

ASSEMBLY, No. 143

STATE OF NEW JERSEY

214th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

Sponsored by:

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District 24 (Sussex, Hunterdon and Morris)

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Co-Sponsored by:

**Assemblymen Prieto, Albano, Milam, Assemblywomen Voss, Angelini and
Assemblyman Schaer**

SYNOPSIS

Clarifies certain standards for regulation of recreational vehicles as housing.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 10/19/2010)

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, successor
- 5 or assignee entitled to the use of a campground facility or a portion
- 6 thereof under a rental agreement to the exclusion of others.
- 7 c. "Owner" means the proprietor, operator, lessor, sublessor or
- 8 owner of a campground facility, the owner's agent or any other
- 9 person authorized by the owner to manage the facility or to receive
- 10 rent from an occupant under a rental agreement.
- 11 d. "Personal property" means property, located at the
- 12 campground facility, not affixed to the land and including but not
- 13 limited to goods, merchandise, household items, trailers, boats,
- 14 campers, tents and the contents thereof.
- 15 e. "Rental agreement" means any written agreement or lease that
- 16 establishes or modifies the terms, conditions, rules or any other
- 17 provisions concerning the use and occupancy of a campground
- 18 facility or any portion thereof.
- 19 f. "Campground facility" means any real property designed and
- 20 used for the purpose of renting or leasing individual portions
- 21 thereof to occupants who are to have access for the purpose of
- 22 camping and the recreation associated therein, which may not be
- 23 used as a permanent dwelling place or domicile for occupants, other
- 24 than by the owner, and upon which recreational vehicles which do
- 25 not meet the definition of recreational vehicles limited to camping
- 26 as defined pursuant to this section, and mobile homes and
- 27 manufactured homes, as those terms are defined in section 3 of the
- 28 "Manufactured Home Taxation Act," P.L.1983, c.400 (C.54:4-1.4),
- 29 may not enter, unless compliance is made with stabilizing and
- 30 support standards for such recreational vehicles, as may be
- 31 promulgated by the Commissioner of Community Affairs.
- 32 g. "Recreational vehicle limited to camping" means a vehicle
- 33 which 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.1999, c.299, s.2.
- 43
- 44 4. Section 3 of P.L.1983, c.383 (C.40:55D-102) is amended to
- 45 read as follows:
- 46 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;

1 f. "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 g. "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 h. "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 material approved by the commissioner;

14 i. "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 j. "Secretary" means the Secretary of the United States
18 Department of Housing and Urban Development; and

19 k. "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.386, s.3)

25

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

28 1. As used in sections 2 through 8 of [this act] P.L.1993, c.258:

29 "Agency" means the Division of Housing and Development in
30 the Department of Community Affairs.

31 "Proprietary campground facility" means any real property
32 designed and used for the purpose of camping and associated
33 recreational uses under a condominium or cooperative form of
34 ownership.

35 "Recreational vehicle limited to camping" means a vehicle which
36 is:

37 (1) Built on a single chassis;

38 (2) 400 square feet or less when measured at the largest
39 horizontal projections, as measured when prepared for towing;

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

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

45 (cf: P.L.1993, c.258, s.1)

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

3 3. All unit owners and proprietary lessees in a proprietary
4 campground facility shall comply with all lawful requirements set
5 forth in the master deed or certificate of incorporation, bylaws and
6 public offering statement of the condominium or cooperative and
7 with all State, county and municipal laws, rules and ordinances
8 applicable to the maintenance and operation of the proprietary
9 campground facility. Every master deed or certificate of
10 incorporation for a proprietary campground facility shall prohibit
11 the use of the property for purposes of domicile or permanent
12 residency, unless otherwise permitted by municipal ordinance.

