

ASSEMBLY, No. 3876

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 23, 2020

Sponsored by:

Assemblywoman YVONNE LOPEZ

District 19 (Middlesex)

SYNOPSIS

Defines "mobile home park" as "multiple dwelling" for inspection purposes.

CURRENT VERSION OF TEXT

As introduced.



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:*

6

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

9 3. The following terms whenever used or referred to in
10 P.L.1967, c.76 (C.55:13A-1 et seq.) shall have the following
11 respective meanings for the purposes thereof, except in those
12 instances where the context clearly indicates otherwise:

13 (a) The term "act" shall mean P.L.1967, c.76 (C.55:13A-1 et
14 seq.), any amendments or supplements thereto, and any rules and
15 regulations promulgated thereunder.

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

19 (c) (Deleted by amendment, P.L.2013, c.253.)

20 (d) The term "bureau" shall mean the Bureau of Housing
21 Inspection in the Department of Community Affairs.

22 (e) (Deleted by amendment.)

23 (f) The term "commissioner" shall mean the Commissioner of
24 Community Affairs.

25 (g) The term "department" shall mean the Department of
26 Community Affairs.

27 (h) The term "unit of dwelling space" or the term "dwelling
28 unit" shall mean any room or rooms, or suite or apartment thereof,
29 whether furnished or unfurnished, which is occupied, or intended,
30 arranged or designed to be occupied, for sleeping or dwelling
31 purposes by one or more persons, including but not limited to the
32 owner thereof, or any of the person's or persons' servants, agents or
33 employees, and shall include all privileges, services, furnishings,
34 furniture, equipment, facilities and improvements connected with
35 the use or occupancy thereof.

36 (i) The term "protective equipment" shall mean any equipment,
37 device, system or apparatus, whether manual, mechanical, electrical
38 or otherwise, permitted or required by the commissioner to be
39 constructed or installed in any hotel or multiple dwelling for the
40 protection of the occupants or intended occupants thereof, or of the
41 public generally.

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

4 This definition shall also mean and include any hotel, motor
5 hotel, motel, or established guesthouse, which is commonly
6 regarded as a hotel, motor hotel, motel, or established guesthouse,
7 as the case may be, in the community in which it is located;
8 provided, that this definition shall not be construed to include any
9 building or structure defined as a multiple dwelling in P.L.1967,
10 c.76 (C.55:13A-1 et seq.), registered as a multiple dwelling with the
11 Commissioner of Community Affairs as hereinafter provided, and
12 occupied or intended to be occupied as such nor shall this definition
13 be construed to include a rooming house or a boarding house as
14 defined in the "Rooming and Boarding House Act of 1979,"
15 P.L.1979, c.496 (C.55:13B-1 et al.) or, except as otherwise set forth
16 in P.L.1987, c.270 (C.55:13A-7.5, 55:13A-7.6, 55:13A-12.1,
17 55:13A-13.2), any retreat lodging facility, as defined in this section.

18 (k) The term "multiple dwelling" shall mean any building or
19 structure of one or more stories and any land appurtenant thereto,
20 and any portion thereof, in which three or more units of dwelling
21 space are occupied, or are intended to be occupied by three or more
22 persons who live independently of each other. This definition shall
23 also mean and include any group of ten or more buildings on a
24 single parcel of land or on contiguous parcels under common
25 ownership, in each of which two units of dwelling space are
26 occupied or intended to be occupied by two persons or households
27 living independently of each other, and any land appurtenant
28 thereto, and any portion thereof, and any mobile home park. This
29 definition shall not include:

30 (1) any building or structure defined as a hotel in P.L.1967, c.76
31 (C.55:13A-1 et seq.), or registered as a hotel with the Commissioner
32 of Community Affairs as hereinafter provided, or occupied or
33 intended to be occupied exclusively as such;

