, or two or more
- 22 parcels of land, containing no fewer than 10 sites equipped for the
- 23 installation of manufactured homes, where these sites are under
- 24 common ownership and control for the purpose of leasing each site
- 25 to the owner of a manufactured home for the installation thereof,
- 26 and where the owner or owners provide services, which are
- 27 provided by the municipality in which the park is located for
- 28 property owners outside the park, which services may include but
- 29 shall not be limited to:
- 30 (1) The construction and maintenance of streets;
- 31 (2) Lighting of streets and other common areas;
- 32 (3) Garbage removal;
- 33 (4) Snow removal; and
- 34 (5) Provisions for the drainage of surface water from home sites
- 35 and common areas.
- 36 A parcel, or any contiguous parcels, of land which contain, on
- 37 the effective date of this act, no fewer than three sites equipped for
- 38 the installation of manufactured homes, and which otherwise
- 39 conform to the provisions of this subsection, shall qualify as a
- 40 mobile home park for the purposes of this act;
- 41 e. "Nonpermanent foundation" means any foundation consisting
- 42 of nonmortared blocks, wheels, concrete slab, runners, or any
- 43 combination thereof, or any other system approved by the
- 44 commissioner for the installation and anchorage of a manufactured
- 45 home on other than a permanent foundation;
- 46 f. "Off site construction of a manufactured home" or section
- 47 thereof means the construction of that home or section at a location
- 48 other than the location at which the home is to be installed;

- 1 g. "On site joining of sections of a manufactured home" means
- 2 the joining of those sections at the location at which the home is to
- 3 be installed;
- 4 h. "Permanent foundation" means a system of support installed
- 5 either partially or entirely below grade, which is:
- 6 (1) Capable of transferring all design loads imposed by or upon
- 7 the structure into soil or bedrock without failure;
- 8 (2) Placed at an adequate depth below grade to prevent frost
- 9 damage; and
- 10 (3) Constructed of material approved by the commissioner;
- 11 i. "Runners" means a system of support consisting of poured
- 12 concrete strips running the length of the chassis of a manufactured
- 13 home under the lengthwise walls of that home;
- 14 j. "Secretary" means the Secretary of the United States
- 15 Department of Housing and Urban Development; and
- 16 k. "Trailer" means a recreational vehicle, travel trailer, camper
- 17 or other transportable, temporary dwelling unit, with or without its
- 18 own motor power, designed and constructed for travel and
- 19 recreational purposes to be installed on a nonpermanent foundation
- 20 if installation is required.
- 21 (cf: P.L.1983, c.386, s.3)

22

23 5. Section 1 of P.L.1993, c.258 (C.45:22A-49) is amended to
24 read as follows:

- 25 1. As used in sections 2 through 8 of [this act] P.L.1993, c.258:
- 26 "Agency" means the Division of Housing and Development in
- 27 the Department of Community Affairs.
- 28 "Proprietary campground facility" means any real property
- 29 designed and used for the purpose of camping and associated
- 30 recreational uses under a condominium or cooperative form of
- 31 ownership.
- 32 "Recreational vehicle limited to camping" means a vehicle which
- 33 is:
- 34 (1) Built on a single chassis;
- 35 (2) 400 square feet or less when measured at the largest
- 36 horizontal projections, as measured when prepared for towing;
- 37 (3) Self-propelled or permanently towable by a light duty truck;
- 38 and
- 39 (4) Designed primarily not for use as a permanent dwelling but
- 40 as temporary living quarters for recreational, camping, travel, or
- 41 seasonal use.
- 42 (cf: P.L.1993, c.258, s.1)

43

44 6. Section 3 of P.L.1993, c.258 (C.45:22A-51) is amended to
45 read as follows:

- 46 3. All unit owners and proprietary lessees in a proprietary
- 47 campground facility shall comply with all lawful requirements set
- 48 forth in the master deed or certificate of incorporation, bylaws and

1 public offering statement of the condominium or cooperative and
2 with all State, county and municipal laws, rules and ordinances
3 applicable to the maintenance and operation of the proprietary
4 campground facility. Every master deed or certificate of
5 incorporation for a proprietary campground facility shall prohibit
6 the use of the property for purposes of domicile or permanent
7 residency, unless otherwise permitted by municipal ordinance.

