

NJ
10
4842
1989a

PUBLIC HEARING

before

ASSEMBLY HOUSING COMMITTEE

SENATE BILL NO. 1561/ASSEMBLY BILL NO. 2990

(Requires owner of closing mobile home park to provide relocation or compensation to homeowners)

and

SENATE BILL NO. 1580/ASSEMBLY BILL NO. 2634

(Gives mobile homeowners right of first refusal upon sale of mobile home park)

March 13, 1989
Jackson Township Municipal Building
Jackson, New Jersey

MEMBER OF COMMITTEE PRESENT:

Assemblyman John V. Kelly, Chairman

New Jersey State Library

ALSO PRESENT:

Assemblyman Robert W. Singer
District 10

John B. Lee
Office of Legislative Services
Aide, Assembly Housing Committee

* * * * *

Hearing Recorded and Transcribed by
Office of Legislative Services
Public Information Office
Hearing Unit
State House Annex
CN 068
Trenton, New Jersey 08625



New Jersey State Legislature
ASSEMBLY HOUSING COMMITTEE
STATE HOUSE ANNEX, CN-068
TRENTON, NEW JERSEY 08625
TELEPHONE: (609) 984-0231

JOHN V. KELLY
CHAIRMAN
ALEX DeCROCE
VICE-CHAIRMAN
STEPHANIE R. BUSH
DAVID C. SCHWARTZ
ROBERT C. SHINN, JR.

NOTICE OF PUBLIC HEARING

The ASSEMBLY HOUSING COMMITTEE

will hold a public hearing on

Monday, MARCH 13, 1989, at

Jackson Township Municipal Building
Route 528, Jackson, NJ
beginning at 2:30 P.M.

for the purpose of eliciting testimony and discussion regarding

Senate Bill No. 1561 / Assembly Bill No. 2990
(Pallone) (Palaia)

(Requires owner of closing mobile home park to provide
relocation or compensation to home owners)

and

Senate Bill No. 1580 / Assembly Bill No. 2634
(Pallone) (Pelly/Spadoro)

(Gives mobile home owners right of first refusal upon
sale of mobile home park)

Persons who wish to testify at this hearing, or who require further information, may contact the Committee Aide, John B. Lee, Room 317, State House Annex (Tel.[609] 984-0231). Witnesses are requested to furnish the committee with written copies of their remarks. Testimony in writing may also be submitted for inclusion in the hearing record in lieu of personal presentation.

SENATE, No. 1561

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1988 SESSION

By Senator PALLONE

1 AN ACT concerning relocation of and compensation for mobile
homeowner tenants of mobile home parks upon closure of such
3 parks, supplementing P.L. 1974, c. 49 (C. 2A:18-61.1 et al.)
and amending P.L. 1978, c. 139.

5

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

1. (New section) This act shall be known and may be cited as
9 the "Mobile Homeowner Tenants' Protection Act."

2. (New section) a. The owner of a mobile home park who
11 seeks to retire it permanently from use as a mobile home park
shall, within 90 days of giving notice to mobile homeowner
13 tenants therein as required pursuant to subsection d. of section 3
of P.L. 1974, c. 49 (C. 2A:18-61.2), notify each mobile
15 homeowner tenant in that mobile home park of the park owner's
election either to:

17 (1) relocate the tenant's mobile home and its appurtenances
to a comparable site in another mobile home park owned by the
19 park owner, at the park owner's own expense;

21 (2) pay the costs of relocation of the tenant's mobile home
and its appurtenances to a comparable site in a mobile home
23 park under other ownership within a 50-mile radius of the
original site; or

25 (3) purchase the tenant's mobile home and its appurtenances
from the tenant.

b. Nothing contained in subsection a. of this section, or in any
27 notice given pursuant thereto, shall preclude a mobile home park
owner and mobile homeowner tenant from concluding any
29 mutually satisfactory agreement for relocation or compensation
which does not conform to the requirements prescribed in this
31 amendatory and supplementary act for the carrying out of any of
the three elections set out in that subsection.

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 c. For the purposes of this amendatory and supplementary act,
"appurtenances" of a mobile home means those items of
3 furnishings or equipment not integral to the construction of the
mobile home or included in or replacing items of original
5 equipment provided by the manufacturer, but necessary or
desirable for the use and enjoyment thereof, increasing its
7 habitability and value as a place of residence, and which are
installed in, on or about a mobile home at the time when notice is
9 served upon the owner thereof pursuant to subsection d. of
section 3 of P.L. 1974, c. 49 (C. 2A:18-61.2). Any device,
11 furnishing or equipment which is included in the book value of a
mobile home as determined pursuant to section 3 of this act shall
13 not be deemed an appurtenance. "Comparable," as applied to a
mobile home site, has the same meaning as in subsection a. of
15 section 4 of P.L. 1975, c. 311 (C. 2A:18-61.7). "Mobile
homeowner tenant" means a person resident in a mobile home of
17 which he is the owner, located upon a site in a mobile home park
with respect to which he is a tenant.

19 3. (New section) a. If a mobile home park owner elects to pay
the costs of relocation to a comparable site in a mobile home
21 park under other ownership, he shall pay the actual costs,
including set-up fees, of such relocation within a 50-mile radius
23 of the original site, or other distance agreed upon by the park
owner and the mobile homeowner being relocated. Since the
25 amount of the damages that a homeowner will suffer due to
retirement of the park property from use as a mobile home park
27 cannot be easily estimated and would be difficult and expensive
to determine, it is the intent of the Legislature that the payment
29 prescribed herein be considered in the nature of liquidated
damages and not as a penalty. The liquidated damages apply only
31 to the harm incurred by the homeowner for having to relocate,
and this provision shall not preclude incidental damages that
33 might occur in relocating the mobile home.

b. If the park owner elects to purchase the mobile home and
35 all appurtenances, the amount to be paid shall be determined as
follows:

37 (1) A mutually agreed upon appraiser shall ascertain the book
value of the mobile home and actual cash value of all
39 appurtenances thereto and the market value for residential
purposes of the mobile home with all appurtenances

1 as sited, if the site were to remain available for such purposes,
immediately prior to the notice given to the homeowner
3 pursuant to subsection d. of section 3 of P.L. 1974, c. 49 (C.
2A:18-61.2). The NADA Mobile Home/Manufactured Housing
5 Appraisal Guide shall be used as a guide for determining such
value.

7 (2) The homeowner shall be entitled to the book value of the
mobile home and actual cash value of the appurtenances, plus
9 the following portion of the amount by which the market value
for residential purposes of the mobile home with all
11 appurtenances as sited, if the site had remained available for
such purposes, at the time of appraisal exceeds the sum of the
13 book value of the mobile home and actual cash value of the
appurtenances, according to the length of time that the
15 homeowner had resided in the mobile home at the time when
notice was given pursuant to subsection d. of section 3 of P.L.
17 1974, c. 49 (C. 2A:18-61.2):

- 19 Less than 5 years.....40%
- At least 5, but less than 15 years.....60%
- 21 At least 15, but less than 20 years.....80%
- At least 20 years.....100%

23 In addition, a mobile homeowner who had been so resident for less
than five years shall be entitled, besides the compensation
determined as set forth above, to 60% of the difference between
25 the book value and market value of the mobile home.

27 c. Between the date of the appraisals made pursuant to
subsection b. of this section and the delivery to the park owner of
the mobile home and all appurtenances thereto the mobile home
29 and the appurtenances shall be maintained by the homeowner in
the condition existing on the date of the appraisals, ordinary wear
and tear excepted.
31

33 4. (New section) a. Either a mobile homeowner or a park
owner may apply to the Superior Court in the county where the
mobile home site is located for purposes of selecting an appraiser
35 pursuant to subsection b. of section 2 of this amendatory and
supplementary act, or for the resolution of any other dispute or
37 disagreement arising in carrying out the provisions of that section.

b. In any dispute in Superior Court regarding the value of a
39 mobile home as appraised pursuant to subsection b. of section 3
of this amendatory and supplementary act, the court shall

1 determine the amount to be deposited by the park owner with the
 2 clerk of the court to secure the full compensation of the
 3 homeowner as may ultimately be determined by the final
 4 judgment of the court. The court shall fix the time within which,
 5 and the terms upon which, the homeowner shall be required to
 6 surrender possession and title to the park owner. The order of
 7 the court shall not become effective unless the required deposit
 8 shall have been made with the clerk of the court pursuant to this
 9 subsection.

10 5. (New section) The Commissioner of the Department of
 11 Community Affairs, in accordance with the provisions of the
 12 "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1
 13 et seq.), shall adopt such rules and regulations as may be
 14 necessary or expedient to carry out the provisions of this
 15 amendatory and supplementary act.

16 6. Section 2 of P.L. 1978, c. 139 (C. 2A:18-61.14) is amended
 17 to read as follows:

18 2. Notwithstanding the provisions of section 3 of P.L. 1974, c.
 19 49 (C. 2A:18-61.2) to the contrary, in any municipality in which
 20 casino gaming is authorized, one year's notice shall be required
 21 prior to the institution of an action alleging permanent
 22 retirement under subsection h. of section 2 of P.L. 1974, c. 49
 23 (C. 2A:18-61.1) with respect to a tenant who is a permanent
 24 domiciliary in such municipality; provided, that where there is a
 25 written lease in effect no action shall be instituted until the lease
 26 expires. The notice shall provide the tenant with the information
 27 required by section 6 of [this act] P.L. 1978, c. 139 (C.
 28 2A:18-61.18); and provided further, that nothing in this section or
 29 any other provisions of P.L. 1978, c. 139 (C. 2A:18-61.13 et seq.)
 30 shall apply to any mobile homeowner tenant who is entitled to the
 31 protection of the provisions of P.L., c..... (C.....)
 32 (now pending before the Legislature as this bill). In the event
 33 that a landlord chooses one of the relocation alternatives
 34 authorized by section 4 of [this act] P.L. 1978, c. 139 (C.
 35 2A:18-61.16), he shall send a second notice in accordance with
 36 the requirements of section 4 of [this act] P.L. 1978, c. 139 (C.
 37 2A:18-61.16) at least six months prior to the institution of an
 38 action for possession.

39 (cf: P.L. 1978, c. 139, s. 2)

1 7. This act shall take effect on the 90th day following the date
of enactment, except that section 5 shall take effect
3 immediately.

5

HOUSING

7

Landlord - Tenant and Condominiums

9 Requires owner of closing mobile home park to provide relocation
or compensation to mobile homeowners.

SENATE LABOR, INDUSTRY AND PROFESSIONS COMMITTEE

STATEMENT TO

SENATE, No. 1561

STATE OF NEW JERSEY

DATED: FEBRUARY 29, 1988

This bill increases the protection available to owners of mobile homes residing in mobile home parks if the owner of a park elects to close down and retire the land permanently from use as a mobile home park.

The bill requires that the owner of the closing mobile home park choose either to: (1) relocate the mobile home to another comparable park owned by him; (2) pay the cost of relocating to a comparable mobile home park owned by another person within a 50-mile radius of the original site; or (3) purchase the mobile home and its appurtenances at a valuation made by a mutually agreed upon appraiser.

In the case of a purchase of the mobile home, the compensation would consist of the book value of the mobile home and the cash value of its appurtenances, plus a percentage of the difference between those values and the actual market value of the mobile home, as sited. The percentage would vary from 40% for owners who had resided in the mobile home for less than five years, up to 100% for those who had resided in it for 20 years or more. In addition, owners who had resided in their mobile homes for less than five years would be entitled to 60% of the difference between the book value and the market value of the mobile home.

The bill permits arrangements which do not conform to any of the above three options so long as they are mutually agreeable to the mobile homeowner and the park owner.

In the event of conflicts between the mobile homeowner and the mobile home park owner in regard to their relocation or compensation agreements or the appointment of an appraiser, they would have recourse to settle the dispute in the Superior Court in the county where the mobile home site is located.

This bill was pre-filed for introduction in the 1988 session pending technical review. As reported the bill includes the changes required by technical review which has been performed.

ASSEMBLY, No. 2990

STATE OF NEW JERSEY

INTRODUCED APRIL 25, 1988

By Assemblyman PALAIA

1 AN ACT concerning relocation of and compensation for mobile
homeowner tenants of mobile home parks upon closure of such
3 parks, supplementing P.L. 1974, c. 49 (C. 2A:18-61.1 et al.) and
amending P.L. 1978, c. 139.

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

9 1. (New section) This act shall be known and may be cited as
the "Mobile Homeowner Tenants' Protection Act."

11 2. (New section) a. The owner of a mobile home park who
seeks to retire it permanently from use as a mobile home park
shall, within 90 days of giving notice to mobile homeowner
13 tenants therein as required pursuant to subsection d. of section 3
of P.L. 1974, c. 49 (C. 2A:18-61.2), notify each mobile
15 homeowner tenant in that mobile home park of the park owner's
election either to:

17 (1) relocate the tenant's mobile home and its appurtenances
to a comparable site in another mobile home park owned by the
19 park owner, at the park owner's own expense or;

21 (2) pay the costs of relocation of the tenant's mobile home
and its appurtenances to a comparable site in a mobile home
23 park under other ownership within a 50-mile radius of the
original site; or

25 (3) purchase the tenant's mobile home and its appurtenances
from the tenant.

27 b. Nothing contained in subsection a. of this section, or in any
notice given pursuant thereto, shall preclude a mobile home park
owner and mobile homeowner tenant from concluding any
29 mutually satisfactory agreement for relocation or compensation
which does not conform to the requirements prescribed in this
31 amendatory and supplementary act for the carrying out of any of
the three elections set out in that subsection.

