

STATE OF NEW YORK

7042--A

2021-2022 Regular Sessions

IN SENATE

May 25, 2021

Introduced by Sens. RYAN, KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- recommitted to the Committee on Transportation in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law and the real property law, in relation to manufactured home certificates of title, and the conveyance and encumbrance of manufactured homes as real property

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. This act shall be known and may be cited as the "New York
2 land-home property act".

3 § 2. Section 2107 of the vehicle and traffic law is amended by adding
4 eleven new subdivisions (d), (e), (f), (g), (h), (i), (j), (k), (l), (m)
5 and (n) to read as follows:

6 (d) The commissioner shall not issue a certificate of title to a manu-
7 factured home with respect to which there has been filed an affidavit of
8 affixation pursuant to paragraph five of subdivision (a) of section
9 twenty-one hundred seventeen-a of this article, paragraph five of subdi-
10 vision (a) of section twenty-one hundred seventeen-b of this article,
11 and paragraph five of subdivision (a) of section twenty-one hundred
12 seventeen-c of this article.

13 (e) The commissioner shall file, upon receipt, each affidavit of affi-
14 xation that is delivered in accordance with subdivision (b) of section
15 three hundred thirty-nine-nn of the real property law and each declara-
16 tion that is delivered pursuant to paragraph six of subdivision (a) of
17 section twenty-one hundred seventeen-c of this article when satisfied as
18 to its genuineness and regularity.

19 (f) The commissioner shall maintain a record of each affidavit of
20 affixation he or she files in accordance with subdivision (e) of this
21 section. The record shall state the vehicle information or serial number

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 of the manufactured home, the county of recordation, the date of recor-
2 dation, the book and page number of each book of deeds where there has
3 been recorded an affidavit of affixation pursuant to paragraph (iii) of
4 subdivision (a) of section three hundred thirty-nine-nn of the real
5 property law and this article, and if applicable, a statement that filed
6 with the affidavit of affixation is a declaration pursuant to paragraph
7 six of subdivision (a) of section twenty-one hundred seventeen-c of this
8 article, and any other data the commissioner prescribes.

9 (g) The commissioner shall file, upon receipt, each application for
10 surrender of the manufacturer's certificate of origin relating to a
11 manufactured home that is delivered in accordance with section twenty-
12 one hundred seventeen-a of this article, when satisfied as to its
13 genuineness and regularity.

14 (h) The commissioner shall maintain a record of each manufactured home
15 manufacturer's certificate of origin that he or she accepts for surren-
16 der as provided in section twenty-one hundred seventeen-a of this arti-
17 cle. The record shall state the vehicle information or serial number of
18 the manufactured home, the date the manufacturer's certificate of origin
19 was delivered for surrender, the county of recordation, the date of
20 recordation, and the book and page number of each book of deeds where
21 there has been recorded an affidavit of affixation pursuant to paragraph
22 (iii) of subdivision (a) of section three hundred thirty-nine-nn of the
23 real property law and this article, and any other data the commissioner
24 prescribes.

25 (i) The commissioner shall file, upon receipt, each application for
26 surrender of the certificate of title relating to a manufactured home
27 that is delivered in accordance with section twenty-one hundred seven-
28 teen-b of this article, when satisfied as to its genuineness and regu-
29 larity.

30 (j) The commissioner shall maintain a record of each manufactured home
31 certificate of title that he or she accepts for surrender as provided in
32 section twenty-one hundred seventeen-b of this article. The record shall
33 state the vehicle information or serial number of the manufactured home,
34 the date the certificate of title was delivered for surrender, the coun-
35 ty of recordation, the date of recordation, the book and page number of
36 each book of deeds where there has been recorded an affidavit of affixa-
37 tion pursuant to paragraph (iii) of subdivision (a) of section three
38 hundred thirty-nine-nn of the real property law and this article, and
39 any other data the commissioner prescribes.

40 (k) The commissioner shall file, upon receipt, each application for
41 confirmation of conversion relating to a manufactured home that is
42 delivered in accordance with section twenty-one hundred seventeen-c of
43 this article, when satisfied as to its genuineness and regularity.

