

STATE OF NEW YORK

S. 6277--A

A. 7751--A

2017-2018 Regular Sessions

SENATE - ASSEMBLY

May 11, 2017

IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development -- recommitted to the Committee on Housing, Construction and Community Development in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by M. of A. THIELE, PALUMBO, JAFFEE -- read once and referred to the Committee on Judiciary -- recommitted to the Committee on Judiciary in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, the banking law, the personal property law, 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. Subdivision 13 of section 372 of the executive law, as amended by
4 chapter 309 of the laws of 1996, is amended to read as follows:

5 13. [~~"Mobile home"~~] "Manufactured home" means a [~~moveable or portable~~
6 ~~unit designed and constructed to be towed on its own chassis, comprised~~
7 ~~of frame and wheels, connected to utilities, and designed and~~
8 ~~constructed without a permanent foundation for year-round living. A unit~~
9 ~~may contain parts that may be folded, collapsed or telescoped when being~~
10 ~~towed and expanded later to provide additional cubic capacity as well as~~
11 ~~two or more separately towable components designed to be joined into one~~
12 ~~integral unit capable of being again separated into the components for~~
13 ~~repeated towing. "Mobile home" shall mean units designed to be used~~

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

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~~exclusively for residential purposes, excluding travel trailers]~~ manufactured home as defined in paragraph fifty-three of subsection (a) of section 9-102 of the uniform commercial code.

§ 3. Subparagraph (ii) of paragraph 1 of subdivision 5-a of section 108 of the banking law, as amended by chapter 322 of the laws of 1993, is amended to read as follows:

(ii) "mobile home" or "manufactured home" means a ~~[structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein]~~ manufactured home as defined in paragraph fifty-three of subsection (a) of section 9-102 of the uniform commercial code.

§ 4. Clause (ii) of item 1 of subparagraph (c) of paragraph 4 of subdivision 8 of section 235 of the banking law, as amended by chapter 322 of the laws of 1993, is amended to read as follows:

(ii) "mobile home" or "manufactured home" means a ~~[structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein]~~ manufactured home as defined in paragraph fifty-three of subsection (a) of section 9-102 of the uniform commercial code.

§ 5. Clause (ii) of subparagraph 1 of paragraph (d) of subdivision 2 of section 380 of the banking law, as amended by chapter 322 of the laws of 1993, is amended to read as follows:

(ii) "mobile home" or "manufactured home" means a ~~[structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein]~~ manufactured home as defined in paragraph fifty-three of subsection (a) of section 9-102 of the uniform commercial code.

§ 6. Subdivision 2 of section 491 of the banking law, as amended by chapter 322 of the laws of 1993, is amended to read as follows:

2. "Motor vehicle" or "vehicle" means any device propelled or drawn by any power other than muscular power, upon or by which any person or property is or may be transported or drawn upon a public highway, road or street. Unless otherwise specified, "motor vehicle" or "vehicle" also means a "mobile home" or "manufactured home". "Mobile home" or "manufactured home" means a ~~[structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained~~

therein] manufactured home as defined in paragraph fifty-three of subsection (a) of section 9-102 of the uniform commercial code.

§ 7. Subdivision 1 of section 301 of the personal property law, as amended by chapter 322 of the laws of 1993, is amended to read as follows:

1. "Motor vehicle" or "vehicle" means any device propelled or drawn by any power other than muscular power, upon or by which any person or property is or may be transported or drawn upon a public highway, road or street except that it shall not include a "snowmobile" as defined in subdivision three of section 21.05 of the parks, recreation and historic preservation law. "Motor vehicle" or "vehicle" also means a "mobile home" or a "manufactured home". "Mobile home" or "manufactured home" means a ~~[structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein]~~ manufactured home as defined in paragraph fifty-three of subsection (a) of section 9-102 of the uniform commercial code.

§ 8. Section 122-c of the vehicle and traffic law, as added by chapter 322 of the laws of 1993, is amended to read as follows:

§ 122-c. Mobile home or manufactured home. ~~[A structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein.]~~ The term "mobile home" or "manufactured home" shall have the same meaning as a manufactured home as defined in paragraph fifty-three of subsection (a) of section 9-102 of the uniform commercial code.

§ 9. Paragraph 19 of subdivision (a) of section 2102 of the vehicle and traffic law, as added by chapter 322 of the laws of 1993, is amended to read as follows:

(19) A ~~[mobile home or a]~~ manufactured home, manufactured prior to July first, nineteen hundred ninety-four and designated by the manufacturer as being a nineteen hundred ninety-four or earlier model year ~~[mobile home or]~~ manufactured home, ~~[and]~~ any ~~[mobile home or]~~ manufactured home, manufactured or assembled prior to January first, nineteen hundred ninety-four for which the manufacturer has not designated a model year, and any "factory manufactured home" as defined in subdivision eight of section three hundred seventy-two of the executive law.