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 c. For the purposes of this amendatory and supplementary act,
"appurtenances" of a mobile home means those items of
3 furnishings or equipment not integral to the construction of the
mobile home or included in or replacing items of original
5 equipment provided by the manufacturer, but necessary or
desirable for the use and enjoyment thereof, increasing its
7 habitability and value as a place of residence, and which are
installed in, on or about a mobile home at the time when notice is
9 served upon the owner thereof pursuant to subsection d. of
section 3 of P.L. 1974, c. 49 (C. 2A:18-61.2). Any device,
11 furnishing or equipment which is included in the book value of a
mobile home as determined pursuant to section 3 of this act shall
13 not be deemed an appurtenance. "Comparable," as applied to a
mobile home site, has the same meaning as in subsection a. of
15 section 4 of P.L. 1975, c. 311 (C. 2A:18-61.7). "Mobile
homeowner tenant" means a person resident in a mobile home of
17 which he is the owner, located upon a site in a mobile home park
with respect to which he is a tenant.

19 3. (New section) a. If a mobile home park owner elects to pay
the costs of relocation to a comparable site in a mobile home
21 park under other ownership, he shall pay the actual costs,
including set-up fees, of such relocation within a 50-mile radius
23 of the original site, or other distance agreed upon by the park
owner and the mobile homeowner being relocated. Since the
25 amount of the damages that a homeowner will suffer due to
retirement of the park property from use as a mobile home park
27 cannot be easily estimated and would be difficult and expensive
to determine, it is the intent of the Legislature that the payment
29 prescribed herein be considered in the nature of liquidated
damages and not as a penalty. The liquidated damages apply only
31 to the harm incurred by the homeowner for having to relocate,
and this provision shall not preclude incidental damages that
33 might occur in relocating the mobile home.

b. If the park owner elects to purchase the mobile home and
35 all appurtenances, the amount to be paid shall be determined as
follows:

37 (1) A mutually agreed upon appraiser shall ascertain the book
value of the mobile home and actual cash value of all
39 appurtenances thereto and the market value for residential

1 purposes of the mobile home with all appurtenances as sited, if
 3 the site were to remain available for such purposes,
 immediately prior to the notice given to the homeowner
 pursuant to subsection d. of section 3 of P.L. 1974, c. 49 (C.
 5 2A:18-61.2). The NADA Mobile Home/Manufactured Housing
 Appraisal Guide shall be used as a guide for determining such
 7 value.

(2) The homeowner shall be entitled to the book value of the
 9 mobile home and actual cash value of the appurtenances, plus
 the following portion of the amount by which the market value
 11 for residential purposes of the mobile home with all
 appurtenances as sited, if the site had remained available for
 13 such purposes, at the time of appraisal exceeds the sum of the
 book value of the mobile home and actual cash value of the
 15 appurtenances, according to the length of time that the
 homeowner had resided in the mobile home at the time when
 17 notice was given pursuant to subsection d. of section 3 of P.L.
 1974, c. 49 (C. 2A:18-61.2):

19	Less than 5 years.....	40%
	At least 5, but less than 15 years.....	60%
21	At least 15, but less than 20 years.....	80%
	At least 20 years.....	100%

23 In addition, a mobile homeowner who had been so residing for less
 than five years shall be entitled, besides the compensation
 25 determined as set forth above, to 60% of the difference between
 the book value and market value of the mobile home.

27 c. Between the date of the appraisals made pursuant to
 subsection b. of this section and the delivery to the park owner of
 29 the mobile home and all appurtenances thereto the mobile home
 and the appurtenances shall be maintained by the homeowner in
 31 the condition existing on the date of the appraisals, ordinary wear
 and tear excepted.

33 4. (New section) a. Either a mobile homeowner or a park
 owner may apply to the Superior Court in the county where the
 35 mobile home site is located for purposes of selecting an appraiser
 pursuant to subsection b. of section 3 of this amendatory and
 37 supplementary act, or for the resolution of any other dispute or
 disagreement arising in carrying out the provisions of that section.

39 b. In any dispute in Superior Court regarding the value of a

1 mobile home as appraised pursuant to subsection b. of section 3
of this amendatory and supplementary act, the court shall
3 determine the amount to be deposited by the park owner with the
clerk of the court to secure the full compensation of the
5 homeowner as may ultimately be determined by the final
judgment of the court. The court shall fix the time within which,
7 and the terms upon which, the homeowner shall be required to
surrender possession and title to the park owner. The order of
9 the court shall not become effective unless the required deposit
shall have been made with the clerk of the court pursuant to this
11 subsection.

5. (New section) The Commissioner of the Department of
13 Community Affairs, in accordance with the provisions of the
"Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1
15 et seq.), shall adopt such rules and regulations as may be
necessary or expedient to carry out the provisions of this
17 amendatory and supplementary act.

6. Section 2 of P.L. 1978, c. 139 (C. 2A:18-61.14) is amended
19 to read as follows:

2. Notwithstanding the provisions of section 3 of P.L. 1974, c.
21 49 (C. 2A:18-61.2) to the contrary, in any municipality in which
casino gaming is authorized, one year's notice shall be required
23 prior to the institution of an action alleging permanent
retirement under subsection h. of section 2 of P.L. 1974, c. 49
25 (C. 2A:18-61.1) with respect to a tenant who is a permanent
domiciliary in such municipality; provided, that where there is a
27 written lease in effect no action shall be instituted until the lease
expires. The notice shall provide the tenant with the information
29 required by section 6 of [this act] P.L. 1978, c. 139 (C.
2A:18-61.18); and provided further, that nothing in this section or
31 any other provisions of P.L. 1978, c. 139 (C. 2A:18-61.13 et seq.)
33 shall apply to any mobile homeowner tenant who is entitled to the
protection of the provisions of P.L., c..... (C.....)
(now pending before the Legislature as this bill). In the event
35 that a landlord chooses one of the relocation alternatives
authorized by section 4 of [this act] P.L. 1978, c. 139 (C.
37 2A:18-61.16), he shall send a second notice in accordance with
the requirements of section 4 of [this act] P.L. 1978, c. 139 (C.
39 2A:18-61.16) at least six months prior to the institution of an

1 action for possession.
(cf: P.L. 1978, c. 139, s. 2)

3 7. This act shall take effect on the 90th day following the date
of enactment, except that section 5 shall take effect
5 immediately.

7

STATEMENT

9

11 This bill increases the protection available to owners of mobile
homes residing in mobile home parks if the owner of a park elects
to close down and retire the land permanently from use as a
13 mobile home park.

15 Currently, mobile homeowners who rent sites in mobile home
parks are included in the protection offered to tenants generally.
They are entitled to receive 18 months notice before eviction
17 proceedings may be commenced, except in those cases in Atlantic
City where they are entitled to the landlord's assistance in
19 relocation or, in lieu thereof, compensation in the form of five
months free rent or its cash equivalent under P.L. 1978, c. 139
21 (C. 2A:18-61.13 et seq.).

23 This bill requires that the owner of the closing mobile home
park choose either to: (1) relocate the mobile home to another
comparable park owned by him; (2) pay the cost of relocating to a
25 comparable mobile home park owned by another person (within 50
miles, except as otherwise agreed to between the mobile home
27 park owner and the mobile homeowner); or (3) purchase the
mobile home and its appurtenances at a valuation made by a
29 mutually agreed upon appraiser.

31 In case of a purchase of the mobile home, the compensation
would consist of the book value of the mobile home and the cash
value of its appurtenances, plus a percentage of the difference
33 between those values and the actual market value of the mobile
home, as sited. The percentage would vary from 40% for
35 homeowners who had resided in the mobile home for less than
five years, up to 100% for those who had resided in it for 20 years
37 or more. In addition, owners who had resided in their mobile
homes for less than five years would be entitled to 60% of the
39 difference between the book value and the market value of the
mobile home.

1 The bill permits arrangements which do not conform to any of
the above three options so long as they are mutually agreeable to
3 the mobile homeowner and the park owner.

5

HOUSING

7

Landlord - Tenant and Condominiums

9 Requires owner of closing mobile home park to provide relocation
or compensation to mobile homeowners.

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 2634 and SENATE, No. 1580

STATE OF NEW JERSEY

ADOPTED APRIL 24, 1989

Sponsored by Assemblymen PELLY and SPADORA
and Senator PALLONE

1 AN ACT to establish a right of first refusal for owners of mobile
homes in a mobile home park upon the sale or offering for sale
3 of such a park, and to provide for the acquisition and
management of such a park by an association of the mobile
5 home owners therein, and supplementing P.L.1973, c.153
(C.46:8C-1 et seq.).

7

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

1. a. For the purposes of this act, "mobile home" means a
11 "manufactured home" located in a "mobile home park," as those
terms are defined in the "Manufactured Home Taxation Act,"
13 P.L.1983, c.400 (C.54:4-1.4 et seq.).

b. As used in sections 2 and 3 of this act, "notify" means to
15 place in the United States mail a notice addressed to the officers
of the homeowners' association. Each such notice shall be
17 deemed to have been given upon the deposit thereof in the United
States mail.

19 c. As used in section 2 of this act, "offer" means any
solicitation by the park owner to the general public.

2. a. If a mobile home park owner offers a mobile home park
21 for sale, he shall notify the board of directors of the
homeowners' association created pursuant to this act of his
23 offer, stating the price and the terms and conditions of sale.

b. The mobile home owners, by and through an association duly
25 formed in accordance with section 6 of this act, shall have the
right to purchase the park, provided that the home owners meet
27 the price and terms and conditions of the mobile home park
owner by executing a contract with the park owner within 45 days
29 of being notified under subsection a., except as an extension of
time may be mutually agreed upon by the owner and the
31 association; provided, however, that if there is no homeowners'
association at the time a mobile home park owner offers a mobile
33

1 home park for sale and the park owner notifies homeowners
individually as required under subsection b. of section 6 of this
3 act, the period within which the terms and conditions of the
mobile home park owner may be met by execution of a contract
5 between the owner and a homeowners' association shall be 60
days from the date of the notification of individual homeowners
7 and at any time after notification to the park owner that a
homeowners' association has been formed, in accordance with
9 the provisions of subsection a. of section 7 of this act. If a
contract between the park owner and the association is not
11 executed within that extension period, then, unless the park
owner thereafter elects to offer the park at the same price or at
13 a lower price than specified in his notice to the directors of the
association, he shall have no further obligations under this
15 subsection, and his only obligation shall be as set forth in section
3 of this act.

17 c. If the park owner thereafter elects to offer the park at the
same price or at a lower price than specified in his notice to the
19 directors of the association pursuant to subsection a. of this
section, the homeowners, by and through the association, shall
21 have an additional 10 days after receipt of that offer to meet the
price and terms of conditions of the park owner by executing a
23 contract; provided, however, that if more than three months have
elapsed since the receipt by the homeowners' association of the
25 previous offer to sell the park under this subsection, the
association shall have 45 days after receipt of the subsequent
27 offer to meet the price and terms of conditions of the park
owners by executing a contract.

29 3. a. If a mobile home park owner receives a bona fide offer
to purchase the park that he intends to consider or make a
31 counter-offer to, he shall notify the directors of the
homeowners' association within five business days of receiving
33 the offer, if such an association has been formed in accordance
with the provisions of sections 6 through 8 of this act, that he has
35 received the offer. If a homeowners' association has not been
formed, the park owner shall, within five business days, notify
37 individual homeowners as required under section 6 of this act.
The park owner shall not enter into any agreement to sell the
39 park until after the 30 day period therein specified has elapsed.

1 b. Upon receipt of such notice the board of directors of the
homeowners' association shall appoint from among its members a
3 committee, not exceeding three persons, who may be assisted by
such legal and other professional and technical counsel as the
5 board may provide, to receive from the park owner the price and
terms of the offer that has been made, and to negotiate the
7 terms upon which the park owner would be willing to sell the
mobile home park to the homeowners' association. Members and
9 assistants to the committee shall be pledged to maintain in
confidence any information disclosed to them by the park owner
11 in the course of such negotiations, and shall be personally liable
to the park owner and any other party to the transaction for any
13 damages resulting from unauthorized disclosure thereof.

15 c. Not later than the 45th day next following its receipt of
offering terms pursuant to subsection b. of this section, or
following a period of extension agreed to by the committee and
17 the park owner, the committee appointed pursuant to subsection
b. of this section shall report to the board of directors of the
19 homeowners' association the price and other material terms upon
which the mobile home park owner has agreed to sell the mobile
21 home park to the association. In the absence of any agreement
between the park owner and the committee, the park owner shall
23 be deemed to agree to such sale upon the identical terms
communicated by him to the committee pursuant to subsection a.
25 of this section. The report of the committee shall include such
supporting data and documentation as the committee and the
27 park owner have agreed upon to be so submitted and authorized
to be disclosed. The price and other terms so agreed upon and
29 reported shall be binding upon the park owner for 10 days next
following the submission of the committee's report, and if agreed
31 to by the board of directors of the homeowners' association shall
constitute a contract of sale.

33 d. During the period provided for negotiations and for
consideration by the association's board of directors under
35 subsection c. of this section the park owner shall not conclude or
negotiate for any agreement for sale of the mobile home park to
37 any other party.

4. The provisions of sections 2 and 3 of this act shall not apply
39 to:

1 a. Any sale or transfer to a person who would be included
within the table of descent and distribution if the park owner
3 were to die intestate.

b. Any transfer by gift, devise, or operation of law.

5 c. Any transfer by a corporation to an affiliate. As used
herein, "affiliate" means (1) any shareholder exercising control,
7 or control through attribution as defined under section 318 of the
Internal Revenue Code, of the transferring corporation; (2) any
9 corporation or entity owned or controlled, directly or indirectly,
by the transferring corporation; or (3) any other corporation or
11 entity owned or controlled, directly or indirectly, by any
shareholder of the transferring corporation. For the purposes of
13 this subsection, control shall mean control as defined in section
304 of the Internal Revenue Code.