44 (l) The commissioner shall maintain a record of each application for
45 confirmation of conversion accepted as provided in section twenty-one
46 hundred seventeen-c of this article. The record shall state the vehicle
47 information or serial number of the manufactured home, the county of
48 recordation, the date of recordation, the book and page number of each
49 book of deeds where there has been recorded an affidavit of affixation
50 pursuant to paragraph (iii) of subdivision (a) of section three hundred
51 thirty-nine-nn of the real property law and this article, and any other
52 data the commissioner prescribes.

53 (m) Notwithstanding the provisions of any other law, the commissioner
54 shall maintain the records required by this section indefinitely.

(n) The commissioner shall establish electronic public access to the records maintained in accordance with subdivisions (f), (h), (j) and (l) of this section.

§ 3. Subdivision (e) of section 2108 of the vehicle and traffic law, as added by chapter 322 of the laws of 1993, is amended to read as follows:

(e) Notwithstanding any other provision of law, a certificate of title to a vehicle which is a ~~[mobile home or a]~~ manufactured home issued by the commissioner is prima facie evidence of the facts appearing on it, notwithstanding the fact that such vehicle, at any time, in any manner, shall have become ~~[attached to realty]~~ affixed in any manner to real property.

§ 4. The vehicle and traffic law is amended by adding three new sections 2117-a, 2117-b and 2117-c to read as follows:

§ 2117-a. Surrender of manufacturer's certificate of origin to a manufactured home. (a) The owner or owners of a manufactured home who possess the manufacturer's certificate of origin to the manufactured home that is affixed to a permanent foundation as provided in subdivision (a) of section three hundred thirty-nine-nn of the real property law, or which the owner or owners intend to affix to a permanent foundation, may surrender the manufacturer's certificate of origin to the manufactured home to the commissioner by filing with the commissioner an application for surrender of the manufacturer's certificate of origin containing or accompanied by:

(1) the name, residence and mailing address of the owner;

(2) a description of the manufactured home including, so far as the following data exists: the name of the manufacturer, the make, the model name, the model year, the dimensions, and the vehicle identification number or numbers of the manufactured home and whether it is new or used, and any other information the commissioner requires;

(3) the date of purchase by the owner of the manufactured home, the name and address of the person from whom the home was acquired and the names and addresses of any lienholders in the order of apparent priority;

(4) a statement signed by the owner, stating either, (i) any facts or information known to the owner that could reasonably affect the validity of the title of the manufactured home or the existence or non-existence of security interests in or lien on it; or (ii) that no such facts or information are known to the owner;

(5) the recorded original affidavit of affixation as provided by paragraph (iii) of subdivision (a) of section three hundred thirty-nine-nn of the real property law;

(6) the original manufacturer's certificate of origin;

(7) the name and mailing address of each person wishing written acknowledgment of surrender from the commissioner; and

(8) any other information and documents the commissioner reasonably requires to identify the owner of the manufactured home and to enable him or her to determine whether the owner satisfied the requirements of subdivision (a) of section three hundred thirty-nine-nn of the real property law and the owner is entitled to surrender the manufacturer's certificate of origin and the existence or non-existence of security interests in the manufactured home.

(b) When satisfied as to its genuineness and regularity of the surrender of the manufacturer's certificate of origin to a manufactured home and upon satisfaction of the requirements of subdivision (a) of this section, the commissioner shall cancel the manufacturer's certificate of

1 origin and update his or her records in accordance with the provisions
2 of subdivisions (g) and (h) of section twenty-one hundred seven of this
3 article and provide written acknowledgment of compliance with the
4 provisions of this section to each person identified in paragraph seven
5 of subdivision (a) of this section.

6 (c) Upon satisfaction of the requirements of this section a manufac-
7 tured home shall be conveyed and encumbered as provided in section three
8 hundred thirty-nine-ss of the real property law.

9 (d) Upon written request, the commissioner shall provide written
10 acknowledgment of compliance with the provisions of this section.

