

STATE OF NEW YORK

S. 4984

A. 7002

2019-2020 Regular Sessions

SENATE - ASSEMBLY

April 3, 2019

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

IN ASSEMBLY -- Introduced by M. of A. THIELE, PALUMBO, JAFFEE -- read once and referred to the Committee on Judiciary

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

17 § 3. Subparagraph (ii) of paragraph 1 of subdivision 5-a of section
18 108 of the banking law, as amended by chapter 322 of the laws of 1993,
19 is amended to read as follows:

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

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(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 1. "Motor vehicle" or "vehicle" means any device propelled or drawn by
2 any power other than muscular power, upon or by which any person or
3 property is or may be transported or drawn upon a public highway, road
4 or street except that it shall not include a "snowmobile" as defined in
5 subdivision three of section 21.05 of the parks, recreation and historic
6 preservation law. "Motor vehicle" or "vehicle" also means a "mobile
7 home" or a "manufactured home". "Mobile home" or "manufactured home"
8 means a [~~structure, transportable in one or more sections, which in the~~
9 ~~traveling mode, is eight body feet or more in width or forty body feet~~
10 ~~or more in length, or when erected on site, is three hundred twenty or~~
11 ~~more square feet, and which is built on a permanent chassis and designed~~
12 ~~to be used as a dwelling with or without a permanent foundation when~~
13 ~~connected to required utilities, and includes the plumbing, heating,~~
14 ~~air-conditioning and electrical systems contained therein]~~ manufactured
15 home as defined in paragraph fifty-three of subsection (a) of section
16 9-102 of the uniform commercial code.

17 § 8. Section 122-c of the vehicle and traffic law, as added by chapter
18 322 of the laws of 1993, is amended to read as follows:

19 § 122-c. Mobile home or manufactured home. [~~A structure, transportable~~
20 ~~in one or more sections, which in the traveling mode, is eight body feet~~
21 ~~or more in width or forty body feet or more in length, or when erected~~
22 ~~on site, is three hundred twenty or more square feet, and which is built~~
23 ~~on a permanent chassis and designed to be used as a dwelling with or~~
24 ~~without a permanent foundation when connected to required utilities, and~~
25 ~~includes the plumbing, heating, air-conditioning and electrical systems~~
26 ~~contained therein.~~] The term "mobile home" or "manufactured home" shall
27 have the same meaning as a manufactured home as defined in paragraph
28 fifty-three of subsection (a) of section 9-102 of the uniform commercial
29 code.

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

33 (19) A [~~mobile home or a~~] manufactured home, manufactured prior to
34 July first, nineteen hundred ninety-four and designated by the manufac-
35 turer as being a nineteen hundred ninety-four or earlier model year
36 [~~mobile home or~~] manufactured home, [~~and~~] any [~~mobile home or~~] manufac-
37 tured home, manufactured or assembled prior to January first, nineteen
38 hundred ninety-four for which the manufacturer has not designated a
39 model year, and any "factory manufactured home" as defined in subdivi-
40 sion eight of section three hundred seventy-two of the executive law.

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

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

52 (e) The commissioner shall file, upon receipt, each affidavit of affi-
53 xation that is delivered in accordance with paragraph c of subdivision
54 two of section two hundred ninety-six-a of the real property law, each
55 declaration that is delivered pursuant to paragraph six of subdivision
56 (a) of section twenty-one hundred seventeen-c of this article and each

1 affidavit of severance that is delivered in accordance with subdivision
2 nine of section two hundred ninety-six-a of the real property law, when
3 satisfied as to its genuineness and regularity.

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

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

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

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

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

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

49 (l) The commissioner shall maintain a record of each application for
50 confirmation of conversion accepted as provided in section twenty-one
51 hundred seventeen-c of this article. The record shall state the name of
52 the owner of the manufactured home, the county of recordation, the date
53 of recordation, the book and page number of each book of deeds where
54 there has been recorded an affidavit of affixation pursuant to paragraph
55 (c) of subdivision two of section two hundred ninety-six-a of the real

1 property law and this article, and any other data the commissioner
2 prescribes.