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

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

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

31

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

34 3. As used in this act:

35 a. "Commissioner" means the Commissioner of [the Department
36 of] Community Affairs;

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

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

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

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

4 (2) Is built on a permanent chassis;

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

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

15 "Manufactured home" also means and includes any unit of
16 housing manufactured before the effective date of the standards
17 promulgated by the secretary or, as appropriate, by the
18 commissioner, but which otherwise meets the criteria set forth in
19 this subsection;

20 e. "Mobile home park" means a parcel of land, or two or more
21 contiguous parcels of land, containing no fewer than 10 sites
22 equipped for the installation of manufactured homes, where these
23 sites are under common ownership and control, other than as a
24 cooperative, for the purpose of leasing each site to the owner of a
25 manufactured home for the installation thereof, and where the
26 owner or owners provide services, which are provided by the
27 municipality in which the park is located for property owners
28 outside the park, which services may include but shall not be
29 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 f. "Municipal service fee" means a fee imposed on
42 manufactured homes installed in a mobile home park for the
43 purpose of reasonable payment for services rendered the owners of
44 the manufactured homes by the municipality or any other local
45 taxing authority established pursuant to an ordinance of the
46 municipal governing body, and for the reimbursement of the
47 municipality for payments made thereby to the school district in

- 1 which the mobile home park is located for educational costs
2 occasioned by pupils residing in that park;
- 3 g. "Nonpermanent foundation" means any foundation consisting
4 of nonmortared blocks, wheels, a concrete slab, runners, or any
5 combination thereof, or any other system approved by the
6 commissioner for the installation and anchorage of a manufactured
7 home on other than a permanent foundation;
- 8 h. "Off site construction of a manufactured home or section
9 thereof" means the construction of that home or section at a location
10 other than the location at which the home is to be installed;
- 11 i. "On site joining of sections of a manufactured home" means
12 the joining of those sections at the location at which the home is to
13 be installed;
- 14 j. "Permanent foundation" means a system of support installed
15 either partially or entirely below grade, which is:
- 16 (1) Capable of transferring all design loads imposed by or upon
17 the structure into soil or bedrock without failure;
- 18 (2) Placed at an adequate depth below grade to prevent frost
19 damage; and
- 20 (3) Constructed of any material approved by the commissioner;
- 21 k. "Runners" means a system of support consisting of poured
22 concrete strips running the length of the chassis of a manufactured
23 home under the lengthwise walls of that home;
- 24 l. "Secretary" means the Secretary of the United States
25 Department of Housing and Urban Development; and
- 26 m. "Trailer" means a recreational vehicle, travel trailer, camper
27 or other transportable, temporary dwelling unit, with or without its
28 own motor power, designed and constructed for travel and
29 recreational purposes to be installed on a nonpermanent foundation
30 if installation is required.
31 (cf: P.L.1983, c.400, s.3)
32

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

- 35 1. a. For the purposes of P.L.1991, c.483 (C.46:8C-10 et seq.):
36 "Campground facility" means real property designed and used
37 for the purpose of renting or leasing individual portions thereof to
38 occupants who are to have access for the purposes of camping and
39 the recreation associated therein, which may not be used as a
40 permanent dwelling place or domicile for occupants, other than by
41 the owner, and upon which recreational vehicles[, as defined in this
42 section, in excess of 400 square feet,] which do not meet the
43 definition of recreational vehicles limited to camping as defined
44 pursuant to this section and mobile homes and manufactured homes,
45 as those terms are defined in section 3 of the "Manufactured Home
46 Taxation Act," P.L.1983, c.400 (C.54:4-1.4)[, in excess of 400
47 square feet,] may not enter unless compliance is met with any

1 stabilizing and support standards for such recreational vehicles not
2 meeting the definition of recreational vehicles limited to camping,
3 as may be promulgated by the Commissioner of Community
4 Affairs;

5 "Camping trailer" means a recreational vehicle that is mounted
6 on wheels and constructed with collapsible partial side walls that
7 fold for towing and unfold for use;

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

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

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

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

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

35 (1) The construction and maintenance of streets;

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

37 (3) Garbage removal;

38 (4) Snow removal;

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

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

45 "Recreational vehicle limited to camping" means a vehicle which
46 is:

47 (1) Built on a single chassis;

1 (2) 400 Square feet or less when measured at the largest
 2 horizontal projections, as measured when prepared for towing;

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

5 (4) Designed primarily not for use as a permanent dwelling but
 6 as temporary living quarters for recreational, camping, travel, or
 7 seasonal use.