11 § 2117-b. Surrender of title to a manufactured home. (a) The owner or
12 owners of a manufactured home that is covered by a certificate of title
13 and that is affixed to a permanent foundation as provided in section
14 three hundred thirty-nine-mm of the real property law, or which the
15 owner or owners intend to affix to a permanent foundation, may surrender
16 the certificate of title to the manufactured home to the commissioner by
17 filing with the commissioner an application for surrender of title
18 containing or accompanied by:

19 (1) the name, residence and mailing address of the owner;

20 (2) a description of the manufactured home including, so far as the
21 following data exists: the name of the manufacturer, the make, the model
22 name, the model year, the dimensions, and the vehicle identification
23 number or numbers of the manufactured home and whether it is new or used
24 and any other information the commissioner requires;

25 (3) the date of purchase by the owner of the manufactured home, the
26 name and address of the person from whom the home was acquired and the
27 names and addresses of any security interest holders and lienholders in
28 the order of apparent priority;

29 (4) a statement signed by the owner, stating either: (i) any facts or
30 information known to the owner that could reasonably affect the validity
31 of the title of the manufactured home or the existence or non-existence
32 of security interests in or liens on it; or (ii) that no such facts or
33 information are known to the owner;

34 (5) the recorded original affidavit of affixation as provided by para-
35 graph (iii) of subdivision (a) of section three hundred thirty-nine-nn
36 of the real property law;

37 (6) the name and mailing address of each person wishing written
38 acknowledgment of surrender from the commissioner;

39 (7) the original certificate of title, which, upon concurrent transfer
40 of title to the manufactured home, may be endorsed by the current owner
41 of record to his or her purchaser;

42 (8) any release of lien required by subdivision (b) of this section;
43 and

44 (9) any other information and documents the commissioner reasonably
45 requires to identify the owner of the manufactured home, to determine
46 whether the owner satisfied the applicable requirements of section three
47 hundred thirty-nine-rr of the real property law, and to enable him or
48 her to determine whether the owner is entitled to surrender the certif-
49 icate of title and the existence or non-existence of security interests
50 in or liens on the manufactured home.

51 (b) The commissioner shall not accept for surrender a certificate of
52 title to a manufactured home unless and until any liens pursuant to
53 section twenty-one hundred five-a and any security interests pursuant to
54 sections twenty-one hundred seven and twenty-one hundred eighteen of
55 this article have been released.

1 (c) When satisfied as to its genuineness and regularity of the surren-
2 der of a certificate of title to a manufactured home and upon satisfac-
3 tion of the requirements of subdivisions (a) and (b) of this section,
4 the commissioner shall cancel the certificate of title and update his or
5 her records in accordance with the provisions of subdivisions (i) and
6 (j) of section twenty-one hundred seven of this article. The commission-
7 er shall also provide written acknowledgment of compliance with the
8 provisions of this section to each person identified on the application
9 for surrender of a certificate of title under paragraph six of subdivi-
10 sion (a) of this section.

11 (d) Upon satisfaction of the requirements of this section a manufac-
12 tured home shall be conveyed and encumbered as provided in section three
13 hundred thirty-nine-ss of the real property law.

14 (e) Upon written request, the commissioner shall provide written
15 acknowledgment of compliance with the provisions of this section.

16 § 2117-c. Confirmation of conversion of a manufactured home. (a) The
17 owner or owners of a manufactured home that is not covered by a certif-
18 icate of title or a manufacturer's certificate of origin, or of a manu-
19 factured home that is covered by a manufacturer's certificate of origin
20 or certificate of title but which the owner or owners, after diligent
21 search and inquiry, are unable to produce, and that is affixed to a
22 permanent foundation, or which the owner intends to affix to a permanent
23 foundation, may satisfy the requirements of subdivision (b) of section
24 three hundred thirty-nine-nn of the real property law by filing with the
25 commissioner an application for confirmation of conversion containing or
26 accompanied by:

27 (1) the name, residence and mailing address of the owner;

28 (2) a description of the manufactured home including, so far as the
29 following data exists: the name of the manufacturer, the make, the model
30 name, the model year, the dimensions, and the vehicle identification
31 number or numbers of the manufactured home and whether it is new or used
32 and any other information the commissioner requires;

33 (3) the date of purchase by the owner of the manufactured home, the
34 name and address of the person from whom the home was acquired and the
35 names and addresses of any security interest holders and lienholders in
36 the order of apparent priority;

37 (4) a statement signed by the owner, stating either: (i) any facts or
38 information known to the owner that could reasonably affect the validity
39 of the title of the manufactured home or the existence or non-existence
40 of security interests in or liens on it; or (ii) that no such facts or
41 information are known to the owner;