§ 10. Section 2107 of the vehicle and traffic law is amended by adding thirteen new subdivisions (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o) and (p) to read as follows:

(d) Except as provided in section twenty-one hundred seventeen-d of this article, the commissioner shall not issue a certificate of title to a manufactured home with respect to which there has been filed an affidavit of affixation pursuant to paragraph five of subdivision (a) of section twenty-one hundred seventeen-a of this article, paragraph five of subdivision (a) of section twenty-one hundred seventeen-b of this article, and paragraph five of subdivision (a) of section twenty-one hundred seventeen-c of this article.

1 (e) The commissioner shall file, upon receipt, each affidavit of affi-
2 xation that is delivered in accordance with paragraph c of subdivision
3 two of section two hundred ninety-six-a of the real property law, each
4 declaration that is delivered pursuant to paragraph six of subdivision
5 (a) of section twenty-one hundred seventeen-c of this article and each
6 affidavit of severance that is delivered in accordance with subdivision
7 nine of section two hundred ninety-six-a of the real property law, when
8 satisfied as to its genuineness and regularity.

9 (f) The commissioner shall maintain a record of each affidavit of
10 affixation he or she files in accordance with subdivision (e) of this
11 section. The record shall state the name of the owner of the manufac-
12 tured home, the county of recordation, the date of recordation, the book
13 and page number of each book of deeds where there has been recorded an
14 affidavit of affixation pursuant to paragraph (c) of subdivision two of
15 section two hundred ninety-six-a of the real property law and this arti-
16 cle, and if applicable, a statement that filed with the affidavit of
17 affixation is a declaration pursuant to paragraph six of subdivision (a)
18 of section twenty-one hundred seventeen-c of this article, and any other
19 data the commissioner prescribes.

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

25 (h) The commissioner shall maintain a record of each manufactured home
26 manufacturer's certificate of origin that he or she accepts for surren-
27 der as provided in section twenty-one hundred seventeen-a of this arti-
28 cle. The record shall state the name of the owner of the manufactured
29 home, the date the manufacturer's certificate of origin was delivered
30 for surrender, the county of recordation, the date of recordation, and
31 the book and page number of each book of deeds where there has been
32 recorded an affidavit of affixation pursuant to paragraph (c) of subdivi-
33 sion two of section two hundred ninety-six-a of the real property law
34 and this article, and any other data the commissioner prescribes.

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

40 (j) The commissioner shall maintain a record of each manufactured home
41 certificate of title that he or she accepts for surrender as provided in
42 section twenty-one hundred seventeen-b of this article. The record shall
43 state the name of the owner of the manufactured home, the date the
44 certificate of title was delivered for surrender, the county of recorda-
45 tion, the date of recordation, the book and page number of each book of
46 deeds where there has been recorded an affidavit of affixation pursuant
47 to paragraph (c) of subdivision two of section two hundred ninety-six-a
48 of the real property law and this article, and any other data the
49 commissioner prescribes.

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

54 (l) The commissioner shall maintain a record of each application for
55 confirmation of conversion accepted as provided in section twenty-one
56 hundred seventeen-c of this article. The record shall state the name of

1 the owner of the manufactured home, the county of recordation, the date
2 of recordation, the book and page number of each book of deeds where
3 there has been recorded an affidavit of affixation pursuant to paragraph
4 (c) of subdivision two of section two hundred ninety-six-a of the real
5 property law and this article, and any other data the commissioner
6 prescribes.

7 (m) The commissioner shall file, upon receipt, each application for a
8 new certificate of title relating to a manufactured home that is deliv-
9 ered in accordance with section twenty-one hundred seventeen-d of this
10 article, when satisfied as to its genuineness and regularity.

11 (n) The commissioner shall maintain a record of each affidavit of
12 severance he or she files in accordance with subdivision (m) of this
13 section and section twenty-one hundred seventeen-d of this article. The
14 record shall state the name of the owner of the manufactured home, the
15 county of recordation, the date of recordation, the book and page number
16 of each book of deeds where there has been recorded an affidavit of
17 severance pursuant to subdivision nine of section two hundred ninety-
18 six-a of the real property law, and any other data the commissioner
19 prescribes.

20 (o) Notwithstanding the provisions of any other law, the commissioner
21 shall maintain the records required by this section indefinitely.