15 d. Any transfer by a partnership to any of its partners,
whether general partners or limited partners.

17 e. Any conveyance of an interest in a mobile home park
incidental to the financing of that park.

19 f. Any conveyance resulting from the foreclosure of a
mortgage, deed of trust, or other instrument encumbering a
21 mobile home park, or any deed given in lieu of such foreclosure.

23 g. Any sale or transfer between or among joint tenants or
tenants in common owning a mobile home park.

25 h. The purchase of a mobile home park by a governmental
entity under its powers of eminent domain.

27 i. Any sale which occurs as a result of a condominium or
cooperative conversion.

29 j. Any sale of real estate owned by the mobile home park
owner which is adjacent to the mobile home park, but does not
have appurtenant to it mobile home spaces or related
31 recreational facilities.

5. In addition to other prerequisites for recording, no deed
33 evidencing transfer of title to a mobile home park shall be
recorded in the office of any county recording officer unless,
35 accompanying the application to transfer the title is an affidavit
annexed thereto in which the owner of the mobile home park
37 certifies:

a. with reference to an offer by him for the sale of the park,
39 he has complied with the provisions of section 2 of this act; or

1 b. with reference to an offer received by him for the purchase
of the park, or with reference to a counter-offer which he has
3 made or intends to make to such an offer, he has complied with
the provisions of section 3 of this act; or

5 c. notwithstanding his compliance with section 2 or 3 of this
act, as applicable, no contract has been executed for the sale of
7 the park between himself and the homeowners' association; or

9 d. the provisions of sections 2 and 3 of this act are not
applicable to a particular sale or transfer of the park by him, and
compliance therewith is not required; or

11 e. a particular sale or transfer of the park is exempted from
the provisions of sections 2 through 5 of this act.

13 6. a. In order to exercise the rights provided in sections 2 and
3 of this act, the owners of mobile homes in a mobile home park
15 shall form an association in compliance with this section and
sections 7 and 8 of this act. Such an association shall be
17 organized as a corporation or association either for profit or not
for profit, upon the consent, in writing, of two-thirds of the
19 owners of mobile homes in the park to become members or
shareholders therein. For the purposes of this act, whenever the
21 consent of homeowners is required on any question, there shall be
counted only one vote for each mobile home unit. Upon consent
23 by two-thirds of the homeowners, all consenting homeowners
shall become members of the association and shall be bound by
25 the provisions of the articles of incorporation, the bylaws of the
association, and such restrictions as may be properly promulgated
27 pursuant thereto. Upon incorporation and service of the notice
described in section 7 of this act, the association shall become
29 the representative of the mobile home owners in all matters
relating to the provisions of this act.

31 b. If at the time when a park owner determines to offer a
mobile home park for sale, or receives a bona fide offer from a
33 prospective purchaser, there is no homeowners' association then
in being in the mobile home park, the park owner shall, at least
35 15 days before proceeding to make such offer of sale, or within 5
business days of receiving such a bona fide offer, as the case may
37 be, notify in writing each owner of a mobile home within the
mobile home park that he intends doing so. If, after receipt of
39 such individual notices and within the period fixed by subsection

1 b. of section 2 of this act for execution of a contract, a
homeowners' association is formed pursuant to this act, the
3 association so formed shall exercise and perform all the rights,
duties and functions provided in this act on and from the day on
5 which notification is made to the mobile home park owner
pursuant to section 7 of this act.

7 7. a. Upon receipt of its certificate of incorporation, or, if
the homeowners' association does not incorporate, upon its
9 establishment, the homeowners' association shall notify the park
owner in writing of such incorporation, or establishment, as
11 appropriate, and shall advise the park owner of the names and
addresses of the officers of the homeowners' association by
13 personal delivery upon the park owner or by certified mail, return
receipt requested.

15 b. The homeowners' association shall file with the clerk of the
county in which the mobile home park is located a notice of its
17 rights under sections 2 and 3 of this act. The notice shall contain
the name of the association, the name of the park owner, and the
19 address or legal description of the park. Within 10 days of the
recording of the notice, the association shall provide a copy of
21 the recorded notice to the park owner, at the address provided by
the park owner, by certified mail, return receipt requested.

23 8. a. The articles of incorporation of a homeowners'
association or the by-laws of any incorporated homeowners'
25 association formed under this act shall provide:

(1) that the association has the power to negotiate for,
27 acquire, and operate the mobile home park on behalf of the
mobile home owners; and

29 (2) that the association shall convert the mobile home park,
once acquired by the homeowners, to a condominium, a
31 cooperative, or other type of ownership.

b. Upon acquisition of the property, the association shall be
33 the entity that creates a condominium, or offers condominium
parcels for sale or lease in the ordinary course of business, or, if
35 the homeowners choose a different form of ownership, the entity
that owns the record interest in the property and is responsible
37 for the operation of property; provided, however, that if the
association converts the mobile home park to a cooperative, an
39 election shall be held within 30 days following the establishment

1 of the cooperative to elect a board of directors of the
cooperative.

3 9. In order for a homeowners' association to exercise the
rights provided in section 2 or 3 of this act, the bylaws of the
5 association shall provide for the following:

7 a. The directors of the association and the operation of the
association shall be governed by the bylaws.

9 b. The bylaws shall include, and, if they do not, shall be
deemed to include, the following provisions:

11 (1) The form of administration of the association shall be
described, providing for the titles of the officers and for a board
of directors, specifying the powers, duties, manner of selection
13 and removal, and compensation, if any, of the officers and
directors. Unless otherwise provided in the bylaws, the board of
15 directors shall consist of five members. The board of directors
shall elect from among its members a president, secretary, and
17 treasurer, who shall perform the duties of those offices
customarily performed by officers of corporations, and these
19 officers shall serve without compensation and at the pleasure of
the board of directors. The board of directors may appoint and
21 designate other officers and assign them such duties as it deems
appropriate.

23 (2) Meetings of the board of directors shall be open to all
members of the homeowners' association, and notice of meetings
25 shall be posted in a conspicuous place upon the park property at
least 48 hours in advance, except in an emergency. Notice of any
27 meeting in which assessments against members are to be
considered for any reason shall specifically contain a statement
29 that assessments will be considered, and of the nature of those
assessments.

31 (3) Members of the association shall meet at least once each
calendar year, and the meeting shall be the annual meeting. All
33 members of the board of directors shall be elected at the annual
meeting unless the bylaws provide for staggered election terms or
35 for their election at another meeting. The bylaws shall not
restrict any member desiring to be a candidate for board
37 membership from being nominated from the floor. The bylaws
shall provide the method for calling the meetings of the
39 members, including annual meetings. The method shall provide at

1 least 14 days' written notice to each member in advance of the
meeting and require the posting in a conspicuous place on the
3 park property of a notice at least 14 days prior to the meeting.
Unless a member waives in writing the right to receive notice of
5 the annual meeting by mail, the notice of the annual meeting and
of any meeting other than the annual meeting in which
7 acquisition or conversion of the mobile home park as provided
under section 8 of this act is to be voted on, shall be sent by mail
9 to each member, and the mailing shall constitute notice. An
officer of the association shall provide an affidavit affirming that
11 the notices were mailed or hand delivered in accordance with the
provisions of this section to each member at the address last
13 furnished to the association. These meeting requirements shall
not prevent members from waiving notice of meetings or from
15 acting by written agreement without meetings, if allowed by the
bylaws.

17 (4) A majority of the members shall constitute a quorum.
Decisions shall be made by a majority of members represented at
19 a meeting at which a quorum is present; provided, however, that
any decision to acquire the mobile home park or to convert the
21 mobile home park to a condominium or cooperative or other form
of ownership following its acquisition by the homeowners'
23 association shall only be made by not less than a majority vote of
all of the members of the homeowners' association. In addition,
25 provision shall be made in the bylaws for definition and use of
proxy. Any proxy given shall be effective only for the specific
27 meeting for which originally given and any lawfully adjourned
meetings thereof. In no event shall any proxy be valid for a
29 period longer than 90 days after the date of the first meeting for
which it was given. Every proxy shall be revocable at any time at
31 the pleasure of the member executing it.

(5) The board of directors shall mail a meeting notice and
33 copies of the proposed annual budget of expenses to the members
not less than 30 days prior to the meeting at which the budget
35 will be considered. If the bylaws provide that the budget may be
adopted by the board of directors, the members shall be given
37 written notice of the time and place at which the meeting of the
board of directors to consider the budget will be held. The
39 meeting shall be open to all members.

1 (6) The board of directors may, in any event, propose a budget
to the members of the association at a general membership
3 meeting or in writing, and, if the budget or proposed budget is
approved by the members at the meeting, or by a majority of
5 their whole number in writing, that budget shall be adopted.

(7) Minutes of all meetings of members and of the board of
7 directors shall be kept in a businesslike manner and shall be
available for inspection by members, or their authorized
9 representatives, and board members at reasonable times. The
association shall retain these minutes for a period of not less than
11 seven years.

(8) The share or percentage of, and manner of sharing,
13 expenses for each member shall be stated.

(9) The manner of collecting from the members their shares of
15 the expenses for the maintenance of the park property shall be
stated. Assessments shall be made against members not less
17 frequently than quarterly, in amounts not less than are required
to provide funds in advance for payments of all of the anticipated
19 current operating expenses and for all of the unpaid operating
expenses previously incurred.

(10) The method by which the bylaws may be amended
21 consistent with the provisions of this act shall be stated. If the
23 bylaws fail to provide a method of amendment, the bylaws may
be amended if the amendment is approved by no less than
25 two-thirds of the members. No bylaw shall be revised or
amended by reference to its title only.

(11) The officers and directors of the association have
27 fiduciary relationship to the members.

(12) Any member of the board of directors may be recalled and
29 removed from office, with or without cause, by the vote of, or
31 agreement in writing by, a majority of all members. A special
meeting of the association membership to recall a member or
33 members of the board of directors may be called by 10 per cent
of the members giving notice of the meeting as required for a
35 meeting of members, and the notice shall state the purpose of the
meeting.

37 c. The bylaws may provide the following:

(1) A method of adopting and of amending administrative rules
39 and regulations governing the details of the operation and use of
the park property.

1 (2) Restrictions on, and requirements respecting, the use and
3 use of the park property, so long as such restrictions and
5 requirements are not inconsistent with the articles of
 incorporation of the association. . .

7 (3) Other provisions not inconsistent with the provisions of this
 act or with other documents governing the park property or
 mobile homes located therein.

9 d. No amendment to the bylaws may change the proportion or
11 percentage by which members share in the expenses as initially
 established, unless all the members affected by such change
 approve the amendment.

13 10. a. An association may contract, sue, or be sued, with
15 respect to the exercise or non-exercise of its powers. For these
 purposes, the powers of the association include, but are not
17 limited to, the maintenance, management, and operation of the
 park property. The association may institute, maintain, settle or
19 appeal actions or hearings in its name on behalf of all
 homeowners concerning matters of common interest, including,
21 but not limited to: the common property; structural components
 of a building or other improvements; mechanical, electrical and
23 plumbing elements serving the park property; and protests of
 ad-valorem taxes on commonly used facilities. If the association
25 has the authority to maintain a class action, the association may
 be joined in an action as representative of that class with
27 reference to litigation and disputes involving the matters for
 which the association could bring a class action. Nothing herein
29 limits any statutory or common-law right of any individual
 homeowner or class of homeowners to bring any action which may
 otherwise be available.

31 b. The powers and duties of an association include those set
33 forth in this section, in sections 6 and 9 of this act, and in the
 articles of incorporation and bylaws and any recorded
 declarations or restrictions encumbering the park property, if not
35 inconsistent with the provisions of this act.

37 c. An association has the power to make and collect
 assessments and to lease, maintain, repair and replace the
 common areas upon purchase of the mobile home park.

39 d. An association shall maintain financial records in

1 accordance with generally accepted accounting standards and
3 principles. The records shall be open to inspection by association
5 members or their authorized representatives at reasonable times,
7 and written summaries of such records shall be supplied at least
9 annually to the members or their authorized representatives. The
11 failure of the association to permit inspection of its accounting
13 records by members or their authorized representatives entitles
15 any persons prevailing in an enforcement action to recover
17 reasonable attorney's fees from the person in control of the
19 books and records who, directly or indirectly, knowingly denied
21 access to the books and records for inspection. The records shall
23 include, but not be limited to:

25 (1) A record of all receipts and expenditures.

27 (2) An account for each member, designating the name and
29 current mailing address of the member, the amount of each
31 assessment, the dates on which and amounts in which the
33 assessments come due, the amount paid on the account, and the
35 balance due.

37 e. An association has the power to purchase lots in the park
and to acquire, hold, lease, mortgage and convey them.

39 f. An association shall use its best efforts to obtain and
maintain adequate insurance to protect the association and the
park property upon purchase of the mobile home park. A copy of
each policy of insurance in effect shall be made available for
inspection by members at reasonable times.

g. An association has the authority, without the joinder of any
homeowner, to modify, move, or create any easement for ingress
and egress, or for the purpose of utilities, if the easement
constitutes part of or crosses the park property upon purchase of
the mobile home park. This subsection does not authorize the
association to modify or move any easement created in whole or
part for the use or benefit of anyone other than the members, or
crossing the property of anyone other than the members, without
the consent or approval of such person as required by law or the
instrument creating the easement. Nothing in this subsection
affects the rights of ingress or egress of any member of the
association.