42 (5) the recorded original of the affidavit of affixation as provided
43 by paragraph (iii) of subdivision (a) of section three hundred thirty-
44 nine-nn of the real property law;

45 (6) a sworn declaration by an attorney at law, duly admitted to prac-
46 tice in the courts of the state of New York, or an agent of a title
47 insurance company duly licensed to issue policies of title insurance in
48 the state of New York, that the manufactured home is free and clear of
49 or has been released or will be released from all recorded security
50 interests, liens and encumbrances; and: (i) any facts or information
51 known to him or her that could reasonably affect the validity of the
52 title of the manufactured home or the existence or non-existence of
53 security interests in it; or (ii) that no such facts or information are
54 known to him or her; and

55 (7) the name and mailing address of each person wishing written
56 acknowledgment of confirmation of conversion from the commissioner; and

(8) any other information and documents the commissioner reasonably requires to identify the owner of the manufactured home and to determine the owner satisfied the applicable requirements of section three hundred thirty-nine-nn of the real property law, and the existence or non-existence of security interests in or liens on the manufactured home.

(b) When satisfied as to its genuineness and regularity of the confirmation of conversion of a manufactured home and upon satisfaction of the requirements of subdivision (a) of this section, the commissioner shall update his or her records in accordance with the provisions of subdivisions (f), (k) and (l) of section twenty-one hundred seven of this article. The commissioner shall also provide written acknowledgment of compliance with the provisions of this section to each person identified on the application for confirmation of conversion under paragraph seven of subdivision (a) of this section.

(c) Upon satisfaction of the requirements of this section a manufactured home shall be conveyed and encumbered as provided in section three hundred thirty-nine-ss of the real property law.

(d) Upon written request, the commissioner shall provide written acknowledgment of compliance with the provisions of this section.

§ 5. Subdivisions (d) and (e) of section 2118 of the vehicle and traffic law, subdivision (d) as added by chapter 322 of the laws of 1993 and subdivision (e) as amended by chapter 84 of the laws of 2001, are amended to read as follows:

(d) A security interest noted on a certificate of title to a vehicle which is a ~~[mobile home or a]~~ manufactured home shall have priority over ~~[any other]~~ all subsequent liens or security interests except for those set forth in subdivision (c) of section ~~[two thousand one]~~ twenty-one hundred three of this article.

(e) ~~[After]~~ Except as otherwise provided in sections twenty-one hundred seventeen-b and twenty-one hundred twenty-three of this article, and article nine-BB of the real property law, after a certificate of title has been issued ~~[in this state]~~ for a ~~[vehicle which is a mobile home or a]~~ manufactured home, and as long as the ~~[vehicle which is a mobile home or a]~~ manufactured home is subject to any security interest perfected pursuant to this section, the commissioner shall not file an affidavit of affixation, nor revoke the certificate of title, nor issue a certificate of title under subdivision (a) of section twenty-one hundred seven of this article, and, in any event, the validity and priority of any security interest perfected pursuant to this section shall continue, notwithstanding the provision of any other law~~[, including but not limited to section 9-303 and section 9-313 of the uniform commercial code]~~.

§ 6. Section 2123 of the vehicle and traffic law, as amended by chapter 322 of the laws of 1993, is amended to read as follows:

§ 2123. Exclusiveness of procedure. The method provided in this article of perfecting and giving notice of security interests subject to this article is exclusive. Security interests subject to this article are hereby exempted from the provisions of law which otherwise relate to the perfection of security interests, ~~[including but not limited to section 9-313 of the uniform commercial code]~~ provided, however, that with respect to a manufactured home that is or will be affixed to a permanent foundation, upon recordation of an affidavit of affixation pursuant to paragraph (iii) of subdivision (a) of section three hundred thirty-nine-nn of the real property law and satisfaction of the requirements of section twenty-one hundred seventeen-a, twenty-one hundred seventeen-b or twenty-one hundred seventeen-c of this article, any

perfection or termination of a security interest with respect to such manufactured home shall conform to the requirements of article nine-BB of the real property law.