8 Recreational vehicles which do not meet the definition of
9 recreational vehicles limited to camping as set forth in section 1 of
10 P.L.1993, c.258 (C.45:22A-49) as amended by section 5 of
11 P.L. , c. (C.) (pending before the Legislature as this
12 bill) , if used within a proprietary campground for purposes of
13 domicile or permanent residency, shall be subject to the stabilizing
14 and support standards for such recreational vehicles, as may be
15 promulgated by the Commissioner of Community Affairs.

16 Any unit owner or proprietary lessee who, after receipt of notice
17 to cease and desist from the association or corporation responsible
18 for the administration of the facility, shall continue to violate, or
19 allow any other person to violate, any lawful requirement set forth
20 in the master deed or certificate of incorporation, bylaws or public
21 offering statement, or any applicable law, rule or ordinance, in
22 contravention of this section, shall be subject to eviction and
23 termination of contractual rights in a summary proceeding in the
24 Special Civil Part of the Law Division of the Superior Court.

25 (cf: P.L.1993, c.258, s.3)

26
27 7. Section 3 of P.L.1983, c.400 (C.54:4-1.4) is amended to read
28 as follows:

29 3. As used in this act:

30 a. "Commissioner" means the Commissioner of [the Department
31 of] Community Affairs;

32 b. "Cooperative" means a housing corporation or association
33 which entitles the holder of a share or membership interest thereof
34 to possess and occupy for dwelling purposes a house, apartment,
35 manufactured home or other unit of housing owned by the
36 corporation or association, or to purchase a unit of housing
37 constructed or erected by the corporation or association;

38 c. "Grade" means a reference plane consisting of the average
39 finished ground level adjacent to a structure, building, or facility at
40 all visible exterior walls;

41 d. "Manufactured home" means a unit of housing which:

42 (1) Consists of one or more transportable sections which are
43 substantially constructed off site and, if more than one section, are
44 joined together on site;

45 (2) Is built on a permanent chassis;

46 (3) Is designed to be used, when connected to utilities, as a
47 dwelling on a permanent or nonpermanent foundation; and

1 (4) Is manufactured in accordance with the standards
2 promulgated for a manufactured home by the secretary pursuant to
3 the "National Manufactured Housing Construction and Safety
4 Standards Act of 1974," Pub.L.93-383 (42 U.S.C. s. 5401 et seq.)
5 and is installed and secured on site in accordance with the standards
6 promulgated for a manufactured or mobile home by the
7 commissioner pursuant to the "State Uniform Construction Code
8 Act," P.L.1975, c.217 (C.52:27D-119 et seq.);

9 "Manufactured home" also means and includes any unit of
10 housing manufactured before the effective date of the standards
11 promulgated by the secretary or, as appropriate, by the
12 commissioner, but which otherwise meets the criteria set forth in
13 this subsection;

14 e. "Mobile home park" means a parcel of land, or two or more
15 contiguous parcels of land, containing no fewer than 10 sites
16 equipped for the installation of manufactured homes, where these
17 sites are under common ownership and control, other than as a
18 cooperative, for the purpose of leasing each site to the owner of a
19 manufactured home for the installation thereof, and where the
20 owner or owners provide services, which are provided by the
21 municipality in which the park is located for property owners
22 outside the park, which services may include but shall not be
23 limited to:

24 (1) The construction and maintenance of streets;

25 (2) Lighting of streets and other common areas;

26 (3) Garbage removal;

27 (4) Snow removal; and

28 (5) Provisions for the drainage of surface water from home sites
29 and common areas.

30 A parcel, or any contiguous parcels, of land which contain, on
31 the effective date of this act, no fewer than three sites equipped for
32 the installation of manufactured homes, and which otherwise
33 conform to the provisions of this subsection, shall qualify as a
34 mobile home park for the purposes of this act;

35 f. "Municipal service fee" means a fee imposed on
36 manufactured homes installed in a mobile home park for the
37 purpose of reasonable payment for services rendered the owners of
38 the manufactured homes by the municipality or any other local
39 taxing authority established pursuant to an ordinance of the
40 municipal governing body, and for the reimbursement of the
41 municipality for payments made thereby to the school district in
42 which the mobile home park is located for educational costs
43 occasioned by pupils residing in that park;