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

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

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

34 § 12. The vehicle and traffic law is amended by adding four new
35 sections 2117-a, 2117-b, 2117-c and 2117-d to read as follows:

36 § 2117-a. Surrender of manufacturer's certificate of origin to a manu-
37 factured home. (a) The owner or owners of a manufactured home who
38 possess the manufacturer's certificate of origin to the manufactured
39 home that is affixed to a permanent foundation as provided in subdivi-
40 sion one of section two hundred ninety-six-a of the real property law,
41 or which the owner or owners intend to affix to a permanent foundation,
42 may surrender the manufacturer's certificate of origin to the manufac-
43 tured home to the commissioner by filing with the commissioner an appli-
44 cation for surrender of the manufacturer's certificate of origin
45 containing or accompanied by:

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

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

52 (3) the date of purchase by the owner of the manufactured home, the
53 name and address of the person from whom the home was acquired and the
54 names and addresses of any lienholders in the order of apparent priori-
55 ty;

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

6 (5) the recorded original affidavit of affixation as provided by para-
7 graph (c) of subdivision two of section two hundred ninety-six-a of the
8 real property law;

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

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

12 (8) any other information and documents the commissioner reasonably
13 requires to identify the owner of the manufactured home and to enable
14 him or her to determine whether the owner satisfied the requirements of
15 paragraphs (a), (b) and (c) of subdivision six of section two hundred
16 ninety-six-a of the real property law and the owner is entitled to
17 surrender the manufacturer's certificate of origin and the existence or
18 non-existence of security interests in the manufactured home.

19 (b) When satisfied as to its genuineness and regularity of the surren-
20 der of the manufacturer's certificate of origin to a manufactured home
21 and upon satisfaction of the requirements of subdivision (a) of this
22 section, the commissioner shall cancel the manufacturer's certificate of
23 origin and update his or her records in accordance with the provisions
24 of subdivisions (g) and (h) of section twenty-one hundred seven of this
25 article and provide written acknowledgment of compliance with the
26 provisions of this section to each person identified in paragraph seven
27 of subdivision (a) of this section.

28 (c) Upon satisfaction of the requirements of this section a manufac-
29 tured home shall be conveyed and encumbered as provided in subdivision
30 seven of section two hundred ninety-six-a of the real property law.

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

33 § 2117-b. Surrender of title to a manufactured home. (a) The owner or
34 owners of a manufactured home that is covered by a certificate of title
35 and that is affixed to a permanent foundation as provided in subdivision
36 one of section two hundred ninety-six-a of the real property law, or
37 which the owner or owners intend to affix to a permanent foundation, may
38 surrender the certificate of title to the manufactured home to the
39 commissioner by filing with the commissioner an application for surren-
40 der of title containing or accompanied by:

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

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

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

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

1 (5) the recorded original affidavit of affixation as provided by para-
2 graph (d) of subdivision two of section two hundred ninety-six-a of the
3 real property law;

4 (6) the name and mailing address of each person wishing written
5 acknowledgement of surrender from the commissioner;

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

9 (8) any release of lien required by subdivision (b) of this section;
10 and

11 (9) any other information and documents the commissioner reasonably
12 requires to identify the owner of the manufactured home, to determine
13 whether the owner satisfied the applicable requirements of subdivision
14 six of section two hundred ninety-six-a of the real property law, and to
15 enable him or her to determine whether the owner is entitled to surren-
16 der the certificate of title and the existence or non-existence of secu-
17 rity interests in or liens on the manufactured home.

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

23 (c) When satisfied as to its genuineness and regularity of the surren-
24 der of a certificate of title to a manufactured home and upon satisfac-
25 tion of the requirements of subdivisions (a) and (b) of this section,
26 the commissioner shall cancel the certificate of title and update his or
27 her records in accordance with the provisions of subdivisions (i) and
28 (j) of section twenty-one hundred seven of this article. The commission-
29 er shall also provide written acknowledgment of compliance with the
30 provisions of this section to each person identified on the application
31 for surrender of a certificate of title under paragraph six of subdivi-
32 sion (a) of this section.

33 (d) Upon satisfaction of the requirements of this section a manufac-
34 tured home shall be conveyed and encumbered as provided for in the
35 provisions of subdivision six and subdivision seven of section two
36 hundred ninety-six-a of the real property law.