§ 7. Paragraph 2 of subdivision (a) of section 2124 of the vehicle and traffic law, as added by chapter 322 of the laws of 1993, is amended to read as follows:

(2) [~~Notwithstanding any other provision of law~~] Except as provided in section twenty-one hundred seventeen-b and subdivision (e) of section twenty-one hundred eighteen of this article, the commissioner shall not suspend or revoke a certificate of title to a [~~vehicle which is a mobile home or~~] manufactured home by reason of the fact that, at any time, in any manner, it shall have become attached to [~~realty~~] real property.

§ 8. The real property law is amended by adding a new article 9-BB to read as follows:

ARTICLE 9-BB

CONVEYANCE AND ENCUMBRANCE OF MANUFACTURED HOMES AS REAL PROPERTY

Section 339-mm. Manufactured home; affixed to a permanent foundation.

339-nn. Conversion procedure.

339-oo. Affidavit of affixation.

339-pp. Disposition of liens.

339-qq. Notice to commissioner of motor vehicles.

339-rr. Time of conversion.

339-ss. Conveyance and encumbrance as a real property.

339-tt. Manufactured homes that remain personal property.

339-uu. Documents in trust.

339-vv. Home warranty.

339-ww. Impairment of rights.

§ 339-mm. Manufactured home; affixed to a permanent foundation. For purposes of this article, the term "manufactured home" means a "manufactured home" as defined in paragraph fifty-three of subsection (a) of section 9-102 of the uniform commercial code. For purposes of this section, article forty-six of the vehicle and traffic law, and the uniform commercial code, a manufactured home is "affixed to a permanent foundation" if it is anchored to real property by attachment to a permanent foundation, and connected to a residential utility, such as water, gas, electricity, sewer or septic service.

§ 339-nn. Conversion procedure. (a) A manufactured home shall be deemed to be real property and shall be governed by the laws applicable thereto when the following conditions are satisfied:

(i) The manufactured home shall be affixed to a permanent foundation;

(ii) The ownership interests in the manufactured home and the real property to which the manufactured home is or shall be affixed shall be identical, provided, however, that the owner of the manufactured home, if not the owner of the real property, is in possession of the real property under the terms of a lease in recordable form, and the owner has the written consent of the lessor of the real property; and

(iii) Each person having an ownership interest in such home shall execute and record with the recording officer of the county or counties in which the real property is located an affidavit of affixation as provided in section three hundred thirty-nine-oo of this article, and satisfy the other applicable requirements of this article.

(b) Upon receipt of the recorded original affidavit of affixation pursuant to section three hundred thirty-nine-qq of this article, any person designated therein for filing with the commissioner of motor

1 vehicles shall file the recorded original affidavit of affixation with
2 the commissioner.

3 (i) In the case where the home is covered by a manufacturer's certifi-
4 cate of origin, the recorded original affidavit of affixation and the
5 original manufacturer's certificate of origin shall be filed with the
6 commissioner pursuant to section twenty-one hundred seventeen-a of the
7 vehicle and traffic law.

8 (ii) In the case the home is covered by a certificate of title, the
9 recorded original affidavit of affixation and the original certificate
10 of title shall be filed with the commissioner in accordance with section
11 twenty-one hundred seventeen-b of the vehicle and traffic law.

12 (iii) In the case the home is not covered by a manufacturer's certifi-
13 cate of origin or a certificate of title, or where a manufactured home
14 that is covered by a manufacturer's certificate of origin or certificate
15 of title but which the owner or owners, after diligent search and
16 inquiry, are unable to produce, the recorded original affidavit of affi-
17 xation shall be filed with the commissioner in accordance with section
18 twenty-one hundred seventeen-c of the vehicle and traffic law.