34 (2) a building section containing not more than four dwelling
35 units, provided the building has at least two exterior walls
36 unattached to any adjoining building section and the dwelling units
37 are separated exclusively by walls of such fire-resistant rating as
38 comports with the "State Uniform Construction Code Act,"
39 P.L.1975, c.217 (C.52:27D-119 et seq.) at the time of their
40 construction or with a rating as shall be established by the bureau in
41 conformity with recognized standards and the building is held under
42 a condominium or cooperative form of ownership, or by a mutual
43 housing corporation, provided that if any units within such a
44 building section are not occupied by an owner of the unit, then that
45 unit and the common areas within that building section shall not be
46 exempted from the definition of a multiple dwelling for the
47 purposes of P.L.1967, c.76 (C.55:13A-1 et seq.). A condominium
48 association, or a cooperative or mutual housing corporation shall

1 provide the bureau with any information necessary to justify an
2 exemption for a dwelling unit pursuant to this paragraph; or

3 (3) any building of three stories or less, owned or controlled by
4 a nonprofit corporation organized under any law of this State for the
5 primary purpose to provide for its shareholders or members housing
6 in a retirement community as same is defined under the provisions
7 of the "Retirement Community Full Disclosure Act," P.L.1969,
8 c.215 (C.45:22A-1 et seq.), provided that the corporation meets the
9 requirements of section 2 of P.L.1983, c.154 (C.55:13A-13.1).

10 (l) The term "owner" shall mean the person who owns, purports
11 to own, or exercises control of any hotel or multiple dwelling. The
12 term "owner" shall also mean and include any person who owns,
13 purports to own, or exercises control over three or more dwelling
14 units within a multiple dwelling.

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

17 (n) The term "continuing violation" shall mean any violation of
18 P.L.1967, c.76 (C.55:13A-1 et seq.) or any regulation promulgated
19 thereunder, where notice is served within two years of the date of
20 service of a previous notice and where violation, premise and
21 person cited in both notices are substantially identical.

22 (o) The term "project" shall mean a group of buildings subject to
23 the provisions of P.L.1967, c.76 (C.55:13A-1 et seq.), which are or
24 are represented to be under common or substantially common
25 ownership and which stand on a single parcel of land or parcels of
26 land which are contiguous and which group of buildings is named,
27 designated or advertised as a common entity. The contiguity of
28 such parcels shall not be adversely affected by public rights-of-way
29 incidental to such buildings.

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

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

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

44 (s) "Retreat lodging facility" means a building or structure,
45 including but not limited to any related structure, accessory
46 building, and land appurtenant thereto, and any part thereof, owned
47 by a nonprofit corporation or association which has tax-exempt
48 charitable status under the federal Internal Revenue Code and which

1 has sleeping facilities used exclusively on a transient basis by
2 persons participating in programs of a religious, cultural or
3 educational nature, conducted under the sole auspices of one or
4 more corporations or associations having tax-exempt charitable
5 status under the federal Internal Revenue Code, which are made
6 available without any mandatory charge to such participants.

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

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

17 (cf: P.L.2013, c.253, s.53)

18
19 2. Section 7 of P.L.1967, c.76 (C.55:13A-7) is amended to
20 read as follows:

21 7. The commissioner shall issue and promulgate, in the manner
22 specified in section 8 of P.L.1967, c.76 (C.55:13A-8), such
23 regulations as the commissioner may deem necessary to assure that
24 any hotel or multiple dwelling will be maintained in such manner as
25 is consistent with, and will protect, the health, safety and welfare of
26 the occupants or intended occupants thereof, or of the public
27 generally.