11. The owner of a mobile home park shall notify in writing
each owner of a mobile home therein or, if a homeowners'

1 association has been established under the provisions of this act,
the directors of the association, of any application by the owner
3 of the mobile home park for a variance within five days after the
filing for such variance with the approving authority.

5 12. No agency of municipal, county or State government, or of
any agency or instrumentality thereof, shall approve or take any
7 other final action upon any application for a variance which
would result in the removal or relocation of mobile home owners
9 residing in a mobile home park, without first determining that
adequate mobile home parks or other suitable facilities exist for
11 the relocation of those mobile home owners.

13 13. This act shall take effect immediately.

13

15 HOUSING

Landlord-Tenant and Condominiums

17

19 Gives mobile homeowners right of first refusal upon sale of
mobile home park.

TABLE OF CONTENTS

	<u>Page</u>
Mayor Melvin Cottrell Jackson Township, New Jersey	1
Dora Parker Mobile Homeowner Jackson Township, New Jersey	1
Thomas Kennedy Aide to Assemblyman John T. Hendrickson, Jr., District 9	4
Connie M. Pascale, Esq. Advocate for Housing	4
Assemblyman Chuck Hardwick Speaker of the General Assembly	8
Iris Ruckie Mobile Homeowner Silver Meade Freehold Township, New Jersey	11
Donald Cassoff Mobile Homeowner	14
William Palmer Consultant, Mobile Home Association Member, Affordable Housing Agency South Brunswick, New Jersey	16
Dorothy V. Burns Mobile Homeowner Fountainhead Park Jackson Township, New Jersey	17
Roy Curtis Mobile Homeowner Paradise Mobile Home Park	19
Howard Gill Mobile Homeowner Oak Tree Park Jackson Township, New Jersey	19
Gail Bopp President Fountainhead Mobile Homeowners Association	24

TABLE OF CONTENTS (continued)

	<u>Page</u>
Edward Krobinik Mobile Homeowner	24
Joseph Nilson Mobile Homeowner	27
Wilson A. Rex, Jr. Mobile Homeowner Raymor Mobile Park Toms River, New Jersey	28
James Flemming Mobile Homeowner Maple Glen Mobile Park Jackson Township, New Jersey	30
John Litwin Spokesman for Southwind Mobile Home Park Jackson Township, New Jersey	31
Theresa McKensey Mobile Homeowner Wall Township, New Jersey	32
John Godulin Mobile Homeowner	36
APPENDIX:	
"Posted Ordinance #01-89 Jackson Township, NJ," plus attachments, submitted by Howard Gill	1x
Two letters addressed to Honorable John V. Kelly, plus attachment, submitted by Judith A. Thornton Executive Director New Jersey Manufactured Housing Association	5x
Testimony submitted by Frank Bolen Secretary - Age 82 Highlands Chapter Mobile Home Owners Association of N.J., Inc.	10x

* * * * *

ASSEMBLYMAN JOHN V. KELLY (Chairman): We are expecting the Speaker, but I like to be punctual, and we are four minutes late already. So, I am going to start. When the Speaker gets here, we will bring him up.

First, I want to thank the Mayor -- Mayor Cottrell -- who offered us this beautiful building here to hold our hearing. I think if he is here, I would like to thank him publicly. Where is the Mayor?

UNIDENTIFIED SPEAKER FROM AUDIENCE: He just stepped out. He'll be back.

ASSEMBLYMAN KELLY: Oh. The man to my right is Assemblyman Singer. Mr. Singer is filling in because Mr. Shinn couldn't make it. As you know, Mr. Singer is the Chairman of the Senior Citizens Committee, and he is very interested in senior citizens. He had no problem volunteering to serve here this afternoon. (applause) Hold on, Mr. Singer, I see the Mayor.

Mayor, would you like to say a few words? I just thanked you for letting us use your building.

MAYOR MELVIN COTTRELL: (speaking from audience) I just want to thank you, Assemblyman. (remainder of Mayor's comments inaudible; no microphone)

ASSEMBLYMAN KELLY: Thank you for having us.

Dora Parker, you have been very active in this. Why don't you come up and say a few words?

DORA PARKER: Thank you, Mr. Kelly. This has been an ongoing problem -- as you can see by the number of people here -- throughout the State. This is only a small fraction of them. If we could get them all here, you wouldn't have room in Jackson.

But I do want to thank Debbie Smarth also, for helping me to coordinate this and, Mr. Chairman, take over. Thank you.

ASSEMBLYMAN KELLY: Mr. Singer?

ASSEMBLYMAN SINGER: Thank you, Mr. Kelly. First of all, Mayor Cottrell, it is always a pleasure to be in your town. Though Jackson is not in my district, it is our neighbor from Lakewood, and we always appreciate coming here.

I am sure you are all aware that Ocean County has more mobile home parks than any other county in the State of New Jersey. There are many in my district, as well as in the Ninth. I think a concern I have especially, in my travels throughout the State, when I listen to senior groups talk-- They have two priorities they talk about: The number one priority seniors talk about is health care. That is the most pressing problem seniors face today. But the number two problem, which keeps coming up time and time again, is affordable, decent housing, and people being able to stay where they would like to stay, and live the quality of life they want to live.

That is why this issue-- Though I am not on the Housing Committee, the Chairman has been gracious enough to let me sit in on this today, because I realize how important this is to all of you, and all the seniors throughout the State. So, I thank you, Mr. Chairman. We appreciate your coming here to Ocean County. (applause)

ASSEMBLYMAN KELLY: Mr. Lee (speaking to Committee Aide), are you prepared to read what these bills do? Give us a statement on the bills, please.

MR. LEE: (speaking without microphone) A statement on the bills?

ASSEMBLYMAN KELLY: Yes, all the bills. Summarize all the bills, because they are all basically the same thing.

MR. LEE: Do you want just a brief summary?

ASSEMBLYMAN KELLY: Just a brief summary.

MR. LEE: One is Senate Bill No. 1580, which is duplicated by Assembly Bill No. 2634.

UNIDENTIFIED SPEAKERS FROM AUDIENCE: We can't hear you.

MR. LEE: Okay, I'll start over.

The bills under discussion today fall into two types: One type -- represented by Senate Bill No. 1580 and Assembly Bill No. 2634 -- is intended to protect the interests of mobile homeowners in a situation where the mobile home park in which they are located is about to be sold. The other type -- represented by Senate Bill No. 1561 and Assembly Bill Nos. 1134, 2520, and 2990 -- is intended to protect those interests in a situation where the park owner proposes to close the park and retire the land permanently from use as a mobile home park.

In the case of a park sale, the bills now under discussion would require that the mobile homeowners residing in the park be granted a right of first refusal. The right would be exercised through an association of the park's homeowners, which would be entitled to notification whenever the park owner has decided to put the park up for sale or has received an unsolicited offer from a prospective purchaser. There would be a period of time during which the sale would be held in abeyance while the homeowners decide -- a 2/3 vote being required -- whether to exercise their right.

One of these two bills -- A-2634 -- makes a distinction between the case in which the sale is initiated by the park owner and that in which the owner receives an unsolicited offer. In the latter case, the owner, though still obliged to notify the mobile homeowners of the offer, would not be required to delay the sale, but might carry it out at any time after the notification was made. They also differ as to their treatment of the situation in which a homeowners' association is not already in existence at the time when sale negotiations are initiated. In such a situation, the Senate bill would require individual notification of the homeowners, and an additional period of abeyance during which they might have opportunity to form such an association in order to determine whether to exercise the right of refusal.

The second type of bill under discussion deals with the situation in which a park owner decides to close down and remove his property from use as a mobile home park. The bills provide that in such case, the owner is obliged to either: 1) Relocate, at the park owner's expense, the mobile homeowner to another comparable park owned by the same owner; 2) pay the expenses of relocation to a comparable park under other ownership; or 3) pay compensation to the mobile homeowner, based upon the value of the home, with its appurtenances, which must be relocated or disposed of as a result of the park closing.

ASSEMBLYMAN KELLY: Thank you. Did I see Speaker Hardwick walk in here? He disappeared.

Assemblyman Hendrickson couldn't get here, but he did send his Aide, Tom Kennedy, who would like to say a few words. Tom?

T H O M A S K E N N E D Y: Ladies and gentlemen, members of the panel: It is always a pleasure for me personally to get out to Jackson. Over the years, we have witnessed your fights. Certainly you have proven that if you stick together, as you did with the radon situation and others, you will win. The amount of people out here today, obviously shows the concern of you, the residents of Jackson.

The Deputy Speaker, your Assemblyman Hendrickson, called me a little while ago. Unfortunately, he couldn't make it. His concern certainly is with you. He wanted me to say that he does back Assembly Bill No. 1134, and he would like to get it on the floor. Certainly your input, as it has been in the past, is always welcomed by your Assemblyman's office.

Thank you.

ASSEMBLYMAN KELLY: Connie Pascale, come on up.

C O N N I E M. P A S C A L E, E S Q.: Thank you very much, Mr. Chairman and Mr. Singer. I appreciate the opportunity to speak here. I will try to be as brief as I

can. I see there are a lot of people who would like to voice their concerns about these bills.

I would just like to say that in my experience-- I am an attorney; I work with legal services. I am here in my capacity as an advocate for housing and for people who have difficulty finding, or locating, and retaining housing. I have worked in the past with many mobile home groups and other people who are concerned about these issues. I think one of the things we have to know and address and understand, as everybody has recognized, is that there is a terrible, critical shortage of affordable housing in the State of New Jersey. The estimate by the State is that there are 30,000 to 35,000 homeless people in the State, which just comes to mean that affordable housing is a precious commodity. It is something we have to preserve. It is as valuable as anything we have. We have to protect our environment; we have to protect our housing for the people who need a place to live.

Mobile homes have been recognized by courts and by other governmental agencies and by people and planners as one of the few remaining sources of affordable housing we have. It is a source that has been taken advantage of by many people. A lot of people who are here today and many people who are not here, have taken their life savings, or sold their homes, or saved up as well as they could to buy a mobile home, hoping that that would provide them with a safe, stable, supportable, affordable place to live for many years, and for many people, for the rest of their lives.

We find that this source of affordable housing is threatened, on a growing basis, by the ills that these two bills seek to address. Senate Bill No. 1561 provides compensation or relocation to people who are involved in the closure of a mobile home park. I have been contacted by many, many families who have been faced with this situation. I have had senior citizens call me in tears, because they were

threatened with having to leave the home that they thought they would be able to live, and even die in, because now the park was being closed and they were being forced out of the place, with no other place to go.

I think this bill is necessary to protect those people, but more importantly to protect people who are not in that situation now, but fear it. People should have some sense that their lives are secure; that they are going to have a chance; that this type of conduct by mobile home park owners is not going to drastically affect the way they live, and force them into a situation which they may not be physically, mentally, emotionally, or financially able to deal with.

The other bill -- Senate Bill No. 1580 -- which provides mobile homeowners with the right of first refusal, is also critical. I have been involved in situations where the park owner has changed from a good park owner to a not-so-good, or terrible park owner. Sometimes you can see that coming. This bill will provide the residents of mobile homes with stability, in the sense that they will have an opportunity to become masters of their own fate. They will be able to control their own destinies. They will have an ownership interest not only in the mobile home -- which many have spent their life savings on -- but in the land and the common areas on which it is placed. It will again provide control of people's lives, and allow it to remain in their own hands, and that is really critical.

What we need to do here is protect seniors and young families and people who are involved with living in mobile home parks by providing them with the security that these bills provide. I urge you -- I urge you in the strongest terms -- to pass them in the form that they are in here. There may be stronger ways -- even stronger ways to deal with this, but these bills are necessary now, so that all the people here can go home today, and say, "We can feel safe that we are going to

have a place to live -- an affordable place to live -- for the foreseeable future."

Thank you very much. I appreciate the opportunity.

ASSEMBLYMAN SINGER: Through the Chair, if I may--

ASSEMBLYMAN KELLY: Go right ahead.

ASSEMBLYMAN SINGER: I just want to share one thought with you, which I hope you will take back to the association. One of the concerns I have, is that most people who move into mobile home parks-- The mobile home, or the manufactured home was sold to them by the owner of the park, at which time they came down here -- whether it is Ocean County or any other part of the State -- and decided to make that their home; if they are seniors, probably their last residence. Even though these bills do provide for relocation money, and also the right of first refusal to the association, if they want to buy it, don't you believe, or doesn't the association believe that we have to go one step further? When someone makes a decision to build a mobile home park, and is selling people the homes there, there should not be the right for them to just turn around and sell it, and say, "We'll help you to relocate." Relocate to where? (applause)

That is so much the issue. What's happening throughout the State, because property values are going out of sight, is, it is much more valuable as a piece of real estate than it might be as a mobile home park. The point I am making is, there are no other options around. There isn't another mobile home park just down the road. There may not even be another mobile home park in that same community. I'm saying, I think we are going to have to put more teeth-- Granted, we have to pass these, but we might have to put more teeth in a stronger piece of legislation, that is going to say, if someone is going to make the investment to build a mobile home park, they have to make a commitment beyond just, "I'll build it today, and if I want to, I'll sell it tomorrow."

I would like you to think about that, and talk to the associations about that. I think that piece of legislation is very, very much needed.

MR. PASCALE: I agree with you, Assemblyman Singer. I think that is important. I think the people here, as I said, would like even stronger protections for this precious commodity which is very important to their lives. I think they would like these bills passed now, because they have waited long enough and have worked hard for them, but any additional proposals that people have to make the bill stronger and to protect people even further, would be most welcome by everybody here.

Thank you.

ASSEMBLYMAN KELLY: The next speaker is our Speaker, Chuck Hardwick -- Assemblyman Chuck Hardwick. I apologize for starting the hearing on time, Chuck. (laughter) I know you are a busy man.