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

39 § 2117-c. Confirmation of conversion of a manufactured home. (a) The
40 owner or owners of a manufactured home that is not covered by a certif-
41 icate of title or a manufacturer's certificate of origin, or of a manu-
42 factured home that is covered by a manufacturer's certificate of origin
43 or certificate of title but which the owner or owners, after diligent
44 search and inquiry, are unable to produce, and that is affixed to a
45 permanent foundation, or which the owner intends to affix to a permanent
46 foundation, may satisfy the requirements of paragraph (d) of subdivision
47 two of section two hundred ninety-six-a of the real property law by
48 filing with the commissioner an application for confirmation of conver-
49 sion containing or accompanied by:

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

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

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

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

10 (5) the recorded original of the affidavit of affixation as provided
11 by paragraph (c) of subdivision two of section two hundred ninety-six-a
12 of the real property law;

13 (6) a sworn declaration by an attorney at law, duly admitted to prac-
14 tice in the courts of the state of New York, or an agent of a title
15 insurance company duly licensed to issue policies of title insurance in
16 the state of New York, that the manufactured home is free and clear of
17 or has been released or will be released from all record security inter-
18 ests, liens and encumbrances; and: (i) any facts or information known to
19 him or her that could reasonably affect the validity of the title of the
20 manufactured home or the existence or non-existence of security inter-
21 ests in it; or (ii) that no such facts or information are known to him
22 or her; and

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

25 (8) any other information and documents the commissioner reasonably
26 requires to identify the owner of the manufactured home and to determine
27 the owner satisfied the applicable requirements of subdivision six of
28 section two hundred ninety-six-a of the real property law, and the
29 existence or non-existence of security interests in or liens on the
30 manufactured home.

31 (b) When satisfied as to its genuineness and regularity of the confir-
32 mation of conversion of a manufactured home and upon satisfaction of the
33 requirements of subdivision (a) of this section, the commissioner shall
34 update his or her records in accordance with the provisions of subdivi-
35 sions (e), (k) and (l) of section twenty-one hundred seven of this arti-
36 cle. The commissioner shall also provide written acknowledgment of
37 compliance with the provisions of this section to each person identified
38 on the application for confirmation of conversion under paragraph seven
39 of subdivision (a) of this section.

40 (c) Upon satisfaction of the requirements of this section a manufac-
41 tured home shall be conveyed and encumbered as provided in subdivision
42 seven of section two hundred ninety-six-a of the real property law.

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

45 § 2117-d. Application to reinstate certificate of title to a manufac-
46 tured home. (a) Notwithstanding any other provision of law, where a
47 manufactured home has been affixed to a permanent foundation, as
48 provided in subdivision one of section two hundred ninety-six-a of the
49 real property law, and an affidavit of affixation pursuant to paragraph
50 (c) of subdivision two of section two hundred ninety-six-a of the real
51 property law has been recorded as part of the real property records in
52 the county in which the manufactured home is located, and where the
53 manufactured home subsequently is detached or severed from the real
54 property, the owner or owners may apply for a new certificate of title
55 by filing with the commissioner an application to issue a new certifi-
56 cate of title to a manufactured home containing or accompanied by:

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

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

7 (3) a statement signed by the applicant, stating either: (i) any facts
8 or information known to the applicant that could reasonably affect the
9 validity of the title of the manufactured home or the existence or non-
10 existence of security interests in or liens on it; or (ii) that no such
11 facts or information are known to the applicant;

12 (4) the recorded original of the affidavit of severance as provided by
13 subdivision nine of section two hundred ninety six-a of the real proper-
14 ty law;

15 (5) a sworn declaration by an attorney at law, duly admitted to prac-
16 tice in the courts of the state of New York, or an agent of a title
17 insurance company duly licensed to issue policies of title insurance in
18 the state of New York, that the manufactured home is free and clear of
19 all security interests, liens and encumbrances or that all security
20 interests, liens and encumbrances will be released, and: (i) any facts
21 or information known to him or her that could reasonably affect the
22 validity of the title of the manufactured home or the existence or non-
23 existence of any security interests in or lien on it; or (ii) that no
24 such facts or information are known to him or her; and

25 (6) any other information and documents the commissioner reasonably
26 requires to identify the manufactured home and to enable him or her to
27 determine whether the owner is entitled to a certificate of title and
28 the existence or non-existence of security interests in or liens on the
29 manufactured home.

30 (b) When satisfied as to its genuineness and regularity of the appli-
31 cation for a certificate of title to a manufactured home and upon satis-
32 faction of the requirements of subdivision (a) of this section, the
33 commissioner shall issue a new certificate of title and update his or
34 her records in accordance with the provisions of section twenty-one
35 hundred seven of this article.

36 (c) Immediately upon satisfaction of the requirements of this section
37 and thereafter, a manufactured home shall be conveyed and encumbered as
38 personal property as provided in this chapter.