19 § 339-oo. Affidavit of affixation. (a) To convey or voluntarily encum-
20 ber a manufactured home, an affidavit of affixation shall contain or be
21 accompanied by:

22 (i) so far as the data exists, the name of the manufacturer, the make,
23 the model name, the model year, the dimensions, and the vehicle iden-
24 tification number or numbers of the manufactured home, and whether it is
25 new or used;

26 (ii)(A) a statement that the party executing the affidavit is the
27 owner of the real property described therein or, (B) if not the owner of
28 the real property, (1) a statement that the party executing the affida-
29 vit is in possession of the real property pursuant to the terms of a
30 lease in recordable form, and (2) the consent of the lessor of the real
31 property shall be endorsed upon or attached to the affidavit and be
32 acknowledged or proved in the manner as to entitle a conveyance to be
33 recorded;

34 (iii) the street address and the legal description of the real proper-
35 ty upon which the manufactured home is or will be affixed to a permanent
36 foundation;

37 (iv) as applicable, (A) if the manufactured home is not covered by a
38 certificate of title, a statement by the owner or owners to that effect
39 a statement that, the owner of the manufactured home shall surrender the
40 original manufacturer's certificate of origin to the commissioner of
41 motor vehicles;

42 (B) if the manufactured home is covered by a certificate of title, a
43 statement by the owner of the manufactured home that the manufactured
44 home is covered by a certificate of title, and that the owner or owners
45 of the manufactured home shall surrender the original certificate of
46 title to the commissioner of motor vehicles;

47 (C) if the manufactured home is covered by neither a manufacturer's
48 certificate of origin nor a certificate of title, a statement by the
49 owner of the manufactured home to that effect;

50 (v) a statement that the manufactured home is or shall be affixed to a
51 permanent foundation to the real property;

52 (vi) the name and address of the person designated for filing the
53 recorded original affidavit of affixation with the commissioner of motor
54 vehicles, to whom the recording officer shall return the affidavit of
55 affixation after it has been duly recorded in the real property records,
56 as provided in this section.

(b) The affidavit of affixation shall be in the form set forth in subdivision (c) of this section, duly acknowledged or proved in like manner as to entitle a conveyance to be recorded and when so acknowledged or proved, upon payment of the lawful fees therefor, the recording officer shall immediately cause the affidavit of affixation and any attachments thereto, to be duly recorded and indexed in the record of deeds.

(c) An affidavit of affixation shall be in substantially the form set forth below:

_____ , 20

Date

Place of Recording

Record & Return by ☐ Mail ☐ Pickup to:

Name

Address 1

Address 2

MANUFACTURED HOME AFFIDAVIT OF AFFIXATION

Homeowner, being duly sworn, on his or her oath, states as follows:

1. Homeowner owns the manufactured home ("Home") described as follows:

New/Used	Year	Manufacturer's Name	Model Name or Model No.
----------	------	---------------------	-------------------------

Manufacturer's Serial No.	Length / Width
1	100 / 100
2	100 / 100
3	100 / 100
4	100 / 100
5	100 / 100
6	100 / 100
7	100 / 100
8	100 / 100
9	100 / 100
10	100 / 100
11	100 / 100
12	100 / 100
13	100 / 100
14	100 / 100
15	100 / 100
16	100 / 100
17	100 / 100
18	100 / 100
19	100 / 100
20	100 / 100
21	100 / 100
22	100 / 100
23	100 / 100
24	100 / 100
25	100 / 100
26	100 / 100
27	100 / 100
28	100 / 100
29	100 / 100
30	100 / 100
31	100 / 100
32	100 / 100
33	100 / 100
34	100 / 100
35	100 / 100
36	100 / 100
37	100 / 100
38	100 / 100
39	100 / 100
40	100 / 100
41	100 / 100
42	100 / 100
43	100 / 100
44	100 / 100
45	100 / 100
46	100 / 100
47	100 / 100
48	100 / 100
49	100 / 100
50	100 / 100
51	100 / 100
52	100 / 100
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81	100 / 100
82	100 / 100
83	100 / 100
84	100 / 100
85	100 / 100
86	100 / 100
87	100 / 100
88	100 / 100
89	100 / 100
90	100 / 100
91	100 / 100
92	100 / 100
93	100 / 100
94	100 / 100
95	100 / 100
96	100 / 100
97	100 / 100
98	100 / 100
99	100 / 100
100	100 / 100

2. The Home is or will be located at the following "Property Address":

Street or Route	City	County	State	Zip Code
-----------------	------	--------	-------	----------

3. The legal description of the Property Address ("Land") is:

4. The Homeowner is the owner of the Land or, if not the owner of the Land, is in possession of the real property pursuant to a lease in recordable form, and the consent of the lessor is attached to this Affidavit.