44 g. "Nonpermanent foundation" means any foundation consisting
45 of nonmortared blocks, wheels, a concrete slab, runners, or any
46 combination thereof, or any other system approved by the
47 commissioner for the installation and anchorage of a manufactured
48 home on other than a permanent foundation;

- 1 h. "Off site construction of a manufactured home or section
2 thereof" means the construction of that home or section at a location
3 other than the location at which the home is to be installed;
- 4 i. "On site joining of sections of a manufactured home" means
5 the joining of those sections at the location at which the home is to
6 be installed;
- 7 j. "Permanent foundation" means a system of support installed
8 either partially or entirely below grade, which is:
- 9 (1) Capable of transferring all design loads imposed by or upon
10 the structure into soil or bedrock without failure;
- 11 (2) Placed at an adequate depth below grade to prevent frost
12 damage; and
- 13 (3) Constructed of any material approved by the commissioner;
- 14 k. "Runners" means a system of support consisting of poured
15 concrete strips running the length of the chassis of a manufactured
16 home under the lengthwise walls of that home;
- 17 l. "Secretary" means the Secretary of the United States
18 Department of Housing and Urban Development; and
- 19 m. "Trailer" means a recreational vehicle, travel trailer, camper
20 or other transportable, temporary dwelling unit, with or without its
21 own motor power, designed and constructed for travel and
22 recreational purposes to be installed on a nonpermanent foundation
23 if installation is required.
24 (cf: P.L.1983, c.400, s.3)
25

26 8. Section 1 of P.L.1991, c.483 (C.46:8C-10) is amended to
27 read as follows:

- 28 1. a. For the purposes of P.L.1991, c.483 (C.46:8C-10 et seq.):
- 29 "Campground facility" means real property designed and used
30 for the purpose of renting or leasing individual portions thereof to
31 occupants who are to have access for the purposes of camping and
32 the recreation associated therein, which may not be used as a
33 permanent dwelling place or domicile for occupants, other than by
34 the owner, and upon which recreational vehicles[, as defined in this
35 section, in excess of 400 square feet,] which do not meet the
36 definition of recreational vehicles limited to camping as defined
37 pursuant to this section and mobile homes and manufactured homes,
38 as those terms are defined in section 3 of the "Manufactured Home
39 Taxation Act," P.L.1983, c.400 (C.54:4-1.4)[, in excess of 400
40 square feet,] may not enter unless compliance is met with any
41 stabilizing and support standards for such recreational vehicles not
42 meeting the definition of recreational vehicles limited to camping,
43 as may be promulgated by the Commissioner of Community
44 Affairs;
- 45 "Camping trailer" means a recreational vehicle that is mounted
46 on wheels and constructed with collapsible partial side walls that
47 fold for towing and unfold for use;

1 "Fifth wheel trailer" means a recreational vehicle designed to be
2 towed by a motorized vehicle containing a towing mechanism
3 mounted above or forward of the tow vehicle's rear axle;

4 "Motor home" means a recreational vehicle built on or
5 permanently attached to a self-propelled motor vehicle chassis,
6 chassis cab or van that is an integral part of the completed vehicle;

7 "Owner" means the person or persons having legal authority to
8 permit the occupancy of a campground facility;

9 "Park trailer" means a recreational vehicle that is built on a
10 single chassis mounted on wheels and certified by the manufacturer
11 as complying with the American National Standards Institute
12 (ANSI) standard A119.5;

13 "Private residential leasehold community" means a community
14 on a parcel of land, or two or more contiguous parcels of land,
15 containing no fewer than ten home sites where such sites are under
16 common ownership and control, other than a cooperative or a
17 campground facility, for the purpose of leasing such sites to the
18 owners of certain homes, including, but not limited to, mobile
19 homes and manufactured homes as those terms are defined in
20 section 3 of the "Manufactured Home Taxation Act," P.L.1983,
21 c.400 (C.54:4-1.4), and specifically including homes constructed
22 entirely or partly on site, the location and use of which may or may
23 not be permanent, and where the owner or owners of the land
24 provide services to the homeowners which are provided by the
25 municipality in which the community is located for the property
26 owners outside the community, which services may include but
27 shall not be limited to:

- 28 (1) The construction and maintenance of streets;
29 (2) Lighting of streets and other common areas;
30 (3) Garbage removal;
31 (4) Snow removal;
32 (5) Provisions for the drainage of surface water from home sites
33 and common areas;

34 "Recreational vehicle" means a vehicular-type unit primarily
35 designed as temporary living quarters for recreational camping or
36 travel use. The vehicle shall have either its own motive power or be
37 mounted on or towed by another vehicle.