8 Recreational vehicles may include, but are not limited to,
 9 camping trailers, fifth wheel trailers, motor homes, park trailers,
 10 travel trailers, and truck campers;

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

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

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

22 c. As used in section 2 of P.L.1991, c.483 (C.46:8C-11), "offer"
 23 means any solicitation by the landowner to the general public.
 24 (cf: P.L.2005, c.68)

25
 26 9. Section 2 of P.L.1990, c.61 (C.54:4-8.58) is amended to read
 27 as follows:

28 2. As used in sections 2 through 10 of P.L.1990, c.61 (C.54:4-
 29 8.58 through 54:4-8.66) and sections 3 and 14 through 16 of
 30 P.L.1999, c.63 (C.54:4-8.58a and 54:4-8.66a through C.54:4-8.66c):

31 "Annualized rent" means, for tax years 2004 and thereafter, the
 32 rent paid by the claimant during the tax year for which the
 33 homestead rebate is being claimed, and if paid for a lease term
 34 covering less than the full tax year, the actual rent paid for the days
 35 during the term of the lease of the homestead proportionalized as if
 36 the term of the lease had been for 365 days of the tax year;

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

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

45 "Continuing care retirement community" means a residential
 46 facility primarily for retired persons where lodging and nursing,
 47 medical or other health related services at the same or another

- 1 location are provided as continuing care to an individual pursuant to
- 2 an agreement effective for the life of the individual or for a period
- 3 greater than one year, including mutually terminable contracts, and
- 4 in consideration of the payment of an entrance fee with or without
- 5 other periodic charges;
- 6 "Cooperative" means a housing corporation or association which
- 7 entitles the holder of a share or membership interest thereof to
- 8 possess and occupy for dwelling purposes a house, apartment,
- 9 manufactured or mobile home or other unit of housing owned or
- 10 leased by the corporation or association, or to lease or purchase a
- 11 unit of housing constructed or to be constructed by the corporation
- 12 or association;
- 13 "Director" means the Director of the Division of Taxation in the
- 14 Department of the Treasury;
- 15 "Dwelling house" means any residential property assessed as real
- 16 property which consists of not more than four units, of which not
- 17 more than one may be used for commercial purposes, but shall not
- 18 include a unit in a condominium, cooperative, horizontal property
- 19 regime or mutual housing corporation;
- 20 "Homestead" means:
- 21 a. (1) a dwelling house and the land on which that dwelling
- 22 house is located which constitutes the place of the claimant's
- 23 domicile and is owned and used by the claimant as the claimant's
- 24 principal residence;
- 25 (2) a dwelling house situated on land owned by a person other
- 26 than the claimant which constitutes the place of the claimant's
- 27 domicile and is owned and used by the claimant as the claimant's
- 28 principal residence;
- 29 (3) a condominium unit or a unit in a horizontal property regime
- 30 which constitutes the place of the claimant's domicile and is owned
- 31 and used by the claimant as the claimant's principal residence;
- 32 (4) for purposes of this definition as provided in this subsection,
- 33 in addition to the generally accepted meaning of owned or
- 34 ownership, a homestead shall be deemed to be owned by a person if
- 35 that person is a tenant for life or a tenant under a lease for 99 years
- 36 or more and is entitled to and actually takes possession of the
- 37 homestead under an executory contract for the sale thereof or under
- 38 an agreement with a lending institution which holds title as security
- 39 for a loan, or is a resident of a continuing care retirement
- 40 community pursuant to a contract for continuing care for the life of
- 41 that person which requires the resident to bear a share of the
- 42 property taxes that are assessed upon the continuing care retirement
- 43 community, if a share is attributable to the unit that the resident
- 44 occupies;
- 45 b. a unit in a cooperative or mutual housing corporation which
- 46 constitutes the place of domicile of a residential shareholder or
- 47 lessee therein, or of a lessee, or shareholder who is not a residential

1 shareholder therein, and which is used by the claimant as the
2 claimant's principal residence; and

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

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

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

16 "Manufactured home" or "mobile home" means a unit of housing
17 which:

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

21 (2) Is built on a permanent chassis;

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

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

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

42 (1) The construction and maintenance of streets;

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

44 (3) Garbage removal;

45 (4) Snow removal; and

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

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

7 "Principal residence" means a homestead actually and
8 continually occupied by a claimant as the claimant's permanent
9 residence, as distinguished from a vacation home, property owned
10 and rented or offered for rent by the claimant, and other secondary
11 real property holdings;