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

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

48 (e) [~~After~~] Except as otherwise provided in sections twenty-one
49 hundred seventeen-b and twenty-one hundred twenty-three of this article,
50 and section two hundred ninety-six-a of the real property law, after a
51 certificate of title has been issued [~~in this state~~] for a [~~vehicle~~
52 which is a mobile home or a] manufactured home, and as long as the
53 [~~vehicle which is a mobile home or a~~] manufactured home is subject to
54 any security interest perfected pursuant to this section, the commis-
55 sioner shall not file an affidavit of affixation, nor revoke the certif-
56 icate of title, nor issue a certificate of title under subdivision (a)

1 of section twenty-one hundred seven of this article, and, in any event,
2 the validity and priority of any security interest perfected pursuant to
3 this section shall continue, notwithstanding the provision of any other
4 law~~[, including but not limited to section 9-303 and section 9-313 of~~
5 ~~the uniform commercial code]~~.

6 § 14. Section 2123 of the vehicle and traffic law, as amended by chap-
7 ter 322 of the laws of 1993, is amended to read as follows:

8 § 2123. Exclusiveness of procedure. The method provided in this arti-
9 cle of perfecting and giving notice of security interests subject to
10 this article is exclusive. Security interests subject to this article
11 are hereby exempted from the provisions of law which otherwise relate to
12 the perfection of security interests, ~~[including but not limited to~~
13 ~~section 9-313 of the uniform commercial code]~~ provided, however, that
14 with respect to a manufactured home that is or will be affixed to a
15 permanent foundation, upon recordation of an affidavit of affixation
16 pursuant to paragraph (c) of subdivision two of section two hundred
17 ninety-six-a of the real property law and satisfaction of the require-
18 ments of section twenty-one hundred seventeen-a, twenty-one hundred
19 seventeen-b or twenty-one hundred seventeen-c of this article, any
20 perfection or termination of a security interest with respect to such
21 manufactured home shall conform to the requirements of article nine of
22 the real property law.

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

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

32 § 16. The real property law is amended by adding a new section 296-a
33 to read as follows:

34 § 296-a. Conveyance and encumbrance of manufactured homes as real
35 property. 1. Manufactured home; permanently affixed to real property.
36 For purposes of this section, the term "manufactured home" means a
37 "manufactured home" as defined in paragraph fifty-three of subsection
38 (a) of section 9-102 of the uniform commercial code. Notwithstanding the
39 foregoing, for the purposes of 11 USC § 1322(b)(2), a manufactured home
40 shall be deemed to be real property. For purposes of this section, arti-
41 cle forty-six of the vehicle and traffic law, and the uniform commercial
42 code, a manufactured home is "affixed to a permanent foundation" if it
43 is anchored to real property by attachment to a permanent foundation,
44 and connected to a residential utility, such as water, gas, electricity,
45 sewer or septic service.

46 2. Conversion procedure. To convey or voluntarily encumber a manufac-
47 tured home as real property, the following conditions must be met:

48 (a) The manufactured home shall be affixed to a permanent foundation;
49 (b) The ownership interests in the manufactured home and the real
50 property to which the manufactured home is or shall be affixed shall be
51 identical, provided, however, that the owner of the manufactured home,
52 if not the owner of the real property, is in possession of the real
53 property under the terms of a lease in recordable form, and owner has
54 the consent of the lessor of the real property; and

55 (c) Each person having an ownership interest in such home shall
56 execute and record with the recording officer of the county or counties

1 in which the real property is located an affidavit of affixation as
2 provided in subdivision three of this section, and satisfy the other
3 applicable requirements of this section.

4 (d) Upon receipt of the recorded original affidavit of affixation
5 pursuant to subdivision five of this section, any person designated
6 therein for filing with the commissioner of motor vehicles shall file
7 the recorded original of affidavit of affixation with the commissioner.
8 In the case where the home is covered by a manufacturer's certificate of
9 origin, the recorded original affidavit of affixation and the original
10 manufacturer's certificate of title shall be filed with the commissioner
11 pursuant to section twenty-one hundred seventeen-a of the vehicle and
12 traffic law. In the case the home is covered by a certificate of title,
13 the recorded original affidavit of affixation and the original certif-
14 icate of title shall be filed with the commissioner in accordance with
15 section twenty-one hundred seventeen-b of the vehicle and traffic law.
16 In the case the home is not covered by a manufacturer's certificate of
17 origin or a certificate of title, or where a manufactured home that is
18 covered by a manufacturer's certificate of origin or certificate of
19 title but which the owner or owners, after diligent search and inquiry,
20 are unable to produce, the recorded original affidavit of affixation
21 shall be filed with the commissioner in accordance with section twenty-
22 one hundred seventeen-c of the vehicle and traffic law.