38 "Recreational vehicle limited to camping" means a vehicle which
39 is:

- 40 (1) Built on a single chassis;
41 (2) 400 Square feet or less when measured at the largest
42 horizontal projections, as measured when prepared for towing;
43 (3) Self-propelled or permanently towable by a light duty truck;
44 and
45 (4) Designed primarily not for use as a permanent dwelling but
46 as temporary living quarters for recreational, camping, travel, or
47 seasonal use.

1 Recreational vehicles may include, but are not limited to,
2 camping trailers, fifth wheel trailers, motor homes, park trailers,
3 travel trailers, and truck campers;

4 "Travel trailer" means a recreational vehicle designed to be
5 towed by a motorized vehicle containing a towing mechanism
6 which is mounted behind the tow vehicle's bumper;

7 "Truck camper" means a recreational vehicle consisting of a
8 roof, floor, and sides, designed to be loaded onto and unloaded from
9 the bed of a pickup truck.

10 b. As used in sections 2 and 3 of P.L.1991, c.483 (C.46:8C-11
11 and C.46:8C-12), "notify" means to place in the United States mail
12 a notice addressed to the officers of the homeowners' association.
13 Each such notice shall be deemed to have been given upon the
14 deposit thereof in the United States mail.

15 c. As used in section 2 of P.L.1991, c.483 (C.46:8C-11),
16 "offer" means any solicitation by the landowner to the general
17 public.

18 (cf: P.L.2005, c.68)

19

20 9. Section 2 of P.L.1990, c.61 (C.54:4-8.58) is amended to read
21 as follows:

22 2. As used in sections 2 through 10 of P.L.1990, c.61 (C.54:4-
23 8.58 through 54:4-8.66) and sections 3 and 14 through 16 of
24 P.L.1999, c.63 (C.54:4-8.58a and 54:4-8.66a through C.54:4-8.66c):

25 "Annualized rent" means, for tax years 2004 and thereafter, the
26 rent paid by the claimant during the tax year for which the
27 homestead rebate is being claimed, and if paid for a lease term
28 covering less than the full tax year, the actual rent paid for the days
29 during the term of the lease of the homestead proportionalized as if
30 the term of the lease had been for 365 days of the tax year;

31 "Arm's-length transaction" means a transaction in which the
32 parties are dealing from equal bargaining positions, neither party is
33 subject to the other's control or dominant influence, and the
34 transaction is entirely legal in all respects and is treated with
35 fairness and integrity;

36 "Condominium" means the form of real property ownership
37 provided for under the "Condominium Act," P.L.1969, c.257
38 (C.46:8B-1 et seq.);

39 "Continuing care retirement community" means a residential
40 facility primarily for retired persons where lodging and nursing,
41 medical or other health related services at the same or another
42 location are provided as continuing care to an individual pursuant to
43 an agreement effective for the life of the individual or for a period
44 greater than one year, including mutually terminable contracts, and
45 in consideration of the payment of an entrance fee with or without
46 other periodic charges;

47 "Cooperative" means a housing corporation or association which
48 entitles the holder of a share or membership interest thereof to

1 possess and occupy for dwelling purposes a house, apartment,
2 manufactured or mobile home or other unit of housing owned or
3 leased by the corporation or association, or to lease or purchase a
4 unit of housing constructed or to be constructed by the corporation
5 or association;

6 "Director" means the Director of the Division of Taxation in the
7 Department of the Treasury;

8 "Dwelling house" means any residential property assessed as real
9 property which consists of not more than four units, of which not
10 more than one may be used for commercial purposes, but shall not
11 include a unit in a condominium, cooperative, horizontal property
12 regime or mutual housing corporation;

13 "Homestead" means:

14 a. (1) a dwelling house and the land on which that dwelling
15 house is located which constitutes the place of the claimant's
16 domicile and is owned and used by the claimant as the claimant's
17 principal residence;

18 (2) a dwelling house situated on land owned by a person other
19 than the claimant which constitutes the place of the claimant's
20 domicile and is owned and used by the claimant as the claimant's
21 principal residence;