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

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

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

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

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

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

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

32 § 2117-a. Surrender of manufacturer's certificate of origin to a manu-
33 factured home. (a) The owner or owners of a manufactured home who
34 possess the manufacturer's certificate of origin to the manufactured
35 home that is affixed to a permanent foundation as provided in subdivi-
36 sion one of section two hundred ninety-six-a of the real property law,
37 or which the owner or owners intend to affix to a permanent foundation,
38 may surrender the manufacturer's certificate of origin to the manufac-
39 tured home to the commissioner by filing with the commissioner an appli-
40 cation for surrender of the manufacturer's certificate of origin
41 containing or accompanied by:

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

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

48 (3) the date of purchase by the owner of the manufactured home, the
49 name and address of the person from whom the home was acquired and the
50 names and addresses of any lienholders in the order of apparent priori-
51 ty;

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

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

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

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

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

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

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

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

28 § 2117-b. Surrender of title to a manufactured home. (a) The owner or
29 owners of a manufactured home that is covered by a certificate of title
30 and that is affixed to a permanent foundation as provided in subdivision
31 one of section two hundred ninety-six-a of the real property law, or
32 which the owner or owners intend to affix to a permanent foundation, may
33 surrender the certificate of title to the manufactured home to the
34 commissioner by filing with the commissioner an application for surren-
35 der of title containing or accompanied by:

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

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

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

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

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

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

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

4 (8) any release of lien required by subdivision (b) of this section;
5 and

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

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

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

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

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

34 § 2117-c. Confirmation of conversion of a manufactured home. (a) The
35 owner or owners of a manufactured home that is not covered by a certif-
36 icate of title or a manufacturer's certificate of origin, or of a manu-
37 factured home that is covered by a manufacturer's certificate of origin
38 or certificate of title but which the owner or owners, after diligent
39 search and inquiry, are unable to produce, and that is affixed to a
40 permanent foundation, or which the owner intends to affix to a permanent
41 foundation, may satisfy the requirements of paragraph (d) of subdivision
42 two of section two hundred ninety-six-a of the real property law by
43 filing with the commissioner an application for confirmation of conver-
44 sion containing or accompanied by:

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

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

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

55 (4) a statement signed by the owner, stating either: (i) any facts or
56 information known to the owner that could reasonably affect the validity

1 of the title of the manufactured home or the existence or non-existence
2 of security interests in or liens on it; or (ii) that no such facts or
3 information are known to the owner;

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

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

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

19 (8) any other information and documents the commissioner reasonably
20 requires to identify the owner of the manufactured home and to determine
21 the owner satisfied the applicable requirements of subdivision six of
22 section two hundred ninety-six-a of the real property law, and the
23 existence or non-existence of security interests in or liens on the
24 manufactured home.

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

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

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

39 § 2117-d. Application to reinstate certificate of title to a manufac-
40 tured home. (a) Notwithstanding any other provision of law, where a
41 manufactured home has been affixed to a permanent foundation, as
42 provided in subdivision one of section two hundred ninety-six-a of the
43 real property law, and an affidavit of affixation pursuant to paragraph
44 (c) of subdivision two of section two hundred ninety-six-a of the real
45 property law has been recorded as part of the real property records in
46 the county in which the manufactured home is located, and where the
47 manufactured home subsequently is detached or severed from the real
48 property, the owner or owners may apply for a new certificate of title
49 by filing with the commissioner an application to issue a new certifi-
50 cate of title to a manufactured home containing or accompanied by:

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

52 (2) 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, and any other information the commissioner requires;

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

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

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

19 (6) any other information and documents the commissioner reasonably
20 requires to identify the manufactured home and to enable him or her to
21 determine whether the owner is entitled to a certificate of title and
22 the existence or non-existence of security interests in or liens on the
23 manufactured home.