A S S E M B L Y S P E A K E R C H U C K H A R D W I C K:
Thank you very much, Mr. Kelly, I want to commend you and the Housing Committee for considering this legislation today. I thank you, in particular, for coming here to Jackson Township. This is a very important issue for the residents of this community, as it is for those who live in other parts of the State as well, who live in mobile home parks.

The idea for this specific hearing in this community came from a conversation I had with Mayor Mel Cottrell a few weeks ago, in which he pressed home very, very hard to me the need for this legislation. In my follow-up conversations with Mr. Singer and Mr. Hendrickson and Mr. Moran, it was very clear that there is a serious problem developing here which is threatening the peace and security of literally thousands of New Jersey residents.

According to a recent article published in the AARP News, five million Americans live in mobile homes, and older

Americans living in mobile homes make up some 21% of those residents. Of the 314 mobile home parks in New Jersey, 45 of them are adult only. Twenty counties have mobile home parks within their borders. Based on the Department of Community Affairs data, Ocean County has 16.6%; Monmouth County, 11.9%; Atlantic County, 11.5%; Cumberland County, 9.4%; Burlington County, 8.8%; and Cape May County, 8.4%. They have the largest number of parks.

What is, I think, particularly important, is that mobile homeowners have a unique set of circumstances regarding their home ownerships. While they own their own homes, they are living on land owned by someone else, and as such, they are faced with the possibility, day in and day out, that the mobile home park operator may, as a result of some changing circumstances, usually economic, decide to close the park or sell the land to someone who would convert it to another use.

That is just not fair. I would hate to think that the land on which my home sits would be subject to being sold out from under me without notice, and that I would have no alternatives. With the problems of affordable housing growing each day, the choice to live in a mobile home presents a viable option for many people, especially senior citizens. We must ensure that our seniors, and other families who choose to reside in a mobile home park, can continue to do so.

The legislation being discussed today provides mobile homeowners with some protection, so that they can be assured that if they are ever forced to leave their current homes, they can receive compensation for relocating. The problem, though, is, where do they relocate to? As private property owners, park operators have rights. However, these rights have to be balanced with the rights of mobile homeowners and their needs for assurance that they will have a suitable place to live.

I understand that the Jackson Township governing committee recently adopted a zoning ordinance that creates a

new mobile home park zone. This may prove to be useful in protecting park seniors and families residing in the nine mobile home parks in Jackson Township. However, statewide, there is just not a growth in mobile home parks at all. Features such as mandatory advance notice to mobile homeowners when a park will be closed could help ease the burdens. Advance notice would provide homeowners adequate time to search for another acceptable place to live, if there is such a place to be found, so they are not faced with a sudden crisis that might force them to give up their homes for lack of space in an acceptable park.

If they request help from the park owner in finding a place to relocate only to find that there are no comparable arrangements, then some form of compensation should be negotiated. Under the bills being considered by this Committee -- Assembly Bill No. 2634 and Senate Bill No. 1580 -- mobile homeowners who decide to create a homeowners' association would be given the right of first refusal to purchase their park, if the owner decides to sell it.

Mr. Chairman, I am here today to specifically urge that you move that bill. I fully support it. I endorse it. I think it is a step in the right direction, and I think it will bring about the much needed peace of mind and a major improvement in the security, people have living in our State. By allowing the creation of homeowners' associations similar to those currently used by condominium developers, this bill provides mobile homeowners with an opportunity to purchase the land they live on, while at the same time it respects the operator's right to sell property in which he has invested. By giving mobile homeowners the right of first refusal to purchase the land, we would ensure the long-range protection of mobile park space, since the land would be owned by the mobile homeowners who live there, and who would have an interest in maintaining it as park space.

We must see to it that every possible mechanism is utilized in order to ensure that solutions for park operators and mobile homeowners can be reached. In addition, we need to ensure that mobile homeownership remains an alternative to the extraordinarily expensive housing costs in our State, which prevent many individuals from realizing homeownership of another kind, or if they simply choose mobile homeownership.

So, this issue you are addressing today is one that I believe is at the foundation -- at the very foundation of peace and security for people who live in mobile home parks. I would hate to live with the terror of thinking that the land could be sold right out from under me and the home where I live, and I sympathize with the plight these people find themselves in.

I thank you for taking the suggestion I made in bringing your Committee here, which as the Committee Chairman, you did not have to do, and I thank Mr. Singer for joining your panel, and Mayor Cottrell, who has visited with me at great length on these issues. I am very pleased, as the Speaker of the Assembly, to put my endorsement on these bills. (applause)

ASSEMBLYMAN KELLY: Thank you very much, Mr. Speaker. I wish you success in all of your political activities.

SPEAKER HARDWICK: Thank you.

ASSEMBLYMAN KELLY: You know, I have a lot of names here, and I just want to state a fact: I hope you are not all going to tell me the same thing. What I'm saying is, I wish one of you would represent-- If you all have the same words, want to say the same thing, it is better to have one person come up to speak. With that, I will call up Iris Ruckie (phonetic spelling). Am I pronouncing it correctly? (no response)

I R I S R U C K I E: Thank you very much, gentlemen, for taking your time to come down here to listen to us.

Gentlemen, while municipalities around the State are still scrambling to meet their quota of low- and

moderate-income housing, little thought has been given to existing affordable housing. Mobile home parks are slowly being wiped out by out-of-state investors, who purchase them with the intent to evict the residents and redevelop the land.

All that is required by State law if a park is sold for change of use, is an 18-month eviction notice. Fancy yourself, with thousands of dollars invested in a home, being told that you must remove it from the piece of land it sits on; this without any compensation or help in finding another spot to locate your home on. Unfortunately, in this State, park owners will not allow a used home to be moved into their park. If they have an open space, they want to be able to sell a new unit.

Our experience has shown that in parks that have closed, as an example, in Old Bridge, Bayonne, Marlboro, two currently in Wall Township, and another in Somers Point now working on their 18-month eviction, homeowners have had to dispose of their homes at 10 cents on the dollar value, for shipment to neighboring states, mostly as vacation homes. This forces senior citizens and low-incomers onto the burgeoning list of applicants for affordable housing. Every such eviction neutralizes the construction of new affordable housing units.

These two bills are copied from Florida and California, and some other states, primarily to foil the speculative investor groups. Also hurt are the young marrieds, who cannot afford a site-built home, but can build equity toward a down payment on a site-built. Loss of that equity can set the young folks back a decade. Ironically, the Mount Laurel II ruling specifically picks out mobile homes as the ultimate in affordable housing, but without the protection of these two bills, we are losing this type of affordable housing.

Two of our board members at the time were on Senator Bill Hamilton's Mobile Home Study Commission. We found that in New Jersey, new mobile homes were sold at mark-ups from 25% to

95% over the manufacturer's delivered price to landlords. Landlords repeatedly told the Commission that this was to defray the costs of preparing each site for specific mobile homes.

Now, while concern for a landlord's right to use his property as he pleases is laudable, his right to arbitrarily destroy the value of mobile homes that he or a predecessor sold, is highly debatable. I think it is virtually fraudulent. In addition, it is notable that the aggregate market value of the mobile home in the majority of parks is substantially greater than the value of the real estate itself. A landlord is really at risk if prevented from maximizing his profit at all costs, where mobile homeowners are at risk when deprived of their homes.

When any government agency evacuates homeowners from their property for change of use in the public good, the homeowners are held harmless. If the letter of the law does not apply this principle to private landlords, it is a loophole that ought to be closed, particularly if the landlord chose, among other options, to build or buy a mobile home park, and sold homes in a very tight market where the buyer had to buy from the landlord, rather than bring one in from the outside. In effect, the landlord's mobile home sites are tools to entice purchase of mobile homes. Remember the story, "Come into the parlor, said the spider to the fly"? Mobile homeowners in this State have found themselves in the same situation.

On the right of first refusal, if a park is for sale in Delaware, Florida, California, Arizona, and Vermont--Co-ops have been established in the parks where the folks had the right of first refusal, and they purchased their parks. Incidentally, maintenance fees are substantially lower than the rent being charged at the time of takeover. This provides a cushion to help mobile homeowners handle the financing.

New Jersey State Library

The mobile homeowner today still battles "the trailer image" of the '50s. This is because the general public, and our elected officials, have not bothered to drive through some of the beautiful parks in New Jersey, such as Deer Brook in North Brunswick, Clearwater in Spotswood, and Silver Meade in Freehold Township, where I have lived for the past 20 years. Yes, 20 years, gentlemen, and my home today is in excellent condition, and I am proud of my mobile home. God forbid that I should lose it due to sale for change of use.

Thank you for listening.

ASSEMBLYMAN KELLY: Donald Cassoff?

D O N A L D C A S S O F F: Thank you, Mr. Chairman, Mr. Singer. I will cut my remarks short, per your request. You have heard from Mr. Pascale, Speaker Hardwick, Ms. Ruckie, but on behalf of the tens of thousands of mobile homeowners in the State of New Jersey, I welcome this opportunity to ask you to pass on to the Assembly floor these two bills, that mobile homeowners will have protection in their affordable housing and their life investments.

Under the eviction, compensation, relocation bill under present New Jersey law, the desire of a mobile home park owner to permanently retire the park from residential use, or use as a mobile home park, is sufficient grounds to compel the tenants to vacate with 18 months notice, but they are not entitled to any compensation or relocation assistance from the owner. But, where in New Jersey does a mobile homeowner go? For the mobile homeowner forced to relocate out-of-state, or at a great distance, disassembling and moving a mobile home is extremely difficult and prohibitively expensive. The homeowner is faced with the loss of his or her investment in the mobile home.

Mobile home residents face a growing problem because, while escalating land values entice more park owners to sell, no communities allow mobile homes to set down stakes. This

proposal would require assistance or compensation from the mobile home park owner.

Mount Laurel II, as you have heard from past speakers, regards mobile homes as a last resort for affordable housing. It is counterproductive to permit existing mobile homes to be eliminated from the market. Two groups comprise the majority of mobile homeowners: Senior citizens, many who are on limited incomes, find them affordable housing; and young marrieds find them the only affordable homes with which they can build equity toward a down payment on a larger home. Thus, closing out a park wipes out the equity of young couples, and forces many senior citizens to God knows where.

Seven mobile home parks have closed in this State recently. We urge your passage expeditiously, so the harassment of New Jersey's mobile homeowners will cease.

The right of first refusal bill: This proposal, as you know, would give mobile home park residents the right of first refusal in the event the park is put up for sale. This legislation represents an effort to strike an equitable balance between the tenancy rights of mobile home residents and the property rights of the park owners. Again, the displacement of mobile home parks is, indeed, a growing problem in New Jersey, and requires action by the Legislature to protect the interests of everyone involved.

The passage of these proposals will give mobile homeowners a chance to set and control their own destinies. This proposal, as Ms. Ruckie said, is modeled after a foreign statute, where it has worked very successfully for both the park owner and its residents. We urge you, Mr. Chairman, to pass these two bills for the mobile homeowners in the State of New Jersey.

Thank you for your time, sir.

ASSEMBLYMAN KELLY: William Palmer?

W I L L I A M P A L M E R: As well as being consultant for the Mobile Home Association, I am also a member of the Affordable Housing Agency in South Brunswick. So, Mr. Singer, I think you will be interested in my problem.

Some added figures: The Monmouth Mobile Home Park is on Route 1 in South Brunswick. It was recently appraised at \$6 million, if there were no mobile homes on it. Two hundred yards down-- I'm sorry, I can't read notes. As I have told you, I am functionally blind.

If the mobile homes were conservatively appraised at \$30,000 apiece -- which is conservative -- the mobile homes in the park would have a gross value of \$8.5 million, against the \$6 million for the park itself, at the inflated prices that now exist on Route 1. Two hundred yards down Route 1 from the Monmouth Mobile Home Park, the Affordable Housing Agency is considering helping along with the building of an apartment house called Coventry Manor, which is to hold 136 subsidized apartments. If Monmouth Park was closed for change of use without any compensation, at least 50 of the occupants of Monmouth Park would be instant applicants for Coventry Manor. That would nullify up to 50 of the apartments that are being so difficultly obtained from the developers in that Township.

Now, as far as the sanctity of the park owner's land, you gentlemen may be familiar with the Hawaiian situation. As you know, in Hawaii, most of the developable land is owned by a very few people; an oligopoly, they call it. The Hawaiian Legislature established an agency that could-- Or, I should go back. First of all, the people who own the land in Hawaii rent it. You can't buy land there to build a house on. You have to rent it from one of the members of the oligopoly. Then you build your house on it, and you also pay for the infrastructure on it. So you have an investment not only in what is on the land, but an investment in the ground. This is comparable to the kind of investment that mobile homeowners have had to make in getting a piece of land to put their mobile homes on.

The agency in Hawaii is given the authority and the practice of condemning the ground under homes, and paying a fair price to the oligopoly. Incidentally, they are taking this procedure so that the oligopoly people won't have to pay excessive capital gains taxes. They condemn the property, pay the fair market price for it, and then sell it to the owner of the house that sits on it at 103% of what they paid the oligopoly member.

I think the rest of the points I might have made have already been covered by Don and Iris. I thank you for listening.

ASSEMBLYMAN KELLY: Dorothy Burns?

D O R O T H Y V. B U R N S: My name is Dorothy V. Burns. My husband and I reside in Fountainhead Park, in Jackson.

Having lived what I deem to be an honest and productive life, raising three daughters to womanhood, I find myself in a quandary as to why, at my age and station in life, it is necessary for me to more or less have to fight for my rights as a citizen. You will please take note that I did not say "senior citizen."