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

16 "Rent" means the amount due in an arm's-length transaction
17 solely for the right of occupancy of a homestead that is a unit of
18 residential rental property. Rent shall not include any amount paid
19 under the federal Housing Choice Voucher (Section 8) Program. If
20 the director finds that the parties in a rental transaction have not
21 dealt with each other in an arm's-length transaction and that the rent
22 due was excessive, the director may, for purposes of the homestead
23 rebate claim, adjust the rent claimed in the homestead rebate
24 application to a reasonable amount of rent;

25 "Rent constituting property taxes" means 18% of the rent paid by
26 the homestead rebate claimant during the tax year on a unit of
27 residential rental property which constitutes the claimant's
28 homestead, and in the case of a manufactured home or mobile home
29 in a mobile home park which constitutes the claimant's homestead
30 means 18% of the site fee paid by the claimant during the tax year
31 to the owner of the mobile home park. Provided however, that for
32 tax year 2004 and for each tax year thereafter, rent constituting
33 property taxes shall equal 18% of annualized rent, and in the case of
34 a manufactured home or mobile home in a mobile home park rent
35 constituting property taxes shall equal 18% of a similarly
36 annualized site fee;

37 "Resident" means an individual:

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

42 b. who is not domiciled in this State but maintains a permanent
43 place of abode in this State and spends in the aggregate more than
44 183 days of the tax year in this State, unless the individual is in the
45 Armed Forces of the United States;

46 "Residential rental property" means:

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

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

6 c. any building or structure or complex of buildings or structures
7 constructed under the following sections of the National Housing
8 Act (Pub. L.73-479) as amended and supplemented: section 202,
9 Housing Act of 1959 (Pub.L.86-372) and as subsequently amended,
10 section 231, Housing Act of 1959; and

11 d. a site in a mobile home park equipped for the installation of
12 manufactured or mobile homes, where these sites are under
13 common ownership and control for the purpose of leasing each site
14 to the owner of a manufactured or mobile home for the installation
15 thereof;

16 "Residential shareholder in a cooperative or mutual housing
17 corporation" means a tenant or holder of a membership interest in
18 that cooperative or corporation, whose residential unit therein
19 constitutes the tenant or holder's domicile and principal residence,
20 and who may deduct real property taxes for purposes of federal
21 income tax pursuant to section 216 of the federal Internal Revenue
22 Code of 1986, 26 U.S.C. s.216; and

23 "Tax year" means the calendar year in which property taxes are
24 due and payable.

25 (cf: P.L.2004, c.40, s.2.

26
27 10. Section 1 of P.L.1997, c.348 (C.54:4-8.67) is amended to
28 read as follows:

29 1. As used in this act:

30 "Base year" means, in the case of a person who is an eligible
31 claimant on or before December 31, 1997, the tax year 1997; and in
32 the case of a person who first becomes an eligible claimant after
33 December 31, 1997, the tax year in which the person first becomes
34 an eligible claimant.

35 "Commissioner" means the Commissioner of Health and Senior
36 Services.

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

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

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

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

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

11 "Eligible claimant" means a person who:

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

13 is an owner of a homestead, or the lessee of a site in a mobile
14 home park on which site the applicant owns a manufactured or
15 mobile home;

16 has an annual income of less than \$17,918 in tax year 1998, less
17 than \$18,151 in tax year 1999, or less than \$37,174 in tax year
18 2000, if single, or, if married, whose annual income combined with
19 that of the spouse is less than \$21,970 in tax year 1998, less than
20 \$22,256 in tax year 1999, or less than \$45,582 in tax year 2000,
21 which income eligibility limits for single and married persons shall
22 be subject to adjustments in subsequent tax years pursuant to
23 section 9 of P.L.1997, c.348 (C.54:4-8.68);

24 as a renter or homeowner, has made a long-term contribution to
25 the fabric, social structure and finances of one or more communities
26 in this State, as demonstrated through the payment of property taxes
27 directly, or through rent, on any homestead or rental unit used as a
28 principal residence in this State for at least 10 consecutive years at
29 least three of which as owner of the homestead for which a
30 homestead property tax reimbursement is sought prior to the date
31 that an application for a homestead property tax reimbursement is
32 filed.

