

STATE OF NEW YORK

5549

2023-2024 Regular Sessions

IN ASSEMBLY

March 16, 2023

Introduced by M. of A. THIELE, NORRIS, BARRETT, WOERNER, J. A. GIGLIO, RIVERA, KELLES, WALLACE, SMITH, GANDOLFO, BRABENEC, HUNTER, STECK, SANTABARBARA, MEEKS -- read once and referred to the Committee on Housing

AN ACT to amend the real property law, in relation to manufactured home parks

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

1 Section 1. Section 233-a of the real property law, as added by chapter
2 561 of the laws of 2008, paragraphs (a) and (c) of subdivision 2 as
3 amended by section 10 and subdivision 3 as amended by section 11 of part
4 O of chapter 36 of the laws of 2019, is amended to read as follows:

5 § 233-a. Sale of manufactured home parks. 1. Whenever used in this
6 section:

7 (a) The term "notify" shall mean the placing of a notice in the United
8 States mail, addressed to the officers of the manufactured homeowners'
9 association or the manufactured home park owner by certified mail,
10 return receipt requested, or personal delivery upon the officers of the
11 manufactured homeowners' association, or if no manufactured homeowners'
12 association exists, upon all manufactured homeowners in the manufactured
13 home park or the manufactured home park owner. Each such notice shall be
14 deemed to have been given upon the deposit of the notice in the United
15 States mail or upon receipt of personal delivery.

16 (b) The term "manufactured homeowners' association", whether incorpo-
17 rated or not, shall mean an association [~~of at least fifty-one~~ greater
18 than fifty percent of all manufactured homeowners within the manufac-
19 tured home park, who shall have given written consent to forming a manu-
20 factured homeowners' association, and which association has notified the
21 park owner of its establishment and has provided to the park owner the
22 names and addresses of the officers of such association. The provisions

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

LBD09312-03-3

1 of section two hundred twenty-three-b of this article shall apply to the
2 formation of a manufactured homeowners' association.

3 ~~2. [(a) If a manufactured home park owner receives a bona fide offer
4 to purchase a manufactured home park that such manufactured home park
5 owner intends to accept, or respond with a counteroffer, such manufac-
6 tured home park owner shall require the prospective purchaser to
7 provide, in writing, the certification required by paragraph (b) of this
8 subdivision, and shall not accept any offer to purchase, nor respond
9 with a counteroffer until such manufactured home park owner has received
10 such certification and met the requirements of this section.~~

11 ~~(b) A purchaser seeking to purchase a manufactured home park, or the
12 land upon which a manufactured home park is located, shall provide such
13 owner with a written letter certifying whether or not the purchaser
14 will, upon the closing of the sale of the park, or within sixty months
15 of such closing, give the notice required pursuant to paragraph six of
16 subdivision b of section two hundred thirty three of this article, of
17 its intention to use the land upon which the manufactured home park is
18 located for a purpose other than manufactured home lot rentals.~~

19 ~~(c)] If a manufactured home park owner takes any action to market or
20 offer the park for sale, or receives a bona fide offer to purchase a
21 manufactured home park that such manufactured home park owner intends to
22 accept or respond to with a counteroffer, a manufactured home park owner
23 shall include a notice stating that such acceptance or counteroffer
24 shall be subject to the right of the homeowners of the manufactured home
25 park to purchase the manufactured home park pursuant to this subdivi-
26 sion. Notwithstanding any provision of law or agreement to the contrary,
27 every agreement to purchase a manufactured home park by a prospective
28 purchaser of a manufactured home park shall be subject to the right of
29 the homeowners of the manufactured home park to purchase the manufac-
30 tured home park pursuant to this subdivision [~~if the purchaser certifies
31 pursuant to paragraph (b) of this subdivision that he or she intends to
32 change the use of the land~~].~~

33 3. (a) If a manufactured home park owner receives a bona fide offer to
34 purchase a manufactured home park that such manufactured home park owner
35 intends to accept or respond to with a counteroffer, [~~and the purchaser
36 has certified pursuant to paragraph (b) of subdivision two of this
37 section that he intends to change the use of the land,~~] such manufac-
38 tured home park owner shall notify:

39 (i) the officers of the manufactured homeowners' association within
40 such park of all the terms thereof; provided that the park owner has
41 been notified of the establishment of a manufactured homeowners' associ-
42 ation and been provided with the names and addresses of the officers of
43 such association; or

44 (ii) if no homeowners' association exists, all manufactured homeowners
45 in the manufactured home park; and

46 (iii) the commissioner of housing and community renewal.