28 Any such regulations issued and promulgated by the
29 commissioner pursuant to this section shall provide standards and
30 specifications for such maintenance materials, methods and
31 techniques, fire warning and extinguisher systems, elevator
32 systems, emergency egresses, and such other protective equipment
33 as the commissioner shall deem reasonably necessary to the health,
34 safety and welfare of the occupants or intended occupants of any
35 units of dwelling space in any hotel or multiple dwelling, including
36 but not limited to:

37 (a) Structural adequacy ratings;

38 (b) Methods of egress, including fire escapes, outside fireproof
39 stairways, independent stairways, and handrails, railings, brackets,
40 braces and landing platforms thereon, additional stairways, and
41 treads, winders, and risers thereof, entrances and ramps;

42 (c) Bulkheads and scuttles, partitions, walls, ceilings and floors;

43 (d) Garbage and refuse collection and disposal, cleaning and
44 janitorial services, repairs, and extermination services;

45 (e) Electrical wiring and outlets, and paints and the composition
46 thereof;

47 (f) Doors, and the manner of opening thereof;

48 (g) Transoms, windows, shafts and beams;

- 1 (h) Chimneys, flues and central heating units;
2 (i) Roofing and siding materials;
3 (j) Lots, yards, courts and garages, including the size and
4 location thereof;
5 (k) Intakes, open ducts, offsets and recesses;
6 (l) Windows, including the size and height thereof;
7 (m) Rooms, including the area and height thereof, and the
8 permissible number of occupants thereof;
9 (n) Stairwells, skylights and alcoves;
10 (o) Public halls, including the lighting and ventilation thereof;
11 (p) Accessory passages to rooms;
12 (q) Cellars, drainage and air space;
13 (r) Water-closets, bathrooms and sinks;
14 (s) Water connections, including the provision of drinking and
15 hot and cold running water;
16 (t) Sewer connections, privies, cesspools, and private sewers;
17 (u) Rain water and drainage conductors;
18 (v) Entrances and ramps; and
19 (w) Presence of lead-based paint hazards in multiple dwellings
20 and in single-family and two-family dwellings, exclusive of owner-
21 occupied dwelling units, subject to P.L.2003, c.311 (C.52:27D-
22 437.1 et al.). In a common interest community, any inspection fee
23 for and violation found within a unit which is solely related to this
24 subsection shall be the responsibility of the unit owner and not the
25 homeowners' association, unless the association is the owner of the
26 unit.
27 (x) With respect to inspections in mobile home parks, the
28 inspection shall be limited to compliance with regulations
29 concerning plumbing and electrical hook-ups, water, sanitation,
30 including septic systems, fire and safety hazards present on the
31 grounds, and with the maintenance requirements established by the
32 commissioner pursuant to P.L. , c. (C.)(now before the
33 Legislature as this bill).
34 (cf: P.L.2007, c.251, s.5)
35

36 3. (New section) A municipality that elects to enforce
37 P.L.1967, c.76 in mobile home parks, in accordance with either
38 section 21 of P.L.1967, c.76 (C.55:13A-21) or subsection b. of
39 section 3 of P.L.1987, c.30 (C.55:13A:13a), may do so subject to
40 the requirements of the applicable section and the rules adopted by
41 the commissioner pursuant thereto, regardless of whether the
42 municipality is also enforcing P.L.1967, c.76 in multiple dwellings
43 generally and in hotels.
44

45 4. (New section) The commissioner shall adopt rules pursuant
46 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
47 1 et seq.) necessary to effectuate P.L. , c. (C.) (now pending
48 before the Legislature as this bill), including establishing

1 maintenance requirements for mobile home parks and establishing
2 fees necessary to cover the cost of enforcement of P.L. ,
3 c. (C.) (now pending before the Legislature as this bill) in
4 mobile home parks.

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6 5. This act shall take effect immediately.

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STATEMENT

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11 This bill would place mobile home parks under the provisions of
12 the "Hotel and Multiple Dwelling Law," P.L.1976, c.76 (C.55:13A-
13 1) in order to provide residents of mobile home parks with the same
14 benefit of periodic inspection and code enforcement now provided
15 by law to apartment residents. The main focus of inspections would
16 be on such services as plumbing, water and electrical hook-ups,
17 sanitation including septic systems, and grounds maintenance,
18 including safety hazards and crowding.

19 The bill includes language limiting the scope of inspection in
20 mobile home parks and clarifies the circumstances under which a
21 municipality may undertake the inspection of mobile home parks.