Mind you, I am not asking for any handouts. I just want to continue to live the remaining years of my life in peace and contentment, thankful for my health and that of my husband.

When my husband and I moved to Jackson from North Bergen, we thought we had it made in the shade, so to speak. We literally believed the sales pitch expounded upon by management. We were set for life. We had nothing to worry about. It was not too long before we realized that we were sitting on a bed of hot coals. Our home and our plans for a happy, carefree retirement were in jeopardy. The very land we were renting could be sold right out from underneath us. What could we do? Where could we go? No other park will accept our home, however new it is.

My husband and I are very proud people. We have been fortunate during the years to have had good employment, enabling us to keep our heads above water and not be dependent on anyone or any agency. We want to continue to be able to live our lives in moderate comfort and ease.

This can be possible as long as there are laws to protect us and our rights. The passage of these bills will assure us of this. It would take nothing away from the landlord. He would still have the rights and privileges that he is entitled to under law.

Commissioner Villane of the State Department of Community Affairs, in Sunday's Asbury Park Press, said that New Jersey is in the midst of the biggest and most dedicated initiative program that would assist moderate- and low-income citizens into affordable housing. Mobile home housing is, indeed, low-cost and affordable housing at its best. It is right within the Governor's grasp.

But being able to purchase a mobile home is not enough. It is not the total answer. We must have laws to protect mobile homeowners. The passage of these two bills would guarantee mobile homeowners their rights.

We are not seeking preferred treatment or services from the landlords. We are willing and able to pay our fair share. The landlord has a right to expect a fair return on his investment. We want to be treated as the decent, honest, law-abiding citizens that we are. We are not second-class citizens living in crates relegated to some back alley. We worked long and hard to get where we now are; worked hard to be able to afford our homes, and we want to keep them.

We implore you to do all within your power to see to it that these two bills are moved out of Committee, posted for a hearing, and ultimately enacted into law; a law that would give us peace of mind; a law that would make us equal; and finally, a law that would restore our faith in the democratic system that this country was founded upon.

Thank you.

ASSEMBLYMAN KELLY: By the way, what part of North Bergen were you from?

MS. BURNS: I lived on 74th Street.

ASSEMBLYMAN KELLY: Oh yeah, I had some friends who lived on 73rd -- many years ago. . .

Roy Curtis?

R O Y C U R T I S: (speaking from audience) Everything has been said that I would have said.

ASSEMBLYMAN KELLY: Thank you. Gloria Fanarro? Am I pronouncing that correctly? (no response) No? Howard Gill?

H O W A R D G I L L: I am Howard Gill, 60 Alissa Terrace, Jackson, New Jersey; Oak Tree Park, as a resident.

Mr. Chairman, representatives, I want to thank you for your presence here today. I appreciate your interest in the announced two bills. I now offer my opinion on this matter. I know that other people have spoken, and I just want to make a brief comment about where I stand on these two bills.

I am 100% in favor of notification, in the event it is given by the mobile home park owner that he intends to close the park, and the owner is to provide the coach owner/tenant with relocation. I am in favor of that proposal in that bill, as presented.

The second part of the first bill regarding compensation to the coach owner/tenant -- park resident -- I am 100% in favor of this bill also -- this part of that bill. It is based upon the park owner's written advertisements that it must be paid in full compensation, plus expenses, to the coach owner/tenant as though the park was not closed. I am in favor of that presentation and that bill also.

On the second bill: I am 100% in favor of this bill also, where the park residents are given first opportunity to buy the park, if the owner decides to sell.

However, my main objective and thrust here today is based upon these two bills, whereas on February 27, 1989, documentation was submitted to the governing body of Jackson Township of input for a request of rightful entitlement, based upon the facts therein. Before the meeting, I gave each one of you gentlemen and ladies a copy of our presentation of input that we made to the Township on that particular date. I would appreciate your reviewing those copies.

Now, this is my opinion: We can sit here all day, or all year, and talk about right of refusal, relocation, and other matters, but I think we are missing one of the most major points of these two particular bills. We've got documentation to prove our particular points that we are making here today. My opinion to the representatives here today is that it is within the purview of the New Jersey State government to support the local government, the right to govern, and establish, in an orderly manner, the proper zoning of mobile home parks, as adopted February 27, 1989 in the Township of Jackson.

As I said, we can sit here all day and talk until we are blind and our ears are swelled out about all what we can or cannot do. I think if we want to strengthen the two bills before the Assembly, we should support the local government in its adoption of these particular bills and the input we gave.

Now, I have documentation here, as I said, and I gave copies to the representatives. This is what angers most of us senior citizens. I have no authority to speak on any other place or any other park in the State of New Jersey, but I do make reference to the two particular parks right here in Jackson.

The first one -- and the Assemblypeople have a copy of this input-- We just didn't come down here to buy a mobile home in these parks. We were enticed; we were invited; and we were told that it was for a long-term investment -- with

longevity. Now this is in written documentation put out by the park owners themselves. Don't ask me, on one hand, to invest \$30,000 or \$60,000, and then the park owner is looking for the right to say, a year or two later on down the road, "I want you to move out, and vacate from these premises, because I have another use for the land." He has taken this money in a shady manner, as far as I, personally, am concerned.

Now, the second park involved here is Oak Tree Park. It stipulates right here (holding up flyer), in black and white -- you can't miss it: "A new concept in retirement living." Now, this is the park I reside in. When I came down here, I was a little concerned about whether or not -- since it was not my land -- the park could be sold. I was given a copy of this, and, "Don't worry about nothing. This is a mobile home park. It is licensed. It is recognized by the State. It is recognized by the local government. It is a new concept in living, and you will have longevity in retirement living."

This is the whole essence, as far as I am concerned: If you people in the Assembly want to strengthen our hands and strengthen the hands of these bills, then follow-up and support the local government, which adopted a proper zoning, which was long overdue. We now have it, and we want your support in backing up the local government at the State level.

Thank you very, very much.

ASSEMBLYMAN SINGER: Before you leave, Mr. Gill, I understand your concept about backing up local government, and being the Deputy Mayor of Lakewood, I appreciate that. But you have to understand something: If you do things by zoning in local government, zoning can be changed -- period.

MR. GILL: That's true, but--

ASSEMBLYMAN SINGER: That is why it has to be done on the State level, so this cannot happen. You know, you are very fortunate right now. You have Mayor Cottrell and a Township governing body that understand your problems, but that can

change overnight. I am only saying to you, that is why these laws have to be made in such a way that it is not up to whoever is sitting in the mayor's seat, or the committee seats that year. It has to be permanently something where the only way it can be changed would be by going through a lengthy process through both houses and the Governor, which is very unlikely to ever happen. That is why we want to put in the factor that it has to be done statewide, not just going out for local zoning. It is very important to understand that.

MR. GILL: If I may have just a brief moment to follow-up on your comment-- I agree with you that the zonings can be changed, but I doubt very much if they can be changed when I am enticed to buy down here and invest my life savings, and then they turn around, and say, "Now the zoning is changed." All these parks have been zoned for many years as mobile home parks. We were told they were zoned for that. We invested on that basis. Then don't turn around and say, "You've got to move, or vacate."

ASSEMBLYMAN SINGER: Your argument sounds correct, but unfortunately it is not. You can buy a house in a residential zone, and someone can come in and say they want to build a shopping center across the street, that is residentially zoned. And they can come in front of the board of adjustment, and say, "We want to do something about this," and get a variance to build it.

What we are saying to you is, the strength has to be statewide, to say you can't do it. That's why, if you heard my original conversation with Connie Pascale, when he first spoke-- I believe 100% in what you're saying. You have been enticed to come down here to live the rest of your life. You don't want to move. There are a lot of fallacies in movings. First of all, if you talk to people who manufacture the mobile homes, or the manufactured homes as such, they are not designed to be picked up and moved. If they have been sitting in the

same spot for 15 or 20 years, it is a fallacy to think you are just going to pick them up and put them someplace else. That is not going to be.

Second of all, the most important factor is, you decided you wanted to live in that particular area, in that particular part of the State, and you have the right to do so. So not only do I believe in the right of first refusal, I think it should be stronger than that. I really believe we are going to look at -- and I asked Connie to look at-- For example, what we have is senior citizen protection in rental units. We should look to have senior citizen protection in mobile home parks, the fact being that you cannot be put out of that park -- period. (applause)

MR. GILL: Well, Mr. Singer, would it be asking too much of the State Assembly, or the State government, to support the local government in the proper zoning of these parks? Why should we have one set of rules for the State, and another set of rules for the local government?

ASSEMBLYMAN SINGER: Again, we are getting into an argument about whether it is the local jurisdiction or not. The best way to handle that is with a statewide law, as is being proposed -- period. If you are going to get involved in local zoning, you are taking on a whole different situation. I have to tell you, we are going to be sitting here with the League of Municipalities and a lot of other people, talking about whether we are usurping home rule or not. The way to handle this is to make sure in these two bills at the start -- to say, if you are going to sell it, the homeowner has the right of first refusal; and if you are not going to sell it-- If they are not going to exercise that right, then you certainly have to compensate them for moving to some other place.

This is the start; not the finish, the start -- the first gear of your protection.

MR. GILL: I agree with you, Mr. Singer. I think it is also a start, to support the local government. Thank you. (various responses from audience)

ASSEMBLYMAN KELLY: Hold it; hold it; hold it. Don't get excited.

How about Mr. Bob Stewart? Is there a Bob Stewart here? (no response) Judith A. Thornton? (no response) They represent the New Jersey Manufactured Housing Association. They don't want to talk? That ends that one. Gail Bopp? (phonetic spelling) Did I pronounce that right? (inaudible response from audience)

G A I L B O P P: I speak much better on my feet, so-- I am Gail Bopp, President of Fountainhead Mobile Homeowners Association. I will forego the 42-page speech that I-- (laughter)

We need this legislation very badly. We in the State of New Jersey must have this legislation, I understand, before June, because otherwise it is going to take another two years. And we cannot afford to wait another two years.

Thank you.

ASSEMBLYMAN KELLY: Edward Krobinik (phonetic spelling)?

ASSEMBLYMAN SINGER: Mr. Chairman? Ms. Bopp, I agree we need this before June, but that is not correct. The session ends the end of the year.

MS. BOPP: Okay.

ASSEMBLYMAN SINGER: But we need it before June, because another season comes in of building and everything else.

MS. BOPP: We need it tomorrow. (laughter)

ASSEMBLYMAN KELLY: Okay, Ed.

E D W A R D K R O B I N I K: Mr. Kelly, I thank you, and the ladies and gentlemen, for coming. We appreciate this.

I am not going to make a big speech; I am just going to go over some things. I'm not an elegant speaker. I just

retired two years ago, and I get an adequate pension, but some of the people sitting behind me, are way below me.

Now, they talk about relocation. I don't care what the park owner says, or what anybody else says, it is going to cost the people in here money to relocate. When it comes to buying a park, I will just give you a couple of instances.

When they first came out with home equity loans, just for the fun of it, I went down to the bank, and I said, "How about giving me a home equity loan on my house?" "Where do you live?" I said, "I live in a mobile home." They almost ran me out of the bank.

Now, if we don't own the land, and we want to buy the park, we are going to have to go over to Iran to get the money off of Khomeini, because nobody in the State is going to give it to us. Am I right or wrong?

The second thing is, when you buy a mobile home, it is under the Division of Motor Vehicles. If you get a loan -- any kind of a loan-- Yes, if you get a loan on your home, you are under-- It is the same as getting a loan on a car. The interest rates are sky-high. That is another thing that has to be looked into. So the cost factor of relocating or buying a home is way beyond our means. No way can we compete with those prices, because where are we going to get the money in the first place? And the age factor. Some of these people are 70 years old. If they go to the bank and ask for a \$5000 loan, they aren't going to give it to them, unless they have a lot of collateral. If you have collateral, what the hell do you need a loan for? Am I right or wrong?

Now, we have variances in this town; we have ordinances in this town. The town just passed an ordinance to try to protect us from-- They zoned our park for just rezoning. Now, these things-- You can shoot holes in the ordinances in this town. It took me six years fighting with DEP and the State to get our water pressure up to normal; six

years with the DEP, and the town didn't have anything to do with it, because it is a public waterworks, and everything.

Now, if some smart lawyer goes in, he can shoot that ordinance full of holes. Your variance and your zoning goes with the property when you buy it, and when you sell it-- How it works-- I think a smart lawyer can shoot that down.

What Mr. Gill was talking about, Mr. Pascale, and a few other people here-- If we could have the Township committee write a letter to the Assembly or to the Senate, and take this ordinance we have and adopt it into the State law, I think that would make it more binding, with the permission of the Township. That way there, you wouldn't be taking away any home rule. Do you follow me, Mr. Singer? Is that plausible?

ASSEMBLYMAN SINGER: I follow what you're saying, but it is not the way things normally go -- in that direction. We can accomplish what you want to accomplish in other ways. We don't, at the State level, take something that was zoned in the town, and then make it a State law in that particular town. It does not work that way.

The answer is, we've got to pass laws such as these and additional ones, to protect you no matter where it is, no matter what the zoning is. See, the problem you have is, the Township changed the zoning to protect you, but it was another zone before that. And as they had the right to change the zoning to protect you, the owner can go to court and fight that, and say, "I bought it one way, and now they changed the zoning on me." We've got to protect the rights of the owner of the mobile home -- period; not the park, of the mobile home itself. That is where the direction and the thrust really should be. I think we would get a lot further, no matter what the zone is.