23 3. Affidavit of affixation. (a) An affidavit of affixation shall
24 contain or be accompanied by:

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

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

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

40 (iv) as applicable, (A) if the manufactured home is not covered by a
41 certificate of title, a statement by the owner or owners to that effect;
42 and

43 (1) a copy of the original manufacturer's certificate of origin for
44 the manufactured home, duly endorsed to the owner or owners of the manu-
45 factured home; a statement that annexed to the affidavit of affixation
46 is a copy of the original manufacturer's certificate of origin for the
47 manufactured home, duly endorsed to the owner of the manufactured home
48 and that the owner of the manufactured home shall surrender the original
49 manufacturer's certificate of origin to the commissioner of motor vehi-
50 cles; or

51 (2) a statement that the owner or owners of the home, after diligent
52 search and inquiry, are unable to produce the original manufacturer's
53 certificate of origin for the manufactured home and that the owner of
54 the manufactured home shall apply to the commissioner of motor vehicles
55 for a confirmation of conversion of the manufactured home;

1 (B) if the manufactured home is covered by a certificate of title,
2 either:

3 (1) a statement by the owner of the manufactured home that the manu-
4 factured home is covered by a certificate of title, the date the title
5 was issued, the title number, a copy of the certificate of title for the
6 manufactured home, naming or duly endorsed to the owner or owners of the
7 manufactured home; a statement that annexed to the affidavit of affixa-
8 tion is a copy of the certificate of title for the manufactured home,
9 naming or duly endorsed to the owner or owners of the manufactured home;
10 and that the owner or owners of the manufactured home shall surrender
11 the original certificate of title to the commissioner of motor vehicles;
12 or

13 (2) a statement by the owner of the manufactured home, after diligent
14 search and inquiry, is unable to produce the certificate of title for
15 the manufactured home and that the owner of the manufactured home shall
16 apply to the commissioner of motor vehicles for a confirmation of
17 conversion of the manufactured home; or

18 (C) if the manufactured home is covered by neither a manufacturer's
19 certificate of origin nor a certificate of title, a statement by the
20 owner of the manufactured home to that effect and that the owner of the
21 manufactured home shall apply to the commissioner of motor vehicles for
22 a confirmation of conversion;

23 (v) a statement whether or not the manufactured home is subject to one
24 or more security interests or liens, and;

25 (1) if the manufactured home is subject to one or more security inter-
26 ests, the name and address of each party holding a security interest in
27 or lien on the manufactured home, including but not limited to, those
28 shown on any certificate of title issued by the commissioner of motor
29 vehicles, if any, and a statement that the security interest or lien
30 shall be released; or

31 (2) a statement that each security interest in or lien on the manufac-
32 tured home, if any, has been released, together with due proof of each
33 such release, if any;

34 (vi) a statement that the manufactured home is or shall be affixed to
35 a permanent foundation;

36 (vii) the name and address of the person designated for filing the
37 recorded original affidavit of affixation with the commissioner of motor
38 vehicles, to whom the recording officer shall return the affidavit of
39 affixation after it has been duly recorded in the real property records,
40 as provided in this section.

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

48 (c) The affidavit of affixation shall conform to the requirements of
49 this subdivision. An affidavit of affixation shall be in the form set
50 forth below:

51 _____, 20____

52 Date

53 _____
54 Place of Recording

[] 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

Notary Public; State of _____

Qualified in the County of _____

My commission expires: _____

Official Seal:

Lender's Statement of Intent:

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

1 _____
2 Lender

3 By:

4 Authorized Signature

5 STATE OF _____)

6 _____) ss.:

7 COUNTY OF _____)

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

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

17 _____
18 Notary Signature

19 _____
20 Notary Printed Name

21 Notary Public; State of _____

22 Qualified in the County of _____

23 My commission expires: _____

24 Official Seal:

25 (d) The fee for recording an affidavit of affixation shall be twenty-
26 five dollars.

27 4. Disposition of liens. Neither the act of affixing a manufactured
28 home to real property, nor the recording of the affidavit of affixation
29 shall impair the rights of any holder of a security interest in a manu-
30 factured home perfected as provided in section twenty-one hundred eigh-
31 teen of the vehicle and traffic law, unless and until the due filing
32 with and acceptance by the commissioner of motor vehicles of an applica-
33 tion to surrender the title and a release of any lien as provided in
34 section twenty-one hundred twenty-one of the vehicle and traffic law.
35 Upon the filing of such a release, the security interest created under
36 the vehicle and traffic law terminates. The recording of an affidavit
37 of affixation does not change the character of the lien noted on a
38 certificate of title, and no mortgage recording tax shall be imposed at
39 the time an affidavit of affixation is recorded or upon any lien upon a
40 manufactured home created under the vehicle and traffic law.