5. The Home is, or shall be promptly upon delivery, anchored to the Land by attachment to a permanent foundation and connected to appropriate residential utilities (e.g., water, gas, electricity, sewer).

6. Homeowner intends that the Home be an immovable fixture and a permanent improvement to the Land.

7. The Home shall be assessed and taxed as an improvement to the Land.

8. Homeowner shall initial only one of the following, as it applies to title to the Home.

~~[]~~ The Home is not covered by a certificate of title. A copy of the manufacturer's certificate of origin, duly endorsed to the Homeowner, is attached to this Affidavit. The Homeowner shall surrender the original manufacturer's certificate of origin.

~~[]~~ The Home is not covered by a certificate of title. After diligent search and inquiry, the Homeowner is unable to produce the original manufacturer's certificate of origin.

~~[]~~ The Home is covered by a certificate of title. A copy of the certificate of title is attached to this Affidavit. The Homeowner shall surrender the original certificate of title.

IN WITNESS WHEREOF, Homeowner(s) has executed this Affidavit in my presence and in the presence of the undersigned witnesses on this day of _____, _____.

 _____ (Seal) _____ (Seal)
Homeowner #1 Witness

Printed Name Printed Name

 _____ (Seal) _____ (Seal)
Homeowner #2 Witness

Printed Name Printed Name

STATE OF _____)
_____) ss.:
COUNTY OF _____)

On the _____ day of _____ in the year _____
before me, the undersigned, a Notary Public in and for said State,
personally appeared

personally known to me or proved to me on the basis of satisfactory
evidence to be the individual(s) whose name(s) is(are) subscribed to the
within instrument and acknowledged to me that he/she/they executed the
same in his/her/their capacity(ies), and that by his/her/their
signature(s) on the instrument, the individual(s), or the person on
behalf of which the individual(s) acted, executed the instrument.

Notary Signature

Notary Printed Name

1 Notary Public; State of
2 Qualified in the County of
3 My commission expires:

4 Official Seal:

5 Lender's Statement of Intent:

6 The undersigned ("Lender") intends that the Home be an immovable fixture
7 and a permanent improvement to the Land.

8 _____
9 Lender
10 By: _____
11 Authorized Signature

12 STATE OF _____)
13 _____) ss.:
14 COUNTY OF _____)

15 On the _____ day of _____ in the year _____ before me, the
16 undersigned, a Notary Public in and for said State, personally appeared
17 _____,
18 personally known to me or proved to me on the basis of satisfactory
19 evidence to be the individual(s) whose name(s) is(are) subscribed to the
20 within instrument and acknowledged to me that he/she/they executed the
21 same in his/her/their capacity(ies), and that by his/her/their
22 signature(s) on the instrument, the individual(s), or the person on
23 behalf of which the individual(s) acted, executed the instrument.

24 _____
25 Notary Signature

26 _____
27 Notary Printed Name

28 Notary Public; State of
29 Qualified in the County of
30 My commission expires:
31 Official Seal:

32 (d) The fee for recording an affidavit of affixation shall be two
33 hundred dollars.

34 (e) No transfer tax shall be due upon the filing of an affidavit of
35 affixation.

36 § 339-pp. Disposition of liens. Neither the act of affixing a manu-
37 factured home to real property, nor the recording of the affidavit of
38 affixation shall impair the rights of any holder of a security interest
39 in a manufactured home perfected as provided in section twenty-one
40 hundred eighteen of the vehicle and traffic law, unless and until the
41 due filing with and acceptance by the commissioner of motor vehicles of

1 an application to surrender the title and a release of any lien as
2 provided in section twenty-one hundred twenty-one of the vehicle and
3 traffic law. Upon the filing of such a release, the security interest
4 created under the vehicle and traffic law terminates. The recording of
5 an affidavit of affixation does not change the character of the lien
6 noted on a certificate of title, and no mortgage recording tax shall be
7 imposed at the time an affidavit of affixation is recorded or upon any
8 lien upon a manufactured home created under the vehicle and traffic law.

9 § 339-qq. Notice to commissioner of motor vehicles. Upon payment of
10 the fees provided by law and recordation of the affidavit of affixation,
11 the recording officer shall endorse the affidavit as "recorded in land
12 records", setting forth thereon the indexing information for the affida-
13 vit of affixation and the recording officer shall forthwith forward the
14 recorded original affidavit of affixation to the person designated ther-
15 ein for filing with the commissioner of motor vehicles.

