

# STATE OF NEW YORK

8152

2021-2022 Regular Sessions

## IN ASSEMBLY

July 7, 2021

Introduced by M. of A. THIELE, STECK -- read once and referred to the Committee on Judiciary

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

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

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

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

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

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

22 (f) The commissioner shall maintain a record of each affidavit of  
23 affixation he or she files in accordance with subdivision (e) of this  
24 section. The record shall state the name of the owner of the manufac-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 § 2117-a. Surrender of manufacturer's certificate of origin to a manu-  
26 factured home. (a) The owner or owners of a manufactured home who  
27 possess the manufacturer's certificate of origin to the manufactured  
28 home that is affixed to a permanent foundation as provided in subdivi-  
29 sion (a) of section three hundred thirty-nine-nn of the real property  
30 law, or which the owner or owners intend to affix to a permanent founda-  
31 tion, may surrender the manufacturer's certificate of origin to the  
32 manufactured home to the commissioner by filing with the commissioner an  
33 application for surrender of the manufacturer's certificate of origin  
34 containing or accompanied by:

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

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

41 (3) the date of purchase by the owner of the manufactured home, the  
42 name and address of the person from whom the home was acquired and the  
43 names and addresses of any lienholders in the order of apparent priori-  
44 ty;

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

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

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

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

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

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

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

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

22     § 2117-b. Surrender of title to a manufactured home. (a) The owner or  
23 owners of a manufactured home that is covered by a certificate of title  
24 and that is affixed to a permanent foundation as provided in section  
25 three hundred thirty-nine-mm of the real property law, or which the  
26 owner or owners intend to affix to a permanent foundation, may surrender  
27 the certificate of title to the manufactured home to the commissioner by  
28 filing with the commissioner an application for surrender of title  
29 containing or accompanied by:

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

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

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

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

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

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

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

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

55         (9) any other information and documents the commissioner reasonably  
56 requires to identify the owner of the manufactured home, to determine

1 whether the owner satisfied the applicable requirements of section three  
2 hundred thirty-nine-rr of the real property law, and to enable him or  
3 her to determine whether the owner is entitled to surrender the certif-  
4 icate of title and the existence or non-existence of security interests  
5 in or liens on the manufactured home.

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

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

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

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

26 § 2117-c. Confirmation of conversion of a manufactured home. (a) The  
27 owner or owners of a manufactured home that is not covered by a certif-  
28 icate of title or a manufacturer's certificate of origin, or of a manu-  
29 factured home that is covered by a manufacturer's certificate of origin  
30 or certificate of title but which the owner or owners, after diligent  
31 search and inquiry, are unable to produce, and that is affixed to a  
32 permanent foundation, or which the owner intends to affix to a permanent  
33 foundation, may satisfy the requirements of subdivision (b) of section  
34 three hundred thirty-nine-nn of the real property law by filing with the  
35 commissioner an application for confirmation of conversion containing or  
36 accompanied by:

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

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

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

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

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

55 (6) a sworn declaration by an attorney at law, duly admitted to prac-  
56 tice in the courts of the state of New York, or an agent of a title

1 insurance company duly licensed to issue policies of title insurance in  
2 the state of New York, that the manufactured home is free and clear of  
3 or has been released or will be released from all record security inter-  
4 ests, liens and encumbrances; and: (i) any facts or information known to  
5 him or her that could reasonably affect the validity of the title of the  
6 manufactured home or the existence or non-existence of security inter-  
7 ests in it; or (ii) that no such facts or information are known to him  
8 or her; and

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

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

16 (b) When satisfied as to its genuineness and regularity of the confir-  
17 mation of conversion of a manufactured home and upon satisfaction of the  
18 requirements of subdivision (a) of this section, the commissioner shall  
19 update his or her records in accordance with the provisions of subdivi-  
20 sions (f), (k) and (l) of section twenty-one hundred seven of this arti-  
21 cle. The commissioner shall also provide written acknowledgment of  
22 compliance with the provisions of this section to each person identified  
23 on the application for confirmation of conversion under paragraph seven  
24 of subdivision (a) of this section.