41 5. Notice to commissioner of motor vehicles. Upon payment of the fees
42 provided by law and recordation of the affidavit of affixation or affi-
43 davit of severance, the recording officer shall endorse the affidavit as
44 "recorded in land records", setting forth thereon the indexing informa-
45 tion for the affidavit of affixation or the affidavit of severance and
46 the recording officer shall forthwith forward the recorded original
47 affidavit of affixation or the affidavit of severance to the person
48 designated therein for filing with the commissioner of motor vehicles.

1 6. Time of conversion: A manufactured home shall be deemed to be real
2 property and shall be governed by the laws applicable thereto, upon the
3 occurrence of all of the following events:

4 (a) the manufactured home is affixed to a permanent foundation as
5 provided in subdivision one of this section,

6 (b) an affidavit of affixation conforming to the requirements of
7 subdivision three of this section has been duly recorded,

8 (c) the recorded original of the affidavit of affixation is delivered
9 to the commissioner of motor vehicles as provided in subdivision five of
10 this section,

11 (d) the requirements of section twenty-one hundred seventeen-a, twenty-
12 one hundred seventeen-b, or section twenty-one hundred seventeen-c of
13 the vehicle and traffic law, as applicable, are satisfied.

14 (e) Notwithstanding the provisions of paragraphs (a), (b), (c), and
15 (d) of this subdivision, if an application to surrender a manufacturer's
16 certificate of origin pursuant to section twenty-one hundred seventeen-a
17 of the vehicle and traffic law, an application to surrender a certifi-
18 cate of title pursuant to section twenty-one hundred seventeen-b of the
19 vehicle and traffic law, or an application for confirmation of conver-
20 sion pursuant to section twenty-one hundred seventeen-c of the vehicle
21 and traffic law is delivered to the commissioner of motor vehicles with-
22 in thirty days of recording the related affidavit of affixation with the
23 recording officer in the county in which the real property to which the
24 manufactured home is or shall be affixed and the application is there-
25 after accepted by the commissioner, the requirements of this section
26 shall be deemed satisfied as of the date the affidavit of affixation is
27 recorded.

28 7. Conveyance and encumbrance as real property. When a manufactured
29 home is deemed to be real property as provided in subdivision six of
30 this section, any mortgage, lien or security interest which can attach
31 to land, buildings erected thereon or fixtures affixed thereto, shall
32 attach, as of the date of recording in the same manner as real property.
33 Title to such manufactured home shall be transferred by deed or other
34 form of conveyance that is effective to transfer an interest in real
35 property, together with the land to which such structure is affixed. The
36 manufactured home shall be deemed to be real property and shall be
37 governed by the laws of this state applicable to real property.

38 8. Manufactured homes that remain personal property or a fixture.
39 Except as provided in subdivisions three, five, six and seven of this
40 section, an affidavit of affixation is not necessary or effective to
41 convey or encumber a manufactured home or to change the character of the
42 manufactured home to real property.

43 9. Affidavit of severance. (a) If and when a manufactured home for
44 which an affidavit of affixation has been recorded, is detached or
45 severed from the real property where it is affixed, any person having an
46 interest in the real property may record an affidavit of severance in
47 the land records of the county where the affidavit of affixation with
48 respect to the home is recorded. The affidavit of severance shall
49 contain or be accompanied by:

50 (i) the name, residence and mailing address of the owner of the manu-
51 factured home;

52 (ii) a description of the manufactured home including, so far as the
53 following data exists: the name of the manufacturer, the make, the model
54 name, the model year, the dimensions, and the vehicle identification
55 number or numbers of the manufactured home and whether it is new or
56 used;

(iii) a statement of book number, page number and date of recordation of the affidavit of affixation;

(iv) a statement of either, (A) any facts or information known to the affiant that could reasonably affect the validity of the title of the manufactured home or the existence or non-existence of security interests in it or liens on it, or (B) that no such facts or information are known to the affiant;

(v) a sworn declaration by an attorney-at-law, duly admitted to practice in the courts of the state of New York, or an agent of the title insurance company duly licensed to issue policies of title insurance in the state of New York that the manufactured home is free and clear of all security interests, liens and encumbrances, and (A) any facts or information known to him or her that could reasonably affect the validity of the title of the manufactured home or the existence or non-existence of security interests in or liens on it; or (B) that no such facts or information are known to him or her; and

(vi) the name and address of the person designated for recording the affidavit of severance with the commissioner of motor vehicles, to whom the recording officer shall deliver the affidavit of severance after it has been duly recorded in the real property records, as provided in this section.