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

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

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

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

42 (e) [~~After~~] Except as otherwise provided in sections twenty-one
43 hundred seventeen-b and twenty-one hundred twenty-three of this article,
44 and section two hundred ninety-six-a of the real property law, after a
45 certificate of title has been issued [~~in this state~~] for a [~~vehicle~~
46 ~~which is a mobile home or a~~] manufactured home, and as long as the
47 ~~[vehicle which is a mobile home or a]~~ manufactured home is subject to
48 any security interest perfected pursuant to this section, the commis-
49 sioner shall not file an affidavit of affixation, nor revoke the certif-
50 icate of title, nor issue a certificate of title under subdivision (a)
51 of section twenty-one hundred seven of this article, and, in any event,
52 the validity and priority of any security interest perfected pursuant to
53 this section shall continue, notwithstanding the provision of any other
54 law[~~, including but not limited to section 9-303 and section 9-313 of~~
55 ~~the uniform commercial code~~].

§ 14. 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 (c) of subdivision two of section two hundred ninety-six-a 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 of the real property law.

§ 15. 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.

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

§ 296-a. Conveyance and encumbrance of manufactured homes as real property. 1. Manufactured home; permanently affixed to real property. For purposes of this section, 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. Notwithstanding the foregoing, for the purposes of 11 USC § 1322(b)(2), a manufactured home shall be deemed to be real property. 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.

2. Conversion procedure. To convey or voluntarily encumber a manufactured home as real property, the following conditions must be met:

(a) The manufactured home shall be affixed to a permanent foundation;
(b) 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 owner has the consent of the lessor of the real property; and

(c) 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 subdivision three of this section, and satisfy the other applicable requirements of this section.

(d) Upon receipt of the recorded original affidavit of affixation pursuant to subdivision five of this section, any person designated

1 therein for filing with the commissioner of motor vehicles shall file
2 the recorded original of affidavit of affixation with the commissioner.
3 In the case where the home is covered by a manufacturer's certificate of
4 origin, the recorded original affidavit of affixation and the original
5 manufacturer's certificate of title shall be filed with the commissioner
6 pursuant to section twenty-one hundred seventeen-a of the vehicle and
7 traffic law. In the case the home is covered by a certificate of title,
8 the recorded original affidavit of affixation and the original certifi-
9 cate of title shall be filed with the commissioner in accordance with
10 section twenty-one hundred seventeen-b of the vehicle and traffic law.
11 In the case the home is not covered by a manufacturer's certificate of
12 origin or a certificate of title, or where a manufactured home that is
13 covered by a manufacturer's certificate of origin or certificate of
14 title but which the owner or owners, after diligent search and inquiry,
15 are unable to produce, the recorded original affidavit of affixation
16 shall be filed with the commissioner in accordance with section twenty-
17 one hundred seventeen-c of the vehicle and traffic law.

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

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

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

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

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

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

46 (2) a statement that the owner or owners of the home, after diligent
47 search and inquiry, are unable to produce the original manufacturer's
48 certificate of origin for the manufactured home and that the owner of
49 the manufactured home shall apply to the commissioner of motor vehicles
50 for a confirmation of conversion of the manufactured home;

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

53 (1) a statement by the owner of the manufactured home that the manu-
54 factured home is covered by a certificate of title, the date the title
55 was issued, the title number, a copy of the certificate of title for the
56 manufactured home, naming or duly endorsed to the owner or owners of the

1 manufactured home; a statement that annexed to the affidavit of affixa-
2 tion is a copy of the certificate of title for the manufactured home,
3 naming or duly endorsed to the owner or owners of the manufactured home;
4 and that the owner or owners of the manufactured home shall surrender
5 the original certificate of title to the commissioner of motor vehicles;
6 or

7 (2) a statement by the owner of the manufactured home, after diligent
8 search and inquiry, is unable to produce the certificate of title for
9 the manufactured home and that the owner of the manufactured home shall
10 apply to the commissioner of motor vehicles for a confirmation of
11 conversion of the manufactured home; or

