

STATE OF NEW YORK

7042--B

2021-2022 Regular Sessions

IN SENATE

May 25, 2021

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

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

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

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

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

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

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

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

LBD11575-04-2

1 (f) The commissioner shall maintain a record of each affidavit of
2 affixation he or she files in accordance with subdivision (e) of this
3 section. The record shall state the vehicle information or serial number
4 of the manufactured home, the county of recordation, the date of recor-
5 dation, the book and page number of each book of deeds where there has
6 been recorded an affidavit of affixation pursuant to paragraph (iii) of
7 subdivision (a) of section three hundred thirty-nine-nn of the real
8 property law and this article, and if applicable, a statement that filed
9 with the affidavit of affixation is a declaration pursuant to paragraph
10 six of subdivision (a) of section twenty-one hundred seventeen-c of this
11 article, and any other data the commissioner prescribes.

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

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

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

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

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

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

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

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

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

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

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

17 § 2117-a. Surrender of manufacturer's certificate of origin to a manu-
18 factured home. (a) The owner or owners of a manufactured home who
19 possess the manufacturer's certificate of origin to the manufactured
20 home that is affixed to a permanent foundation as provided in subdivi-
21 sion (a) of section three hundred thirty-nine-nn of the real property
22 law, or which the owner or owners intend to affix to a permanent founda-
23 tion, may surrender the manufacturer's certificate of origin to the
24 manufacturer to the commissioner by filing with the commissioner an
25 application for surrender of the manufacturer's certificate of origin
26 containing or accompanied by:

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

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

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

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

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

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

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

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

55 (b) When satisfied as to its genuineness and regularity of the surren-
56 der of the manufacturer's certificate of origin to a manufactured home

1 and upon satisfaction of the requirements of subdivision (a) of this
2 section, the commissioner shall cancel the manufacturer's certificate of
3 origin and update his or her records in accordance with the provisions
4 of subdivisions (g) and (h) of section twenty-one hundred seven of this
5 article and provide written acknowledgment of compliance with the
6 provisions of this section to each person identified in paragraph seven
7 of subdivision (a) of this section.

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

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

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

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

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

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

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

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

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

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

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

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

53 (b) The commissioner shall not accept for surrender a certificate of
54 title to a manufactured home unless and until any liens pursuant to
55 section twenty-one hundred five-a and any security interests pursuant to

1 sections twenty-one hundred seven and twenty-one hundred eighteen of
2 this article have been released.

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

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

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

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

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

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

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

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

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

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

1 (7) the name and mailing address of each person wishing written
2 acknowledgment of confirmation of conversion from the commissioner; and
3 (8) any other information and documents the commissioner reasonably
4 requires to identify the owner of the manufactured home and to determine
5 the owner satisfied the applicable requirements of section three hundred
6 thirty-nine-nn of the real property law, and the existence or non-exis-
7 tence of security interests in or liens on the manufactured home.

8 (b) When satisfied as to its genuineness and regularity of the confir-
9 mation of conversion of a manufactured home and upon satisfaction of the
10 requirements of subdivision (a) of this section, the commissioner shall
11 update his or her records in accordance with the provisions of subdivi-
12 sions (f), (k) and (l) of section twenty-one hundred seven of this arti-
13 cle. The commissioner shall also provide written acknowledgment of
14 compliance with the provisions of this section to each person identified
15 on the application for confirmation of conversion under 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 § 5. Subdivisions (d) and (e) of section 2118 of the vehicle and traf-
23 fic law, subdivision (d) as added by chapter 322 of the laws of 1993 and
24 subdivision (e) as amended by chapter 84 of the laws of 2001, are
25 amended to read as follows:

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

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

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

47 § 2123. Exclusiveness of procedure. The method provided in this arti-
48 cle of perfecting and giving notice of security interests subject to
49 this article is exclusive. Security interests subject to this article
50 are hereby exempted from the provisions of law which otherwise relate to
51 the perfection of security interests, [~~including but not limited to~~
52 ~~section 9-313 of the uniform commercial code~~] provided, however, that
53 with respect to a manufactured home that is or will be affixed to a
54 permanent foundation, upon recordation of an affidavit of affixation
55 pursuant to paragraph (iii) of subdivision (a) of section three hundred
56 thirty-nine-nn of the real property law and satisfaction of the require-

1 ments of section twenty-one hundred seventeen-a, twenty-one hundred
 2 seventeen-b or twenty-one hundred seventeen-c of this article, any
 3 perfection or termination of a security interest with respect to such
 4 manufactured home shall conform to the requirements of article nine-BB
 5 of the real property law.

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

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

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

17 ARTICLE 9-BB

18 CONVEYANCE AND ENCUMBRANCE OF MANUFACTURED HOMES AS REAL PROPERTY

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

20 339-nn. Conversion procedure.

21 339-oo. Affidavit of affixation.

22 339-pp. Disposition of liens.

23 339-qq. Notice to commissioner of motor vehicles.

24 339-rr. Time of conversion.

25 339-ss. Conveyance and encumbrance as a real property.

26 339-tt. Manufactured homes that remain personal property.

27 339-uu. Documents in trust.

28 339-vv. Home warranty.

29 339-ww. Impairment of rights.

30 § 339-mm. Manufactured home; affixed to a permanent foundation. For
 31 purposes of this article, the term "manufactured home" means a "manufac-
 32 tured home" as defined in paragraph fifty-three of subsection (a) of
 33 section 9-102 of the uniform commercial code. For purposes of this
 34 section, article forty-six of the vehicle and traffic law, and the
 35 uniform commercial code, a manufactured home is "affixed to a permanent
 36 foundation" if it is anchored to real property by attachment to a perma-
 37 nent foundation, and connected to a residential utility, such as water,
 38 gas, electricity, sewer or septic service.

39 § 339-nn. Conversion procedure. (a) A manufactured home shall be
 40 deemed to be real property and shall be governed by the laws applicable
 41 thereto when the following conditions are satisfied:

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

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

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

54 (b) Upon receipt of the recorded original affidavit of affixation
 55 pursuant to section three hundred thirty-nine-qq of this article, any

1 person designated therein for filing with the commissioner of motor
2 vehicles shall file the recorded original affidavit of affixation with
3 the commissioner.

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

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

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

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

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

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

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

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

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

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

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

53 (vi) the name and address of the person designated for filing the
54 recorded original affidavit of affixation with the commissioner of motor
55 vehicles, to whom the recording officer shall return the affidavit of

1 affixation after it has been duly recorded in the real property records,
2 as provided in this section.

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

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

12 _____, 20____

13 Date

14 Place of Recording

15 Record & Return by Mail Pickup to:

16 Name

17 Address 1

18 Address 2

19 MANUFACTURED HOME AFFIDAVIT OF AFFIXATION

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

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

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

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

25 Street or Route _____ City _____ County _____ State _____ Zip Code _____

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

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

31 5. The Home is, or shall be promptly upon delivery, anchored to the Land
32 by attachment to a permanent foundation and connected to appropriate
33 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 diligent
11 search and inquiry, the Homeowner is unable to produce the original
12 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 Printed Name _____ Printed Name

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

24 Printed Name _____ Printed Name

25 STATE OF _____)
26 _____) ss.:
27 COUNTY OF _____)

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

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

38 Notary Signature

39 Notary Printed Name

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

4 Official Seal:

5 Lender's Statement of Intent:

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

8 _____
9 Lender

10 By:
11 Authorized Signature

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

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

24 _____
25 Notary Signature

26 _____
27 Notary Printed Name

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

31 Official Seal:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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