22 (3) a condominium unit or a unit in a horizontal property regime
23 which constitutes the place of the claimant's domicile and is owned
24 and used by the claimant as the claimant's principal residence;

25 (4) for purposes of this definition as provided in this subsection,
26 in addition to the generally accepted meaning of owned or
27 ownership, a homestead shall be deemed to be owned by a person if
28 that person is a tenant for life or a tenant under a lease for 99 years
29 or more and is entitled to and actually takes possession of the
30 homestead under an executory contract for the sale thereof or under
31 an agreement with a lending institution which holds title as security
32 for a loan, or is a resident of a continuing care retirement
33 community pursuant to a contract for continuing care for the life of
34 that person which requires the resident to bear a share of the
35 property taxes that are assessed upon the continuing care retirement
36 community, if a share is attributable to the unit that the resident
37 occupies;

38 b. a unit in a cooperative or mutual housing corporation which
39 constitutes the place of domicile of a residential shareholder or
40 lessee therein, or of a lessee, or shareholder who is not a residential
41 shareholder therein, and which is used by the claimant as the
42 claimant's principal residence; and

43 c. a unit of residential rental property which unit constitutes the
44 place of the claimant's domicile and is used by the claimant as the
45 claimant's principal residence;

46 "Horizontal property regime" means the form of real property
47 ownership provided for under the "Horizontal Property Act,"
48 P.L.1963, c.168 (C.46:8A-1 et seq.);

1 "Gross income" means all New Jersey gross income required to
2 be reported pursuant to the "New Jersey Gross Income Tax Act,"
3 N.J.S.54A:1-1 et seq., other than income excludable from the gross
4 income tax return, but before reduction thereof by any applicable
5 exemptions, deductions and credits, received during the taxable
6 year by the owner or residential shareholder in, or lessee of, a
7 homestead;

8 "Manufactured home" or "mobile home" means a unit of housing
9 which:

10 (1) Consists of one or more transportable sections which are
11 substantially constructed off site and, if more than one section, are
12 joined together on site;

13 (2) Is built on a permanent chassis;

14 (3) Is designed to be used, when connected to utilities, as a
15 dwelling on a permanent or nonpermanent foundation; and

16 (4) Is manufactured in accordance with the standards
17 promulgated for a manufactured home by the Secretary of the
18 United States Department of Housing and Urban Development
19 pursuant to the "National Manufactured Housing Construction and
20 Safety Standards Act of 1974," Pub.L.93-383 (42 U.S.C. s.5401 et
21 seq.) and is installed and secured on site in accordance with the
22 standards promulgated for a manufactured or mobile home by the
23 commissioner pursuant to the "State Uniform Construction Code
24 Act," P.L.1975, c.217 (C.52:27D-119 et seq.);

25 "Mobile home park" means a parcel of land, or two or more
26 parcels of land, containing no fewer than 10 sites equipped for the
27 installation of manufactured or mobile homes, where these sites are
28 under common ownership and control for the purpose of leasing
29 each site to the owner of a manufactured or mobile home for the
30 installation thereof, and where the owner or owners provide
31 services, which are provided by the municipality in which the park
32 is located for property owners outside the park, which services may
33 include but shall not be limited to:

34 (1) The construction and maintenance of streets;

35 (2) Lighting of streets and other common areas;

36 (3) Garbage removal;

37 (4) Snow removal; and

38 (5) Provisions for the drainage of surface water from home sites
39 and common areas;

40 "Mutual housing corporation" means a corporation not-for-profit,
41 incorporated under the laws of this State on a mutual or cooperative
42 basis within the scope of section 607 of the Lanham Act (National
43 Defense Housing), Pub.L.849, 76th Congress (42 U.S.C. s.1521 et
44 seq.), as amended, which acquired a National Defense Housing
45 Project pursuant to that act;

46 "Principal residence" means a homestead actually and
47 continually occupied by a claimant as the claimant's permanent
48 residence, as distinguished from a vacation home, property owned

1 and rented or offered for rent by the claimant, and other secondary
2 real property holdings;

3 "Property tax" means payments to a municipality based upon an
4 assessment made by the municipality upon real property on an ad
5 valorem basis on land and improvements, but shall not include
6 payments made in lieu of taxes;