12 (C) if the manufactured home is covered by neither a manufacturer's
13 certificate of origin nor a certificate of title, a statement by the
14 owner of the manufactured home to that effect and that the owner of the
15 manufactured home shall apply to the commissioner of motor vehicles for
16 a confirmation of conversion;

17 (v) a statement whether or not the manufactured home is subject to one
18 or more security interests or liens, and:

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

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

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

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

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

42 (c) The affidavit of affixation shall conform to the requirements of
43 this subdivision. An affidavit of affixation shall be in the form set
44 forth below:

45 _____, 20

46 Date

47 _____
48 Place of Recording

49 Record & Return by ☐ Mail ☐ Pickup to:

50 _____
51 Name

52 _____
53 Address 1

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

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

6 _____
7 Printed Name Printed Name

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

10 _____
11 Printed Name Printed Name

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

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

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

25 _____
26 Notary Signature

27 _____
28 Notary Printed Name

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

32 Official Seal:

33 Lender's Statement of Intent:

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

36 _____
37 Lender
38 By: _____
39 Authorized Signature

1 STATE OF)
2) ss.:
3 COUNTY OF)

4 On the day of in the year before me, the
5 undersigned, a Notary Public in and for said State, personally appeared
6
7 personally known to me or proved to me on the basis of satisfactory
8 evidence to be the individual(s) whose name(s) is(are) subscribed to the
9 within instrument and acknowledged to me that he/she/they executed the
10 same in his/her/their capacity(ies), and that by his/her/their
11 signature(s) on the instrument, the individual(s), or the person on
12 behalf of which the individual(s) acted, executed the instrument.

13 _____
14 Notary Signature

15 _____
16 Notary Printed Name

17 Notary Public; State of
18 Qualified in the County of
19 My commission expires:
20 Official Seal:

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

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

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

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

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

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

3 (c) the recorded original of the affidavit of affixation is delivered
4 to the commissioner of motor vehicles as provided in subdivision five of
5 this section,

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

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

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

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

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

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

47 (ii) 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;

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

54 (iv) a statement of either, (A) any facts or information known to the
55 affiant that could reasonably affect the validity of the title of the
56 manufactured home or the existence or non-existence of security inter-

ests 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 1. The legal description of the real property from which the manufac-
2 tured home ("Home"), described below, is or will be severed ("Land")
3 is:

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

5 _____
6 Street or Route City County State Zip Code

7 Mailing address, if different:

8 _____
9 Street or Route City County State Zip Code

10 3. Homeowner owns the Home described as follows:

11 _____
12 New/Used Manf. Model Name Manf. Length/Width
13 Year Name/Make and Model No. Serial No.

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

15 _____
16 Street or Route City County State Zip Code

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

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

24 Name of Lienholder: _____ Name of Lienholder: _____

25 Address: _____ Address: _____

26 Original Principal Original Principal
27 Amount Secured: _____ Amount Secured: _____

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

34 8. The sworn statement of an attorney at law, duly admitted to practice
35 in the courts of the state of New York, or an agent of a title insur-
36 ance company duly licensed to issue policies of title insurance in
37 the state of New York is attached ("Severance Certification"). The

Severance Certification states that the manufactured home is free and clear of all security interests, liens and encumbrances or all security interests, liens and encumbrances will be released, and (A) any facts or information known to him 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.

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

Name: _____

Address: _____

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

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

_____ (SEAL)
Homeowner #1

Printed Name

_____ (SEAL)
Homeowner #2

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.

1 _____
2 Notary Signature

3 _____
4 Notary Printed Name

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

8 Official Seal:

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

11 (e) Upon receipt from the recording officer of the affidavit of sever-
12 ance by the person presenting the affidavit for recording, such person
13 shall forthwith deliver for filing to the commissioner of motor vehicles
14 the affidavit of severance and other documents provided in this subdivi-
15 sion.

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

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

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

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

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

35 § 18. This act shall take effect January 1, 2021. Effective imme-
36 diately, the addition, amendment and/or repeal of any rule or regulation
37 necessary for the implementation of this act on its effective date are
38 authorized to be made and completed on or before such effective date.