(b) The affidavit of severance shall be in the form set forth in paragraph (c) of this subdivision 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, such recording officer shall immediately cause the affidavit and any attachments thereto, to be duly recorded and indexed in the record of deeds.

(c) The affidavit of severance shall conform to the requirements of this section. An affidavit of severance shall be in the form set forth below:

_____, 20 _____ FILING INSTRUCTIONS: _____,
Date _____.

Place of Recording

Prepared by: _____ Record & Return by ☐ Mail ☐ Pickup
to: _____

Name Bar No. (if applicable)

Name

Address 1

Address 1

Address 2

Address 2

Telephone Number

Telephone Number

MANUFACTURED HOME AFFIDAVIT OF SEVERANCE

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

BEFORE ME, the undersigned notary public, on this day personally appeared Homeowner(s) known to me to be the person(s) whose name(s) is/are subscribed below (each a "Homeowner"), and who, being by me first duly sworn, did each on his or her oath state as follows:

1. The legal description of the real property from which the manufactured home ("Home"), described below, is or will be severed ("Land") is:

2. The Homeowner(s) reside at the following address:

Street or Route City County State Zip Code

Mailing address, if different:

Street or Route City County State Zip Code

3. Homeowner owns the Home described as follows:

New/Used Manf. Model Name Manf. Length/Width
Year Name/Make and Model No. Serial No.

4. The Home is or was located at the following "Property Address":

Street or Route City County State Zip Code

5. An Affidavit of Affixation was duly recorded in the land records of _____ County on _____, with an instrument number of _____ and/or in the Deed Book in book number _____ at page number _____. A copy of the recorded Affidavit of Affixation is attached to this Affidavit.

6. The Home is subject to the following security interest (each, a "Security interest"):

Name of Lienholder: _____ Name of Lienholder: _____

Address: _____ Address: _____

Original Principal Amount Secured: _____ Original Principal Amount Secured: _____

7. Other than those disclosed in this Affidavit, (i) the Homeowner is not aware of any facts or information known to him or her that could reasonably affect the validity of the title of the manufactured home or the existence or non-existence of security interests in or liens on it or (ii) that no such facts or information are known to the Homeowner.

1 8. The sworn statement of an attorney at law, duly admitted to practice
2 in the courts of the state of New York, or an agent of a title insur-
3 ance company duly licensed to issue policies of title insurance in
4 the state of New York is attached ("Severance Certification"). The
5 Severance Certification states that the manufactured home is free and
6 clear of all security interests, liens and encumbrances or all secu-
7 rity interests, liens and encumbrances will be released, and (A) any
8 facts or information known to him that could reasonably affect the
9 validity of the title of the manufactured home or the existence or
10 non-existence of security interests in or liens on it; or (B) that no
11 such facts or information are known to him.

12 9. The Homeowner designates the following person to file the recorded
13 copy of this Manufactured Home Affidavit of Severance with the
14 Department of Motor Vehicles. After recording of this Affidavit, the
15 county clerk court shall return the recorded copy to this designated
16 person:

17 Name: _____

18 Address: _____

19 10. This Affidavit is executed by Homeowner(s) pursuant to applicable
20 state law.

21 IN WITNESS WHEREOF, Homeowner(s) has executed this Affidavit in my pres-
22 ence on this _____ day of _____, _____.

23 (SEAL)

24 Homeowner #1

25 _____
26 Printed Name

27 (SEAL)

28 Homeowner #2

29 _____
30 Printed Name

31 STATE OF _____)
32 _____) ss.:
33 COUNTY OF _____)

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

37 _____
38 personally known to me or proved to me on the basis of satisfactory
39 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

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

Official Seal:

(d) The fee for recording an affidavit of severance shall be twenty-five dollars.

(e) Upon receipt from the recording officer of the affidavit of severance by the person presenting the affidavit for recording, such person shall forthwith deliver for filing to the commissioner of motor vehicles the affidavit of severance and other documents provided in this subdivision.

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

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

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

11. Impairment of rights. Nothing in this section shall impair any rights existing under law prior to the effective date of this section of anyone claiming an interest in a manufactured home.

§ 17. Regulations. The commissioner of motor vehicles is hereby authorized and directed to promulgate rules and regulations necessary for the implementation of this act.

§ 18. This act shall take effect January 1, 2020; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such date.