7 "Rent" means the amount due in an arm's-length transaction
8 solely for the right of occupancy of a homestead that is a unit of
9 residential rental property. Rent shall not include any amount paid
10 under the federal Housing Choice Voucher (Section 8) Program. If
11 the director finds that the parties in a rental transaction have not
12 dealt with each other in an arm's-length transaction and that the rent
13 due was excessive, the director may, for purposes of the homestead
14 rebate claim, adjust the rent claimed in the homestead rebate
15 application to a reasonable amount of rent;

16 "Rent constituting property taxes" means 18% of the rent paid by
17 the homestead rebate claimant during the tax year on a unit of
18 residential rental property which constitutes the claimant's
19 homestead, and in the case of a manufactured home or mobile home
20 in a mobile home park which constitutes the claimant's homestead
21 means 18% of the site fee paid by the claimant during the tax year
22 to the owner of the mobile home park. Provided however, that for
23 tax year 2004 and for each tax year thereafter, rent constituting
24 property taxes shall equal 18% of annualized rent, and in the case of
25 a manufactured home or mobile home in a mobile home park rent
26 constituting property taxes shall equal 18% of a similarly
27 annualized site fee;

28 "Resident" means an individual:

29 a. who is domiciled in this State, unless he maintains no
30 permanent place of abode in this State, maintains a permanent place
31 of abode elsewhere, and spends in the aggregate no more than 30
32 days of the tax year in this State; or

33 b. who is not domiciled in this State but maintains a permanent
34 place of abode in this State and spends in the aggregate more than
35 183 days of the tax year in this State, unless the individual is in the
36 Armed Forces of the United States;

37 "Residential rental property" means:

38 a. any building or structure or complex of buildings or
39 structures in which dwelling units are rented or leased or offered for
40 rental or lease for residential purposes;

41 b. a rooming house, hotel or motel, if the rooms constituting
42 the homestead are equipped with kitchen and bathroom facilities;

43 c. any building or structure or complex of buildings or
44 structures constructed under the following sections of the National
45 Housing Act (Pub. L.73-479) as amended and supplemented:
46 section 202, Housing Act of 1959 (Pub.L.86-372) and as
47 subsequently amended, section 231, Housing Act of 1959; and

1 d. a site in a mobile home park equipped for the installation of
2 manufactured or mobile homes, where these sites are under
3 common ownership and control for the purpose of leasing each site
4 to the owner of a manufactured or mobile home for the installation
5 thereof;

6 "Residential shareholder in a cooperative or mutual housing
7 corporation" means a tenant or holder of a membership interest in
8 that cooperative or corporation, whose residential unit therein
9 constitutes the tenant or holder's domicile and principal residence,
10 and who may deduct real property taxes for purposes of federal
11 income tax pursuant to section 216 of the federal Internal Revenue
12 Code of 1986, 26 U.S.C. s.216; and

13 "Tax year" means the calendar year in which property taxes are
14 due and payable.
15 (cf: P.L.2004, c.40, s.2.
16

17 10. Section 1 of P.L.1997, c.348 (C.54:4-8.67) is amended to
18 read as follows:

19 1. As used in this act:

20 "Base year" means, in the case of a person who is an eligible
21 claimant on or before December 31, 1997, the tax year 1997; and in
22 the case of a person who first becomes an eligible claimant after
23 December 31, 1997, the tax year in which the person first becomes
24 an eligible claimant.

25 "Commissioner" means the Commissioner of Health and Senior
26 Services.

27 "Director" means the Director of the Division of Taxation.

28 "Condominium" means the form of real property ownership
29 provided for under the "Condominium Act," P.L.1969, c.257
30 (C.46:8B-1 et seq.).

31 "Cooperative" means a housing corporation or association which
32 entitles the holder of a share or membership interest thereof to
33 possess and occupy for dwelling purposes a house, apartment or
34 other unit of housing owned or leased by the corporation or
35 association, or to lease or purchase a unit of housing constructed or
36 to be constructed by the corporation or association.

37 "Disabled person" means an individual receiving monetary
38 payments pursuant to Title II of the federal Social Security Act (42
39 U.S.C.s.401 et seq.) on December 31,1998, or on December 31 in
40 all or any part of the year for which a homestead property tax
41 reimbursement under this act is claimed.