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

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

30 § 2117-d. Application to reinstate certificate of title to a manufac-  
31 tured home. (a) Notwithstanding any other provision of law, where a  
32 manufactured home has been affixed to a permanent foundation, as  
33 provided in section three hundred thirty-nine-mm of the real property  
34 law, and an affidavit of affixation pursuant to paragraph (iii) of  
35 subdivision (a) of section three hundred thirty-nine-nn of the real  
36 property law has been recorded in the real property records in the coun-  
37 ty in which the manufactured home is located, and where the manufactured  
38 home subsequently is detached or severed from the real property, the  
39 owner or owners may apply for a new certificate of title by filing with  
40 the commissioner an application to issue a new certificate of title to a  
41 manufactured home 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) a statement signed by the applicant, stating either: (i) any facts  
49 or information known to the applicant that could reasonably affect the  
50 validity of the title of the manufactured home or the existence or non-  
51 existence of security interests in or liens on it; or (ii) that no such  
52 facts or information are known to the applicant;

53 (4) the recorded original of the affidavit of severance as provided by  
54 section three hundred thirty-nine-uu of the real property law;

55 (5) a sworn declaration by an attorney at law, duly admitted to prac-  
56 tice 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.

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

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

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

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

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

thirty-nine-~~nn~~ of the real property law and satisfaction of the requirements of section twenty-one hundred seventeen-a, twenty-one hundred seventeen-b or twenty-one hundred seventeen-C of this article, any perfection or termination of a security interest with respect to such manufactured home shall conform to the requirements of article nine-c of the real property law.

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

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

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

#### ARTICLE 9-C

##### CONVEYANCE AND ENCUMBRANCE OF MANUFACTURED HOMES AS REAL PROPERTY

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

339-nn. Conversion procedure.

339-oo. Affidavit of affixation.

339-pp. Disposition of liens.

339-qq. Notice to commissioner of motor vehicles.

339-rr. Time of conversion.

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

339-tt. Manufactured homes that remain personal property.

339-uu. Affidavit of severance.

339-vv. Documents in trust.

339-ww. Home warranty.

339-xx. Impairment of rights.

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

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

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

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

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

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

§ 339-oo. Affidavit of affixation. (a) To convey or voluntarily encumber a manufactured home, 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 a statement that, the owner of the manufactured home shall surrender the original manufacturer's certificate of origin to the commissioner of motor vehicles;

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

(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;

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

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

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

\_\_\_\_\_, 20

Date

\_\_\_\_\_  
Place of Recording

Record & Return by ☐ Mail ☐ Pickup to:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address 1

\_\_\_\_\_  
Address 2

#### MANUFACTURED HOME AFFIDAVIT OF AFFIXATION

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

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

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

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

_____ <u>Street or Route</u>	_____ <u>City</u>	_____ <u>County</u>	_____ <u>State</u>	_____ <u>Zip Code</u>
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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).

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

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

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

6 ☐ The Home is not covered by a certificate of title. A copy of the  
 7 manufacturer's certificate of origin, duly endorsed to the Homeowner,  
 8 is attached to this Affidavit. The Homeowner shall surrender the  
 9 original manufacturer's certificate of origin.

10 ☐ The Home is not covered by a certificate of title. After dili-  
 11 gent search and inquiry, the Homeowner is unable to produce the  
 12 original manufacturer's certificate of origin.

13 ☐ The Home is covered by a certificate of title. A copy of the  
 14 certificate of title is attached to this Affidavit. The Homeowner  
 15 shall surrender the original certificate of title.

16 IN WITNESS WHEREOF, Homeowner(s) has executed this Affidavit in my  
 17 presence and in the presence of the undersigned witnesses on this  
 18 day of \_\_\_\_\_, \_\_\_\_\_.