16 § 339-rr. Time of conversion. (a) A manufactured home shall be
17 considered real property as provided in section three hundred thirty-
18 nine-ss of this article when an application to surrender a manufactur-
19 er's certificate of origin pursuant to section twenty-one hundred seven-
20 teen-a of the vehicle and traffic law, an application to surrender a
21 certificate of title pursuant to section twenty-one hundred seventeen-b
22 of the vehicle and traffic law, or an application for confirmation of
23 conversion pursuant to section twenty-one hundred seventeen-c of the
24 vehicle and traffic law is delivered to and accepted by the commissioner
25 of motor vehicles.

26 (b) Notwithstanding subdivision (a) of this section, a manufactured
27 home shall be considered real property as provided in section three
28 hundred thirty-nine-ss of this article if an application to surrender a
29 manufacturer's certificate of origin pursuant to section twenty-one
30 hundred seventeen-a of the vehicle and traffic law, an application to
31 surrender a certificate of title pursuant to section twenty-one hundred
32 seventeen-b of the vehicle and traffic law, or an application for
33 confirmation of conversion pursuant to section twenty-one hundred seven-
34 teen-c of the vehicle and traffic law is delivered to the commissioner
35 of motor vehicles within thirty days of recording the related affidavit
36 of affixation with the recording officer in the county in which the real
37 property to which the manufactured home is or shall be affixed and the
38 application is thereafter accepted by the commissioner, the requirements
39 of this section shall be deemed satisfied as of the date the affidavit
40 of affixation is recorded.

41 § 339-ss. Conveyance and encumbrance as real property. Upon satisfac-
42 tion of the conditions provided in section three hundred thirty-nine-nn
43 of this article, any mortgage, lien or security interest which can
44 attach to land, buildings erected thereon or fixtures affixed thereto,
45 shall attach, as of the date of recording in the same manner as real
46 property. Title to such manufactured home shall be transferred by deed
47 or other form of conveyance that is effective to transfer an interest in
48 real property, together with the land to which such structure is
49 affixed. The manufactured home shall be deemed to be real property and
50 shall be governed by the laws of this state applicable to real property.

51 § 339-tt. Manufactured homes that remain personal property. Except as
52 provided in section three hundred thirty-nine-nn, section three hundred
53 thirty-nine-oo, and section three hundred thirty-nine-qq, of this arti-
54 cle, an affidavit of affixation is not necessary or effective to convey
55 or encumber a manufactured home or to change the character of the manu-
56 factured home to real property.

1 § 339-uu. Documents in trust. (a) Manufacturer's certificate of
2 origin. The holder of a manufacturer's certificate of origin to a manu-
3 factured home may deliver it to any person to facilitate conveying or
4 encumbering the home. Any person receiving any such manufacturer's
5 certificate of origin so delivered holds it in trust for the person
6 delivering it.

7 (b) Certificate of title. The holder of a certificate of title to a
8 manufactured home may deliver it to any person to facilitate conveying
9 or encumbering the home. Any person receiving any such manufacturer's
10 certificate of origin so delivered holds it in trust for the person
11 delivering it.

12 (c) Lien release. The holder of a security interest in a manufactured
13 home may deliver lien release documents to any person to facilitate
14 conveying or encumbering the home. Any person receiving any such docu-
15 ments so delivered holds the documents in trust for the lienholder.

16 § 339-vv. Home warranty. A warranty that applies to a manufactured
17 home when it is sold and rights arising from a breach of the warranty
18 are not affected by a subsequent change in the home's classification as
19 real property pursuant to this article. No additional warranty applies
20 to a manufactured home solely because of a subsequent change in the
21 home's classification as real property.

22 § 339-ww. Impairment of rights. Nothing in this section shall impair
23 any rights existing under law prior to the effective date of this
24 section of anyone claiming an interest in a manufactured home.

25 § 9. This act shall take effect one year after it shall have become a
26 law. Effective immediately, the addition, amendment and/or repeal of any
27 rule or regulation necessary for the implementation of this act on its
28 effective date are authorized to be made and completed on or before such
29 effective date.