42 "Dwelling house" means any residential property assessed as real
43 property which consists of not more than four units, of which not
44 more than one may be used for commercial purposes, but shall not
45 include a unit in a condominium, cooperative, horizontal property
46 regime or mutual housing corporation.

47 "Eligible claimant" means a person who:

48 is 65 or more years of age, or who is a disabled person;

1 is an owner of a homestead, or the lessee of a site in a mobile
2 home park on which site the applicant owns a manufactured or
3 mobile home;

4 has an annual income of less than \$17,918 in tax year 1998, less
5 than \$18,151 in tax year 1999, or less than \$37,174 in tax year
6 2000, if single, or, if married, whose annual income combined with
7 that of the spouse is less than \$21,970 in tax year 1998, less than
8 \$22,256 in tax year 1999, or less than \$45,582 in tax year 2000,
9 which income eligibility limits for single and married persons shall
10 be subject to adjustments in subsequent tax years pursuant to
11 section 9 of P.L.1997, c.348 (C.54:4-8.68);

12 as a renter or homeowner, has made a long-term contribution to
13 the fabric, social structure and finances of one or more communities
14 in this State, as demonstrated through the payment of property taxes
15 directly, or through rent, on any homestead or rental unit used as a
16 principal residence in this State for at least 10 consecutive years at
17 least three of which as owner of the homestead for which a
18 homestead property tax reimbursement is sought prior to the date
19 that an application for a homestead property tax reimbursement is
20 filed.

21 "Homestead" means:

22 a dwelling house and the land on which that dwelling house is
23 located which constitutes the place of the eligible claimant's
24 domicile and is owned and used by the eligible claimant as the
25 eligible claimant's principal residence;

26 a site in a mobile home park equipped for the installation of
27 manufactured or mobile homes, where these sites are under
28 common ownership and control for the purpose of leasing each site
29 to the owner of a manufactured or mobile home for the installation
30 thereof and such site is used by the eligible claimant as the eligible
31 claimant's principal residence;

32 a dwelling house situated on land owned by a person other than
33 the eligible claimant which constitutes the place of the eligible
34 claimant's domicile and is owned and used by the eligible claimant
35 as the eligible claimant's principal residence;

36 a condominium unit or a unit in a horizontal property regime or a
37 continuing care retirement community which constitutes the place
38 of the eligible claimant's domicile and is owned and used by the
39 eligible claimant as the eligible claimant's principal residence.

40 In addition to the generally accepted meaning of "owned" or
41 "ownership," a homestead shall be deemed to be owned by a person
42 if that person is a tenant for life or a tenant under a lease for 99
43 years or more, is entitled to and actually takes possession of the
44 homestead under an executory contract for the sale thereof or under
45 an agreement with a lending institution which holds title as security
46 for a loan, or is a resident of a continuing care retirement
47 community pursuant to a contract for continuing care for the life of
48 that person which requires the resident to bear, separately from any

1 other charges, the proportionate share of property taxes attributable
2 to the unit that the resident occupies;

3 a unit in a cooperative or mutual housing corporation which
4 constitutes the place of domicile of a residential shareholder or
5 lessee therein, or of a lessee or shareholder who is not a residential
6 shareholder therein, which is used by the eligible claimant as the
7 eligible claimant's principal residence.

8 "Homestead property tax reimbursement" means payment of the
9 difference between the amount of property tax or site fee
10 constituting property tax due and paid in any year on any
11 homestead, exclusive of improvements not included in the
12 assessment on the real property for the base year, and the amount of
13 property tax or site fee constituting property tax due and paid in the
14 base year, when the amount paid in the base year is the lower
15 amount; but such calculations shall be reduced by any current year
16 property tax reductions or reductions in site fees constituting
17 property taxes resulting from judgments entered by county boards
18 of taxation or the State Tax Court.

19 "Horizontal property regime" means the form of real property
20 ownership provided for under the "Horizontal Property Act,"
21 P.L.1963, c.168 (C.46:8A-1 et seq.).