19 \_\_\_\_\_ (Seal) \_\_\_\_\_ (Seal)  
 20 Homeowner #1 Witness

21 \_\_\_\_\_  
 22 Printed Name Printed Name

23 \_\_\_\_\_ (Seal) \_\_\_\_\_ (Seal)  
 24 Homeowner #2 Witness

25 \_\_\_\_\_  
 26 Printed Name Printed Name

27 STATE OF \_\_\_\_\_ )  
 28 \_\_\_\_\_ ) ss.:  
 29 COUNTY OF \_\_\_\_\_ )

30 On the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_  
 31 before me, the undersigned, a Notary Public in and for said State,  
 32 personally appeared

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

40 \_\_\_\_\_  
 41 Notary Signature

1 \_\_\_\_\_  
2 Notary Printed Name

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

6 Official Seal:

7 Lender's Statement of Intent:

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

10 \_\_\_\_\_  
11 Lender  
12 By:  
13 Authorized Signature

14 STATE OF \_\_\_\_\_ )  
15 \_\_\_\_\_ ) ss.:  
16 COUNTY OF \_\_\_\_\_ )

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

26 \_\_\_\_\_  
27 Notary Signature

28 \_\_\_\_\_  
29 Notary Printed Name

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

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

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

38 § 339-pp. Disposition of liens. Neither the act of affixing a manu-  
39 factured home to real property, nor the recording of the affidavit of  
40 affixation shall impair the rights of any holder of a security interest

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

12 § 339-qq. Notice to commissioner of motor vehicles. Upon payment of  
13 the fees provided by law and recordation of the affidavit of affixation  
14 or affidavit of severance, the recording officer shall endorse the affi-  
15 davit as "recorded in land records", setting forth thereon the indexing  
16 information for the affidavit of affixation or the affidavit of sever-  
17 ance and the recording officer shall forthwith forward the recorded  
18 original affidavit of affixation or the affidavit of severance to the  
19 person designated therein for filing with the commissioner of motor  
20 vehicles.

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

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

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

1     § 339-tt. Manufactured homes that remain personal property. Except as  
2 provided in section three hundred thirty-nine-nn, section three hundred  
3 thirty-nine-oo, and section three hundred thirty-nine-qq, of this arti-  
4 cle, an affidavit of affixation is not necessary or effective to convey  
5 or encumber a manufactured home or to change the character of the manu-  
6 factured home to real property.

7     § 339-uu. Affidavit of severance. (a) If and when a manufactured home  
8 for which an affidavit of affixation has been recorded, is detached or  
9 severed from the real property where it is affixed, any person having an  
10 interest in the real property may record an affidavit of severance in  
11 the land records of the county where the affidavit of affixation with  
12 respect to the home is recorded. The affidavit of severance shall  
13 contain or be accompanied by:

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

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

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

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

28     (v) a sworn declaration by an attorney-at-law, duly admitted to prac-  
29 tice in the courts of the state of New York, or an agent of the title  
30 insurance company duly licensed to issue policies of title insurance in  
31 the state of New York that the manufactured home is free and clear of  
32 all security interests, liens and encumbrances, and (A) any facts or  
33 information known to him or her that could reasonably affect the validi-  
34 ty of the title of the manufactured home or the existence or non-exis-  
35 tence of security interests in or liens on it; or (B) that no such facts  
36 or information are known to him or her; and

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

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

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

51     \_\_\_\_\_, 20 \_\_\_\_\_ FILING INSTRUCTIONS: \_\_\_\_\_,  
52 Date \_\_\_\_\_.

