STATE OF NEW YORK

8152--A

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 -- recommitted to the Committee on Judiciary in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

(d) 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 subdivision (b) of section three hundred thirty-nine-nn of the real property law and each declaration that is delivered pursuant to paragraph six of subdivision (a) of section twenty-one hundred seventeen-c of this article 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 vehicle information or serial number

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

LBD11575-05-2

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 (iii) of subdivision (a) of section three hundred thirty-nine-nn 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 vehicle information or serial number 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 (iii) of subdivision (a) of section three hundred thirty-nine-nn 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 vehicle information or serial number 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 (iii) of subdivision (a) of section three hundred thirty-nine-nn 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 vehicle information or serial number 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 (iii) of subdivision (a) of section three hundred thirty-nine-nn of the real property law and this article, and any other data the commissioner prescribes.

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

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

§ 3. 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.

§ 4. The vehicle and traffic law is amended by adding three new sections 2117-a, 2117-b and 2117-c 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 (a) of section three hundred thirty-nine-nn 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 (iii) of subdivision (a) of section three hundred thirty-nine-nn 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 subdivision (a) of section three hundred thirty-nine-nn 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 section three hundred thirty-nine-ss 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 section three hundred thirty-nine-mm 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 (iii) of subdivision (a) of section three hundred thirty-nine-nn of the real property law;

(6) the name and mailing address of each person wishing written acknowledgment 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 section three hundred thirty-nine-rr 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 in section three hundred thirty-nine-ss 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 subdivision (b) of section three hundred thirty-nine-nn 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 (iii) of subdivision (a) of section three hundred thirty-nine-nn 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 recorded 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 section three hundred thirty-nine-nn 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 (f), (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 section three hundred thirty-nine-ss of the real property law.

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

§ 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-BB 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-BB 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-BB to read as follows:

ARTICLE 9-BB
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. Documents in trust.
339-vv. Home warranty.
339-ww. 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 origin 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:

_____
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 two hundred dollars.

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

§ 339-pp. 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.

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

§ 339-rr. Time of conversion. (a) A manufactured home shall be considered real property as provided in section three hundred thirty-nine-ss of this article when 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 and accepted by the commissioner of motor vehicles.

(b) Notwithstanding subdivision (a) of this section, a manufactured home shall be considered real property as provided in section three hundred thirty-nine-ss of this article 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.

§ 339-ss. Conveyance and encumbrance as real property. Upon satisfaction of the conditions provided in section three hundred thirty-nine-nn of this article, 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.

§ 339-tt. Manufactured homes that remain personal property. Except as provided in section three hundred thirty-nine-nn, section three hundred thirty-nine-oo, and section three hundred thirty-nine-qq, of this article, 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.

§ 339-uu. Documents in trust. (a) Manufacturer's certificate of origin. 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) Certificate of title. 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 title so delivered holds it in trust for the person delivering it.

(c) Lien release. 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.

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

§ 339-ww. 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.

§ 9. This act shall take effect one year after it shall have become a law. 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.