22 "Manufactured home" or "mobile home" means a unit of
23 housing which:

24 (1) Consists of one or more transportable sections which are
25 substantially constructed off site and, if more than one section, are
26 joined together on site;

27 (2) Is built on a permanent chassis;

28 (3) Is designed to be used, when connected to utilities, as a
29 dwelling on a permanent or nonpermanent foundation; and

30 (4) Is manufactured in accordance with the standards
31 promulgated for a manufactured home by the Secretary of the
32 United States Department of Housing and Urban Development
33 pursuant to the "National Manufactured Housing Construction and
34 Safety Standards Act of 1974," Pub.L.93-383 (42 U.S.C.s.5401 et
35 seq.) and is installed and secured on site in accordance with the
36 standards promulgated for a manufactured or mobile home by the
37 commissioner pursuant to the "State Uniform Construction Code
38 Act," P.L.1975, c.217 (C.52:27D-119 et seq.).

39 "Mobile home park" means a parcel of land, or two or more
40 parcels of land, containing no fewer than 10 sites equipped for the
41 installation of manufactured or mobile homes, where these sites are
42 under common ownership and control for the purpose of leasing
43 each site to the owner of a manufactured or mobile home for the
44 installation thereof, and where the owner or owners provide
45 services, which are provided by the municipality in which the park
46 is located for property owners outside the park, which services may
47 include but shall not be limited to:

48 (1) The construction and maintenance of streets;

- 1 (2) Lighting of streets and other common areas;
- 2 (3) Garbage removal;
- 3 (4) Snow removal; and
- 4 (5) Provisions for the drainage of surface water from home sites
- 5 and common areas.

6 "Mutual housing corporation" means a corporation not-for-profit,
7 incorporated under the laws of this State on a mutual or cooperative
8 basis within the scope of section 607 of the Langham Act (National
9 Defense Housing), Pub.L.849, (42 U.S.C.s.1521 et seq.), as
10 amended, which acquired a National Defense Housing Project
11 pursuant to that act.

12 "Income" means income as determined pursuant to P.L.1975,
13 c.194 (C:30:4D-20 et seq.).

14 "Principal residence" means a homestead actually and
15 continually occupied by an eligible claimant as his or her permanent
16 residence, as distinguished from a vacation home, property owned
17 and rented or offered for rent by the claimant, and other secondary
18 real property holdings.

19 "Property tax" means the general property tax due and paid as set
20 forth in this section, on a homestead, but does not include special
21 assessments and interest and penalties for delinquent taxes.

22 "Site fee constituting property tax" means 18 percent of the
23 annual site fee paid or payable to the owner of a mobile home park.

24 "Tax year" means the calendar year in which a homestead is
25 assessed and the property tax is levied thereon and it means the
26 calendar year in which income is received or accrued.

27 (cf: P.L.2001, c.251, s.1)

28

29 11. This act shall take effect immediately.

30

31

32

STATEMENT

33

34 This bill clarifies the extent of the powers of the Commissioner
35 of Community Affairs to promulgate standards for manufactured
36 housing, and provides clarification as to when those standards may
37 be applied to certain recreational vehicles.

38 Federal law provides that states are preempted from
39 promulgating manufacturing or safety standards for manufactured
40 housing (also known as mobile homes). States are permitted,
41 however, to promulgate standards for stabilizing and securing
42 manufactured housing. Recreational vehicles utilized in
43 campgrounds or other recreational facilities, and not utilized as
44 permanent housing, are exempt from regulation as manufactured
45 housing if they are 400 square feet or less in size, according to
46 federal regulations.

47 The bill amends current statutes permitting the commissioner to
48 promulgate manufacturing or safety standards, to limit the

1 commissioner's rule-making power to that as limited under federal
2 law – that is, the power to promulgate stabilizing requirements for
3 manufactured housing. In addition, several statutes dealing with
4 campgrounds are amended to create a new definition of recreational
5 vehicle – “recreational vehicle limited to camping,” which is
6 defined to mean a vehicle which is:

- 7 • Built on a single chassis;
- 8 • 400 square feet or less when measured at the largest
9 horizontal projections, as measured when prepared for
10 towing;
- 11 • Self-propelled or permanently towable by a light duty truck;
12 and
- 13 • Designed primarily not for use as a permanent dwelling but
14 as temporary living quarters for recreational, camping, travel,
15 or seasonal use.

16 This definition is based on the federal definition of recreational
17 vehicle found at 24 CFR s.3280.1.

18 The bill provides that if a recreational vehicle does not meet
19 this definition, and depending upon the laws applicable to the
20 particular camp ground facility, the recreational vehicle may be
21 subject to regulation as if it were a manufactured house, and thus
22 subject to State stabilizing and support standards for such housing.