Then it becomes very unimportant what the zone is, if you have certain rights as a mobile homeowner. That is what we have to establish. That is the whole key to it: Establish

those rights; protect you as a mobile homeowner, so that they can't sell your property out from under you; make sure that you have the right to stay there as long as you want -- period. That will solve your problem. You won't have to worry about what they do with the zoning.

MR. KROBINIK: Even if the town fathers say it is all right, you can't do it. Let's get back to the cost. We couldn't afford it, if we wanted to buy the park, at \$3 million or \$4 million. No way people can afford that, when they are on a fixed income, and have no collateral. So, you've got to strengthen that bill somehow.

ASSEMBLYMAN KELLY: If these bills become law, I can assure you that bankers would be deeply interested in your property, because it is not going to go anywhere. I know I shouldn't say that, but I speak as a savings and loan president. I know those are bad words right now -- "savings and loan" -- but I'm telling you the truth. They would have an interest in it then. This is a good bill.

MR. KROBINIK: You mean they would have an interest in our homes, not the property?

ASSEMBLYMAN KELLY: You would be able to get an equity loan tomorrow, if they knew that land wasn't going anywhere. Believe me when I tell you that.

MR. KROBINIK: That's all I've got. I thought maybe we could help with the Township fathers and incorporate something; write to Trenton, and maybe incorporate something in your bill, but I guess that can't be done. That was my thought.

Thank you very much, and thank you for coming.

ASSEMBLYMAN KELLY: Okay, Ed. Joseph Nilson (phonetic spelling)?

J O S E P H N I L S O N: I'll make mine short and sweet. I just want to say this: Mr. Singer, you know I have called your office several times, and you have been in sympathy with what I am talking about, and that's this: Every time I have attended

committee meetings in Trenton, gone to the expense and time, and testified on what is right for the widows in these parts, who own their mobile homes so they can live on Social Security for the rest of their lives without being a burden on the State -- and you agreed with me on it -- the committees vote, almost unanimously in our favor, and they send it to either the Senate or the Assembly for a final vote, and the leader of either the Senate or the Assembly turns around and pockets the thing. The end of the year comes, they go on their Christmas vacation, and they forget about the bills, and they never get anywhere. (applause)

All I ask, in sincerity, fellows, is, will you please push these bills through, and not let them die a natural death. (applause)

ASSEMBLYMAN SINGER: First of all, your point is very, very valid, but I think today you hit a home run, because the gentleman who was the first speaker we heard, was the man who is in charge of seeing which bills get posted and which bills do not. I think today you got his commitment in support of the bills. So, that is a home run.

MR. NILSON: Right.

ASSEMBLYMAN KELLY: Wilson A. Rex?

W I L S O N A. R E X, J R.: My name is Wilson A. Rex, Jr., and I live in Raymor Mobile Park in Toms River, Dover Township. If you haven't heard anything before me, I can't add to it, because everybody said just about what I was going to say, divided among about six or eight people.

But, I disagree with Mr. Singer on the zoning. I, and a colleague of mine who lived in Midwood, were responsible for the zoning being changed in Dover Township for mobile home parks, and mobile home parks only. Unfortunately, we don't have anybody on city government in Toms River, Dover Township, at this time to refute anything that Mr. Singer has said about zoning being changed. The way I feel about it, we fought for

that zoning, and it was given to us. It only took two-and-a-half months to put it through. We went home on the 22nd of December, feeling very good and very happy that we were going to have our homes over our heads for Christmas.

Now, he said that the zoning can be changed. How about this? Zoning can be changed, but if it isn't changed, it is better than what the State is giving us now.

ASSEMBLYMAN KELLY: Sir, we have no problem with the zoning. What we're saying to you is, you changed the zoning to protect yourself. Well, four or five years from now, you can have different management running the town, and they can change the zoning again. That is why this particular legislation would prohibit that.

MR. REX: Let me ask the Mayor of Jackson a question on that. He knows me, and I know him. He and my daughter are very good friends.

ASSEMBLYMAN KELLY: You can ask him a question, but I don't know if you will get any answer.

MR. REX: I am just wondering-- You just had a change in the zoning in Jackson, did you not?

MAYOR COTTRELL: (speaking from audience) Yes, we did.

MR. REX: Now, comes the next election, and somebody says -- as Mr. Kelly just mentioned-- If a change is made in the zoning, and it is turned back again to where it is not going to be any good to the tenants, would you walk around the streets of Jackson happy?

MAYOR COTTRELL: Sir, I happen to be in favor of mobile homes. But what I think everybody is saying is, down the road, there is the possibility of someone taking office who might be in favor of the landlords, who may change it back to what it was. What they are trying to tell you is, at this present time there are people on the committee who are in favor of the mobile home ordinances. That may not happen down the road. (remainder of Mayor's statement indiscernible; no microphone)

ASSEMBLYMAN SINGER: I don't want you to misconstrue what was said. What was done in Dover Township to protect the mobile home parks, what has been done in Jackson, is excellent, and does afford you protection -- very good protection. But it is not permanent protection. The reason why it is not permanent-- You're right. Does it make good sense for someone to want to change it? No, it doesn't. Does it make good political sense for someone to want to change it? No, it doesn't. But we don't want to leave it up to the whims of whoever is sitting here governing your town, whether it is this week or six years from now. That is why we need this from the State level, so it will not be up to somebody in a local municipality to make that decision. We want to protect you permanently, so there is-- (applause interrupts Mr. Singer here)

But, what you did in Dover, just as the people did here in Jackson, was excellent. You brought about that change by bringing it to the attention of your committee, by talking to your Mayor, and they responded to you. That was an excellent, excellent thing, and I have to compliment you on that, and the people in Jackson are doing it, because you have good elected officials on both sides of the aisle, who did the right thing.

But what I want you to thoroughly understand is, we want to afford permanent protection, to make sure that it can't be changed. Secondly, for those towns that do not have the quality of leadership that you have here-- We want to make sure that those people are protected also. Okay? (applause)

MR. REX: Well, as I leave here today, I urge you on to get this out of Committee, get it into the Governor's Office, and let's have a law on it.

ASSEMBLYMAN KELLY: James Flemming?

JAMES FLEMMING: First off, I would like to thank the Committee for coming here this afternoon and listening to

our voices. I am hoping that this bill will be taken out of Committee and passed, because we need it very seriously.

I have a little different way of going about this in telling you some facts. I live in Maple Glen Mobile Park. I have gone through courts fighting eviction notices. Right now, my park owner has gone four years without a license to operate the park. Our park had violations, but could not be given any violation citations, because he had no license to operate the park.

We need something, some kind of law passed to protect us. The fact is, my park owner does not have any insurance on the park. I have been told that this is not a law, but he does have to have it. I think the State should come in and license the mobile parks in this State, not leave it to the townships. This is State parking, and I feel they should set up regulations for these owners to abide by.

The fact is, I am not speaking just for senior citizens; I am speaking for every mobile park homeowner. I feel that something should be done very seriously, before this gets out of hand. I hope this bill will be taken out and something will be done to try to protect us.

ASSEMBLYMAN KELLY: May I ask you a question? Maple Glen-- What town is that in?

MR. FLEMMING: Jackson.

ASSEMBLYMAN KELLY: It's right here? Oh, interesting. Okay, thank you.

Bob, do you want to respond to that?

ASSEMBLYMAN SINGER: No, thank you.

ASSEMBLYMAN KELLY: No, okay. John Litwin (phonetic spelling)? Is there a John Litwin here?

J O H N L I T W I N: Yes, there is.

ASSEMBLYMAN KELLY: Hi.

MR. LITWIN: Gentlemen, I am very happy that you have come down here to hear our problems in Jackson. But the only

thing is, most of these people have already covered all the ground I was thinking of covering, so I will dispense with that.

The only thing I want to say is, as a spokesman for Southwind Mobile Home Park in Jackson, we do support the compensation for the mobile home park tenants when the park is sold practically out from under them, and also the other bill. We will be contacting our representatives to see that they will support these bills when they come out of the proper committees.

Thank you.

ASSEMBLYMAN KELLY: Theresa McKensey (phonetic spelling)? Come up and sit down and relax. That's it.

T H E R E S A M c K E N S E Y: I want to face the audience. (turning away from microphone)

ASSEMBLYMAN KELLY: Face the audience.

MS. MCKENSEY: I am Theresa McKensey. Thank you for receiving my note. I live in the (indiscernible) Trailer Park, Wall Township, and I am about to be evicted. What we are going through in that park, I hope none of you ever have to go through. As senior citizens, it is demoralizing. We have until May 1. Our landlord threatens to haul our mobile homes out. Where he is going to put them, we don't know.

We started work on this shortly after we got our 18-month notice. Then we met with this owner of ours, and he promised us that he would sell it as a trailer park. He even told my husband, "It is going to be sold as a trailer park." We even had a buyer for it, another man in the trailer park. All of a sudden, he canceled everything out, and we have to move.

In the meantime, he appeared at the municipal Township meetings in the town. Wall Township is in need of affordable housing. They say they don't need it, they don't want it, but I understand that each section must have it. A man who is an owner of a mobile home park on Route 35, wanted to expand his mobile home park, and he said he would take us. Well, that was

canceled out. They are going under the Mount Laurel project. They are expanding. They promised us 14 wides, two bedrooms. Most of us living in the trailer park right now, appreciated it.

I have been living in a mobile home for 35 years. I love it. I didn't have to raise my children. My children are old enough to-- One son is with his grandmother; the other son went into the service after his second marriage. I find it delightful. I have great neighbors. They are a bunch of select people. I call them select. We have newlyweds, paying off their used mobile home, and then we have to destroy it.

Right now, we are in a dilemma, because we are told-- We looked at a 12 by 40 wide. I walked in and walked out. I don't know where they are buying these from -- Pennsylvania someplace -- but they are not adequate. I have more living space in the home I am in now. It's 12 wide by 43. If we go into this trailer park, or mobile home park, we have to buy what they are telling us to buy. I have better friends in Russia. I don't think they can do that to us. We are using our money. We are on a low- to moderate-income, which I was never classified before, being a retired Federal employee. My husband is a retired mailman. We are living comfortably. We are not big spenders. We spend on our family. I have eight grandchildren, five great-grandchildren.

We have to move; we know that. But if these bills, sirs, are passed before our May 1 deadline, we will be saved. We know eventually we will have to pass, but these bills will give us some of our money back on our existing mobile homes.

That is the spot we are in. We are several seniors, living alone. There are not too many family people, but there are some young couples in there. What else can I say? Please don't let this happen.

ASSEMBLYMAN KELLY: For my own edification, I am just curious-- All of you look like you are mobile homeowners. I am just curious, how many of you bought your homes from the landlord? I am just curious.

SEVERAL VOICES FROM AUDIENCE: We all did.

ASSEMBLYMAN KELLY: Okay. See, I'm not too familiar with mobile homes. This has been very enlightening.

With that, no one else has signed--

MS. PARKER: I asked Debbie (referring to Ms. Smarth from the Assembly Majority Staff) to put my name down.

ASSEMBLYMAN KELLY: All right. Come right up.

MS. PARKER: I am Dora Parker, from Jackson Township. Thank you, Mr. Chairman, Bob Singer, Mayor Cottrell, Tom Kennedy, Debbie, and everyone else there on the panel.

I do not want to be redundant, but I will be for a little bit. It is a most important piece of legislation, that is desperately needed, and I will give you some background.

But first, before I say that, in my letter -- Mr. Kelly, you are probably calling me a pain in the butt, with all the mail I have written to you--

ASSEMBLYMAN KELLY: No.

MS. PARKER: If you did, you made a point, and I would be happy to be called that. I will say, with these bills, time is of the essence.

I just want to go back to 1986. This was a letter from the Public Advocate, David Sciarra, to Jud Thorne, who is the Director of the Office on Aging in Monmouth County. I contacted him about this meeting. He couldn't make it today because he had another appointment. But this was in reference to Shady Lawn and Paradise Mobile Home Parks. Both of those parks were in jeopardy of being closed. So, Mr. Sciarra wrote to Mr. Thorne with reference to the possible closing of the above parks: "I enclose for your information Senate Bill No. 2625," which was the first bill that was put in. That was put in for the protection of the mobile home; an identical bill to the one that came from Florida to Senator Connors. It had been put into legislation, but it laid in legislation. This was December 30, 1986. So you can realize how far back we go with the need for this protection.

Our Township did pass a zoning ordinance which was most important. We fought for that for many, many years. It was a unanimous decision by our committee people, and we thank every one of them for it, Mayor Cottrell. It was unanimous by a bipartisan vote. That is an important issue.

Another thing, with your permission, Mr. Kelly. I showed you this letter before. Mr. Kelly, with your permission, I showed you this letter before.

ASSEMBLYMAN KELLY: Go right ahead; I'm listening.

MS. PARKER: Thank you. This is from Phil Rubinstein, Office on Aging: "Dear Mr. Kelly: As the Executive Director of the County Office on Aging, I respectfully address you regarding the great need of passing important legislation, namely S-1561 and S-1580. The elderly and our younger people who reside in the large amount of mobile parks in our area have been penalized and taken advantage of over and over again by the mobile park owners. People buy a mobile home with the ultimate desire for security and stability, and with the desire that, 'This is my home, and no one has a right to push me around.'" This is exactly what everyone has been saying here today.

Well, the residents of our mobile parks do not enjoy these rights. "Human beings should have a bill of rights, and your Committee and the Legislature of our State can give them this bill of rights by passing S-1561 and S-1580, and let them live in peace. Phil Rubinstein."

I have contacted those people because I knew this meeting was going to take place. I contacted Connie Pascale, who is an advocate of housing. This is something that is a joint effort by everyone in this audience. It is not by any individual person, any individual group, but we mobile homeowners.