53 \_\_\_\_\_  
54 Place of Recording

1 Prepared by:Record & Return by ☐ Mail ☐ Pickup  
2 to:3 \_\_\_\_\_  
4 Name Bar No. (if applicable)

Name

5 \_\_\_\_\_  
6 Address 1

Address 1

7 \_\_\_\_\_  
8 Address 2

Address 2

9 \_\_\_\_\_  
10 Telephone Number

Telephone Number

11 MANUFACTURED HOME AFFIDAVIT OF SEVERANCE12 STATE OF \_\_\_\_\_ )

13 ) ss.:

14 COUNTY OF \_\_\_\_\_ )15 BEFORE ME, the undersigned notary public, on this day personally  
16 appeared Homeowner(s) known to me to be the person(s) whose name(s)  
17 is/are subscribed below (each a "Homeowner"), and who, being by me first  
18 duly sworn, did each on his or her oath state as follows:19 1. The legal description of the real property from which the manufac-  
20 tured home ("Home"), described below, is or will be severed ("Land")  
21 is:\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_22 2. The Homeowner(s) reside at the following address:23 \_\_\_\_\_  
24 Street or Route City County State Zip Code25 Mailing address, if different:26 \_\_\_\_\_  
27 Street or Route City County State Zip Code28 3. Homeowner owns the Home described as follows:29 \_\_\_\_\_  
30 New/Used Manf. Model Name Manf. Length/Width  
31 Year Name/Make and Model No. Serial No.32 4. The Home is or was located at the following "Property Address":33 \_\_\_\_\_  
34 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 Original Principal

Amount Secured: 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 insur-  
ance company duly licensed to issue policies of title insurance in  
the state of New York where the home is attached ("Severance Certif-  
ication"). The Severance Certification states that the manufactured  
home is free and clear of all security interests, liens and encum-  
brances or all security interests, liens and encumbrances will be  
released, 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.

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 pres-  
ence on this day of ,

(SEAL)

1 Homeowner #1

2 \_\_\_\_\_  
3 Printed Name

4 \_\_\_\_\_ (SEAL.)

5 Homeowner #2

6 \_\_\_\_\_  
7 Printed Name

8 STATE OF \_\_\_\_\_ )

9 \_\_\_\_\_ ) ss.:

10 COUNTY OF \_\_\_\_\_ )

11 On the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_ before  
12 me, the undersigned, a Notary Public in and for said State, personally  
13 appeared

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

21 \_\_\_\_\_  
22 Notary Signature

23 \_\_\_\_\_  
24 Notary Printed Name

25 Notary Public; State of \_\_\_\_\_

26 Qualified in the County of \_\_\_\_\_

27 My commission expires: \_\_\_\_\_

28 Official Seal:

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

31 (e) Upon receipt from the recording officer of the affidavit of sever-  
32 ance by the person presenting the affidavit for recording, such person  
33 shall forthwith deliver for filing to the commissioner of motor vehicles  
34 the affidavit of severance and other documents provided in this subdivi-  
35 sion.

36 § 339-vv. Documents in trust. (a) Manufacturer's certificate of  
37 origin. The holder of a manufacturer's certificate of origin to a manu-  
38 factured home may deliver it to any person to facilitate conveying or  
39 encumbering the home. Any person receiving any such manufacturer's

1 certificate of origin so delivered holds it in trust for the person  
2 delivering it.

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

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

12 § 339-ww. Home warranty. A warranty that applies to a manufactured  
13 home when it is sold and rights arising from a breach of the warranty  
14 are not affected by a subsequent change in the home's classification as  
15 real property pursuant to this article. No additional warranty applies  
16 to a manufactured home solely because of a subsequent change in the  
17 home's classification as real property.

18 § 339-xx. Impairment of rights. Nothing in this section shall impair  
19 any rights existing under law prior to the effective date of this  
20 section of anyone claiming an interest in a manufactured home.

21 § 9. Regulations. The commissioner of motor vehicles is hereby author-  
22 ized and directed to promulgate rules and regulations necessary for the  
23 implementation of this act.

24 § 10. This act shall take effect January 1, 2022. Effective immediate-  
25 ly, the addition, amendment and/or repeal of any rule or regulation  
26 necessary for the implementation of this act on its effective date are  
27 authorized to be made and completed on or before such effective date.