33 "Homestead" means:

34 a dwelling house and the land on which that dwelling house is
35 located which constitutes the place of the eligible claimant's
36 domicile and is owned and used by the eligible claimant as the
37 eligible claimant's principal residence;

38 a site in a mobile home park equipped for the installation of
39 manufactured or mobile homes, where these sites are under
40 common ownership and control for the purpose of leasing each site
41 to the owner of a manufactured or mobile home for the installation
42 thereof and such site is used by the eligible claimant as the eligible
43 claimant's principal residence;

44 a dwelling house situated on land owned by a person other than
45 the eligible claimant which constitutes the place of the eligible
46 claimant's domicile and is owned and used by the eligible claimant
47 as the eligible claimant's principal residence;

1 a condominium unit or a unit in a horizontal property regime or a
2 continuing care retirement community which constitutes the place
3 of the eligible claimant's domicile and is owned and used by the
4 eligible claimant as the eligible claimant's principal residence.

5 In addition to the generally accepted meaning of "owned" or
6 "ownership," a homestead shall be deemed to be owned by a person
7 if that person is a tenant for life or a tenant under a lease for 99
8 years or more, is entitled to and actually takes possession of the
9 homestead under an executory contract for the sale thereof or under
10 an agreement with a lending institution which holds title as security
11 for a loan, or is a resident of a continuing care retirement
12 community pursuant to a contract for continuing care for the life of
13 that person which requires the resident to bear, separately from any
14 other charges, the proportionate share of property taxes attributable
15 to the unit that the resident occupies;

16 a unit in a cooperative or mutual housing corporation which
17 constitutes the place of domicile of a residential shareholder or
18 lessee therein, or of a lessee or shareholder who is not a residential
19 shareholder therein, which is used by the eligible claimant as the
20 eligible claimant's principal residence.

21 "Homestead property tax reimbursement" means payment of the
22 difference between the amount of property tax or site fee
23 constituting property tax due and paid in any year on any
24 homestead, exclusive of improvements not included in the
25 assessment on the real property for the base year, and the amount of
26 property tax or site fee constituting property tax due and paid in the
27 base year, when the amount paid in the base year is the lower
28 amount; but such calculations shall be reduced by any current year
29 property tax reductions or reductions in site fees constituting
30 property taxes resulting from judgments entered by county boards
31 of taxation or the State Tax Court.

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

35 "Manufactured home" or "mobile home" means a unit of
36 housing which:

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

40 (2) Is built on a permanent chassis;

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

43 (4) Is manufactured in accordance with the standards
44 promulgated for a manufactured home by the Secretary of the
45 United States Department of Housing and Urban Development
46 pursuant to the "National Manufactured Housing Construction and
47 Safety Standards Act of 1974," Pub.L.93-383 (42 U.S.C.s.5401 et

1 seq.) and is installed and secured on site in accordance with the
2 standards promulgated for a manufactured or mobile home by the
3 commissioner pursuant to the "State Uniform Construction Code
4 Act," P.L.1975, c.217 (C.52:27D-119 et seq.).

5 "Mobile home park" means a parcel of land, or two or more
6 parcels of land, containing no fewer than 10 sites equipped for the
7 installation of manufactured or mobile homes, where these sites are
8 under common ownership and control for the purpose of leasing
9 each site to the owner of a manufactured or mobile home for the
10 installation thereof, and where the owner or owners provide
11 services, which are provided by the municipality in which the park
12 is located for property owners outside the park, which services may
13 include but shall not be limited to:

14 (1) The construction and maintenance of streets;

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

16 (3) Garbage removal;

17 (4) Snow removal; and

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

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

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

28 "Principal residence" means a homestead actually and
29 continually occupied by an eligible claimant as his or her permanent
30 residence, as distinguished from a vacation home, property owned
31 and rented or offered for rent by the claimant, and other secondary
32 real property holdings.

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

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

38 "Tax year" means the calendar year in which a homestead is
39 assessed and the property tax is levied thereon and it means the
40 calendar year in which income is received or accrued.

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

42
43 11. This act shall take effect immediately.

STATEMENT

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

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

The bill amends current statutes permitting the commissioner to promulgate manufacturing or safety standards, to limit the commissioner's rule-making power to that as limited under federal law – that is, the power to promulgate stabilizing requirements for manufactured housing. In addition, several statutes dealing with campgrounds are amended to create a new definition of recreational vehicle – “recreational vehicle limited to camping,” which is defined to mean a vehicle which is:

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

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

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