So, please, I implore you, pass these bills. Get them before the Assembly, and see that they are passed. I know we

have Mr. Hardwick's endorsement now. Thank you very much.
(applause)

ASSEMBLYMAN KELLY: Thank you, Dora. Yes, sir? Come right up. (speaking to a gentleman in the audience) I usually run very informal meetings. Come right up, sir.

UNIDENTIFIED SPEAKER: I would just like to say that when this stuff does come up on the floor of the Senate or the Assembly, if you need some bodies, we will gladly show up.

ASSEMBLYMAN KELLY: I think Dora will take care of that. (laughter) With that, I think this hearing will adjourn, because I see no others. Okay, there is one person here who would like to say a word or two. Come on up, sir. Come up here, where we can record what you are going to say.

J O H N G O D U L I N: I appreciate you gentlemen coming. I am a newcomer to the trailer courts in New Jersey. I am a former resident of Lakehurst, New Jersey -- 14 years. I knew the guy that I am renting from at the present time, that is, renting the land from. I moved here. I could not come into the trailer court. He was off on a skiing trip. I was informed that I could not move in until he got back. I owned the trailer, but I could not move in. I had a U-Haul heading this way, with my sons and my property -- on its way here. I was sick. I came in here last April.

Today, we have already had one raise in the rent. I think we now, not trailer court-wise, not county-wise, not borough-wise, but State-wise, we need rent control. I think we need that; we need it bad. Not for just the trailer courts, but for all personnel. The available housing for the young is nil. They are stuck in villages, like the one out on Beckerville Road. If you don't believe me, gentlemen, go out and visit my grandson's home. It's \$500-and-some a month, a World War II barracks. He charges an arm and a leg, for nothing but pigpens -- the whole works. There is not a street there; nothing but roll and roll as you may go, to get into the area. Okay?

With that, I appreciate you gentlemen being here. I hope we can get something into legislation to do us justice in owning our trailers. Thank you.

ASSEMBLYMAN KELLY: Dora? I think you like that microphone, Dora.

MS. PARKER: I do, I love it. Before I thank all you people up there, there is one thing I do want to say. These bills are before you now, but believe me, there shall be much more legislation. I can guarantee you that we need a lot of protection, because in '82, when I spoke to Senator Connors, and he came before Bobby -- I don't know her last name -- from Consumer Affairs, he said the mobile home people are like a crack in the floor. They are neither protected on this side or that side. So, you will hear from us in the future. (applause)

I do want to thank you, Assemblyman Kelly, Assemblyman Bob Singer, Mel Cottrell, for hosting this, Debbie, for all your backup work with me, and Tom, I know you will get to Jack Hendrickson with all that has transpired. Thank you ever so much.

MR. CURTIS: I gave up my privilege of speaking before, but I would like to address the Committee, if I may.

ASSEMBLYMAN KELLY: Okay.

MR. CURTIS: I am Roy Curtis, from the Paradise Park that was just talked about. We got 1500 signatures in our town for zoning and an ordinance. We got the zoning for the mobile home parks, and we also got rent control in our town. But, we are going through a situation now-- Before the rent control was passed, the landlords came through with a three-year lease. Originally, we only had a one-month lease in both parks. The landlord came in, in one park, with a tremendous increase of over 55% -- in one park -- and over 30% in the other park.

Now, this is what has happened to us in Paradise and the Shadow Lawn Park -- the two parks that were spoken about.

We are fighting now to go before the rent control committees, to get the rent brought back to the date of rent control. But this is the way they are harassing the tenants in the parks. One park went from \$220 to \$350; \$285 the first year, \$350, and his intention was to bring it up to \$500 the third year on this lease that he made the people sign. I just wanted to bring to the attention of the Committee why we need these two bills passed, and why time is of the essence. Make it in a quick fashion -- in quick order.

I thank you very much.

ASSEMBLYMAN KELLY: It seems to me that that place should be called purgatory or hell, rather than Paradise. (laughter)

Mayor, do you have something to say?

MAYOR COTTRELL: (speaking from audience) I would like to thank Assemblyman Kelly and his Committee for coming down here; also, Chuck Hardwick (remainder of statement indiscernible)

ASSEMBLYMAN KELLY: I will just say one thing: I am Chairman of the Housing Committee, but I was really never aware of the problems of this group until this year. That's a fact. You know, last year, we got one or two letters, really. It is this year that we were really awakened and told of your problems. I can assure you that we are not going to go to sleep. (applause)

(HEARING CONCLUDED)

APPENDIX

27 February 1989

Mr. Mayor-----Committee Members

RE: SUBJECT
Posted Ordinance #01-89
Jackson Township NJ

Our comments are in reference to above subject to amend Chapter #109 of the Municipal Code to establish Ordinance #01-89 A Mobile Home Park Zone.

First, we commend this committee for their forthright position regarding this matter by bringing this subject before a public forum.

Our opening statement regarding this subject matter is pertinent; That is, Variant Type Housing--Mount Laurel Decree--Legislative Intent--Specific Geographical Assigned Land Area for Mobile Home Parks--Documentation for Retirement Living--Long Term Investments for Home Purchase--Contingency Plan--Constitutionality--Civil Rights.

The undersigned presenters hereby submit our input for your utmost consideration during your deliberations regarding posted Ordinance #01-89 Mobile Home Park Zone Ordinance as follows:

It is a known fact that Mobile Homes are a specific type housing from the norm. Therefore, the adoption of #01-89 Ordinance is within the purview of the Mount Laurel Legislative Intent.

Documentation to the effect that buying and moving into a Mobile Home Park which stipulates therein as being a new concept in retirement living, also long term investments, which in our opinion implied, and by inference, did offer such enticement that such home owner tenants, would have longevity as a resident and would be secure in living out their remaining retirement years. The undersigned presenters enclose exhibits marked I&II to fortify their position herein.

At the time of origin of the Mobile Home Parks, and until the present time, there has been continuity of the Jackson NJ Township policy such as a variant type housing (Mobile Homes) being accepted--Encourged--Licensed--Granted Certificate of Occupancy--Specific Geographical Land Area assigned, designated, and restricted as Mobile Home Parks. Therefore, these specific land areas must remain Mobile Home Parks Zoned as intended.

Pure logic indicates that without a specific Mobile Home Park Zone Ordinance, catastrophic conditions will occur; That is,--loss of over a thousand home investments--dislocation of thousands of residents--and untold hardship cases. The above can occur if the Township of Jackson NJ officials fail to effectuate and protect the best interests and welfare of its inhabitants. Therefore, a specific Mobile Home Park Zone Ordinance must prevail.

In the event the Township does fail to establish a specific Mobile Home Zone Ordinance, then it is incumbent upon the Jackson NJ Township officials to have a present contingency plan for the reasons stated herein.

Under Sovereign Rule this governing body can enact an ordinance when there is substantial and just reason. The undersigned Messrs. Gill and Ahrens as presenters hereby submit input that directly affects approximately one thousand financially invested owner-tenants, and approximately two thousand Jackson Township residents making a combined total of over three thousand substantial and just reason for enactment of Ordinance 01-89 to establish Mobile Home Park Zone to be incorporated into Jackson Township NJ Master Plan.

In summation, the undersigned presenters, based upon facts herein request Chapter 109-4 and Chapter 109-5 must be amended as any other business enterprise to include specific Mobile Home Parks.

Over one (1) thousand owner-tenants made substantial home investments in said parks.

Mobile Home Parks are established under lawful conditions.

Mobile Home Parks are administered under lawful conditions.

Mobile Home Parks are licensed under lawful conditions.

The state of New Jersey--The Courts--The Jackson Township--The Legal Profession--The Park Owners--The Owners-Tenants know these designated areas are Mobile Home Parks. Therefore, pure logic dictates they must for the reasons stated herein be an inclusion under lawful conditions in Jackson Township 109-4 and 109-5 Master Plan as Rightful named Mobile Home Parks. Justice and the many reasons stated herein are self evident why 01-89 Zone Ordinance must be adopted and enacted forthwith.

We thank this committee for this opportunity to present our input and hope it will assist you in your deliberations.



Howard Gill, Presenter
60 Alissa Terrace
Oak Tree Mobile Home Park
Jackson, NJ



Fred Ahrens, Presenter
58 Alissa Terrace
Oak Tree Mobile Home Park
Jackson, NJ



NJMHA
New Jersey
Manufactured
Housing Association

JUDITH A. THORNTON
Executive Director
1801 Nottingham Way
Trenton, N.J. 08619
(609) 588-9040

March 8, 1989

Honorable John Kelly
484 Bloomfield Avenue
Suite 16
Montclair, NJ 07042

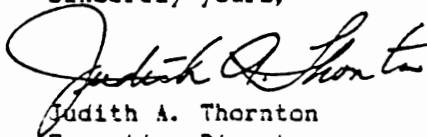
Dear Assemblyman Kelly:

S-1561 and A-2990 "Mobile Home Park Relocation Assistance" bills were introduced to address a problem that can be resolved by municipal zoning which, eliminates the need for this legislation. Relocation assistance would require mobile home park owners to relocate or purchase the homes in the park if the park were to be sold for a change of use.

Many mobile home parks had been zoned "non-conforming" use, however over the past few years many municipalities have rezoned these land lease communities for mobile home park use only. This prevents the sale of the land for another use, thereby giving extensive protection to the mobile home park residents. Jackson, Toms River, Vineland and the Highlands have recognized the need to preserve this desirable, affordable lifestyle through proper zoning. More than 700 new homes site are being developed in Vineland alone. Zoning and existing relocations assistance laws protect the home owner.

NJMHA does not advocate changing the use of land lease communities, which provide the most affordable, unsubsidized housing in New Jersey. Numerous bills have been introduced, at the Federal and State levels, to encourage the development of affordable housing, S-1580 and A-2990 would seriously discourage such development.

NJMHA welcomes the opportunity to discuss each and every concern of the park residents with you. I believe that we can substantiate that current law protects the rights of both park owners and residents.

Sincerely yours,

Judith A. Thornton
Executive Director



JUDITH A. THORNTON

Executive Director

1801 Nottingham Way
Trenton, N.J. 08619
(609) 588-9040

March 8, 1989

Honorable John V. Kelly, Chairman
Assembly Housing Committee
484 Bloomfield Avenue
Montclair, NJ 07042

Dear Assemblyman Kelly:

S-1580 and A-2634, "Right of First Refusal," would require a mobile home park owner to offer his land to the park residents, before soliciting outside buyers, and the residents must have the opportunity to match any unsolicited offers.

The problems created by this legislation are extensive. Essentially, the right of first refusal becomes a permanent encumbrance on the title which would require an insurance exclusion clause. This would further limit the already tight financing market for land lease community acquisition. Lending institutions would be reluctant to finance property, that could possibly be challenged in court for alleged noncompliance with the right of first refusal law. Who among us is to say that the right of first refusal has been absolutely satisfied.

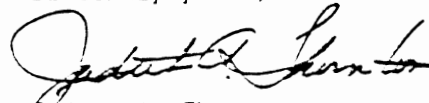
Our current free enterprise system does not prohibit a resident group from negotiating the purchase of a park. Nor are park owners against selling to the residents. They are adamantly opposed to legislation that could kill a sale and eliminate their constitution rights as a land owner.

Residents have alleged "doubling of rents", when a park changes ownership, warrants "right of first refusal" legislation. The residents in New Jersey are protected from unconscionable rent increases by New Jersey Statute (N.J.S.A. 2 A 18 - 61.1 F). With this statute and local rent control ordinances, the "doubling of rents" allegation is groundless.

Resident owned parks will not eliminate rent increase disputes. Rent increase cases, resident owner vs. resident tenant, are not uncommon.* No legislation can eliminate an increase in our cost of living. Connecticut had similar legislation in force for several years and subsequently repealed the "right of first refusal" law because of the title nightmare the legislation caused.

The risk of negative financing effects, clouded titles and the extensive dollar and time cost needed to finalize the sale, should convince you that this legislation would be very damaging. It's evident, S-1580 will not protect residents from rent increases, we frequently hear of large increases in condominium fees. Experience, is the key to a efficient, economical operation.

Sincerely yours,


Judith A. Thornton
Executive Director

6X

MOBILE HOME OWNERS ASSOCIATION OF N. J., INC.

Highlands Chapter
29 Paradise Park
Highlands, NJ 07732
(201) 291-1575

8 March 1989

TO: The ASSEMBLY HOUSING COMMITTEE, for the Hearing
March 13, 2:30 p.m. at Jackson Township Municipal Bldg.

TESTIMONY

Mobilehomers in New Jersey, mostly senior citizens, have been highly impressed and have hope for the future through the words and deeds of Senators John Russo, Richard Van Wagner and Congressman Frank Pallone in trying to protect their affordable housing and in most instances, their life investment.

Their hope for the future is now in your hands.

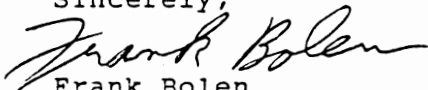
May I add that the only way New Jersey is ever going to get affordable housing is more mobile parks. Let me show a shining example:

Oak Hill Park in Howell Township has 202 mobile homes that are almost new. There are 8 models with 2 or 3 bedrooms and 1 or 2 baths. Prices range from \$50,900 for the least expensive, 2BR-1B, to the luxurious 3BR-2B for \$79,900 and the monthly site rental is from \$225 to \$275. The park has 7 recreation areas and 1 man-made lake. This is "affordable housing".

The owner makes a profit on the homes which offsets the cost of site preparation and development.

To protect the parks we now have, we urgently need passage of A-2990 and A-2634.

Sincerely,



Frank Bolen
Secretary - Age 82
Highlands Chapter, MHOA of NJ.

