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:

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

§ 2. Subdivision 13 of section 372 of the executive law, as amended by chapter 309 of the laws of 1996, is amended to read as follows:

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

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. "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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) 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 a 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 or has been released or will be released from all record security interests, liens and encumbrances; and: (i) 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 it; or (ii) that no such facts or information are known to him or her; and

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

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

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

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

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

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

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

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

(3) a statement signed by the applicant, stating either: (i) any facts or information known to the applicant 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 applicant;

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

(5) 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 a 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 or that all security interests, liens and encumbrances will be released, and: (i) 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 any security interests in or lien on it; or (ii) that no such facts or information are known to him or her; and

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

(b) When satisfied as to its genuineness and regularity of the application for a certificate of title to a manufactured home and upon satisfaction of the requirements of subdivision (a) of this section, the commissioner shall issue a new certificate of title and update his or her records in accordance with the provisions of section twenty-one hundred seven of this article.

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

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

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

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

§ 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

therein for filing with the commissioner of motor vehicles shall file the recorded original of affidavit of affixation with the commissioner. In the case where the home is covered by a manufacturer's certificate of origin, the recorded original affidavit of affixation and the original manufacturer's certificate of title shall be filed with the commissioner pursuant to section twenty-one hundred seventeen-a of the vehicle and traffic law. In the case the home is covered by a certificate of title, the recorded original affidavit of affixation and the original certificate of title shall be filed with the commissioner in accordance with section twenty-one hundred seventeen-b of the vehicle and traffic law. In the case the home is not covered by a manufacturer's certificate of origin or a certificate of title, or where a manufactured home that is covered by a manufacturer's certificate of origin or certificate of title but which the owner or owners, after diligent search and inquiry, are unable to produce, the recorded original affidavit of affixation shall be filed with the commissioner in accordance with section twenty-one hundred seventeen-c of the vehicle and traffic law.

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

(i) so far as the data exists, the name of the manufacturer, the make, the model name, the model year, the dimensions, and the vehicle identification number or numbers of the manufactured home, and whether it is new or used;

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

(iii) the street address and the legal description of the real property upon which the manufactured home is or will be affixed to a permanent foundation;

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

(1) a copy of the original manufacturer's certificate of origin for the manufactured home, duly endorsed to the owner or owners of the manufactured home; a statement that annexed to the affidavit of affixation is a copy of the original manufacturer's certificate of origin for the manufactured home, duly endorsed to the owner of the manufactured home and that the owner of the manufactured home shall surrender the original manufacturer's certificate of origin to the commissioner of motor vehicles; or

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

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

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

manufactured home; a statement that annexed to the affidavit of affixation is a copy of the certificate of title for the manufactured home, naming or duly endorsed to the owner or owners of the manufactured home; and that the owner or owners of the manufactured home shall surrender the original certificate of title to the commissioner of motor vehicles; or

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

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

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

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

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

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

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

(b) The affidavit of affixation 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, the recording officer shall immediately cause the affidavit of affixation and any attachments thereto, to be duly recorded and indexed in the record of deeds.

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

_____, 20____
Date
_____
Place of Recording

Record & Return by [] Mail [] Pickup to:
_____
Name
_____
Address 1

_____
Address 2

MANUFACTURED HOME AFFIDAVIT OF AFFIXATION

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

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

_____
New/Used Year Manufacturer's Name Model Name or Model No.
_____
Manufacturer's Serial No. Length / Width

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

_____
Street or Route City County State Zip Code

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

_____
_____
_____

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

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

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

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

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

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

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

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

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

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

_____
Printed Name Printed Name

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

_____
Printed Name Printed Name

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

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

_____
Notary Signature

_____
Notary Printed Name

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.

_____
Lender
By: _____
Authorized Signature

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:

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

4. Disposition of liens. Neither the act of affixing a manufactured home to real property, nor the recording of the affidavit of affixation shall impair the rights of any holder of a security interest in a manufactured home perfected as provided in section twenty-one hundred eighteen of the vehicle and traffic law, unless and until the due filing with and acceptance by the commissioner of motor vehicles of an application to surrender the title and a release of any lien as provided in section twenty-one hundred twenty-one of the vehicle and traffic law. Upon the filing of such a release, the security interest created under the vehicle and traffic law terminates. The recording of an affidavit of affixation does not change the character of the lien noted on a certificate of title, and no mortgage recording tax shall be imposed at the time an affidavit of affixation is recorded or upon any lien upon a manufactured home created under the vehicle and traffic law.

5. Notice to commissioner of motor vehicles. Upon payment of the fees provided by law and recordation of the affidavit of affixation or affidavit of severance, the recording officer shall endorse the affidavit as "recorded in land records", setting forth thereon the indexing information for the affidavit of affixation or the affidavit of severance and the recording officer shall forthwith forward the recorded original affidavit of affixation or the affidavit of severance to the person designated therein for filing with the commissioner of motor vehicles.

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

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

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

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

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

(e) Notwithstanding the provisions of paragraphs (a), (b), (c), and (d) of this subdivision, if an application to surrender a manufacturer's certificate of origin pursuant to section twenty-one hundred seventeen-a of the vehicle and traffic law, an application to surrender a certificate of title pursuant to section twenty-one hundred seventeen-b of the vehicle and traffic law, or an application for confirmation of conversion pursuant to section twenty-one hundred seventeen-c of the vehicle and traffic law is delivered to the commissioner of motor vehicles within thirty days of recording the related affidavit of affixation with the recording officer in the county in which the real property to which the manufactured home is or shall be affixed and the application is thereafter accepted by the commissioner, the requirements of this section shall be deemed satisfied as of the date the affidavit of affixation is recorded.

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

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

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

(i) the name, residence and mailing address of the owner of the manufactured home;

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

(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 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. 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 Year | Manf. Name/Make | Model Name and Model No. | Manf. Serial No. | Length/Width

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.

8. The sworn statement of an attorney at law, duly admitted to practice in the courts of the state of New York, or an agent of a title insurance company duly licensed to issue policies of title insurance in 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.

_____
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, 2021. 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 effective date.