47 (b) The manufactured home park owner's notification shall state:

48 (i) the price;

49 (ii) the material terms and conditions of sale upon which such manu-
50 factured home park owner would sell the park;

51 (iii) that the manufactured homeowners have the right to organize a
52 manufactured homeowners' association or a manufactured homeowners' coop-
53 erative for the park;

54 (iv) that purchase financing may be available through the New York
55 state homes and community renewal; and

1 (v) that the manufactured homeowners' association, a cooperative, or
2 manufactured home owners or tenants have one hundred forty days to exer-
3 cise their right to purchase the park in accordance with this section.

4 (c) (i) If a manufactured homeowners' association exists at the time
5 of the offer, the association shall [~~have the right to purchase the~~
6 ~~park~~], within sixty days of receipt of notice from the park owner,
7 deliver to the park owner a notice of intent to make an offer to
8 purchase the park. If such notice is not delivered within the sixty
9 days, the park owner has no further obligation under this section.

10 (ii) If the manufactured homeowners' association delivers such intent
11 to the park owner as required by subparagraph (i) of this paragraph, the
12 association shall have the right to purchase the park; provided that the
13 association shall have delivered to the manufactured home park owner an
14 executed offer to purchase which meets the identical price, terms, and
15 conditions of the offer or counteroffer provided in the notice of the
16 manufactured home park owner within one hundred forty days of receipt of
17 notice from the manufactured home park owner, unless otherwise agreed to
18 in writing. During this time period, the park owner shall not accept a
19 final unconditional offer to purchase the park.

20 [~~(ii)~~] (iii) If an offer to purchase by the association is not deliv-
21 ered within such one hundred forty day period, then, unless the park
22 owner thereafter elects to offer to sell the park at a price lower than
23 the price specified in the notice to the homeowners' association or at
24 terms substantially different from those presented to the association,
25 the park owner has no further obligations under this section.

26 [~~(iii)~~] (iv) If the park owner, after such one hundred forty day peri-
27 od, elects to offer to sell the park at a price lower than the price
28 specified in the notice given or at terms substantially different from
29 those previously presented to the association, then the association
30 shall be entitled to notice thereof and shall have an additional thirty
31 days after receipt of notice of the revised terms to deliver to the park
32 owner an executed offer to purchase which meets the revised price,
33 terms, and conditions as presented by the park owner.

34 (d) (i) If there is no existing homeowners' association at the time of
35 the offer, the homeowners shall, within sixty days of receipt of notice
36 from the park owner, deliver to the park owner a notice of intent to
37 make an offer to purchase the park. Such notice must be signed by
38 greater than fifty percent of all the manufactured home owners within
39 the manufactured home park. If such notice is not delivered within the
40 sixty days, the park owner has no further obligation under this section.
41 If such notice is properly provided within sixty days, the homeowners
42 shall have the right to purchase the park; provided the following condi-
43 tions are met:

44 (A) The manufactured homeowners shall have the right to form a manu-
45 factured homeowners' association, whether incorporated or not.

46 (B) Such homeowners' association shall include [~~at least fifty one~~]
47 greater than fifty percent of all manufactured homeowners, who shall
48 have given written consent to forming a manufactured homeowners' associ-
49 ation. The provisions of section two hundred twenty-three-b of this
50 article shall apply to the formation of a manufactured homeowners' asso-
51 ciation.

52 (C) The association, acting through its officers, shall have given
53 notice to the park owner of its formation, the names and addresses of
54 its officers, and delivered an executed offer to purchase the park at
55 the identical price, terms, and conditions of the offer presented in the
56 notification given by the park owner within one hundred forty days of

1 receipt of notice from the park owner, unless otherwise agreed to in
2 writing. During this time period, the park owner shall not accept a
3 final unconditional offer to purchase the park~~[3-]~~;

4 (ii) If the homeowners fail to form a manufactured homeowners' associ-
5 ation, or if upon the formation of a manufactured homeowners' associ-
6 ation, the association does not deliver an executed offer to purchase as
7 set forth in paragraph (a) of this subdivision within the one hundred
8 forty day period, then, unless the park owner elects to offer the park
9 at a price lower than the price specified in the notice previously
10 presented to the homeowners, the park owner has no further obligation
11 under this section; and

12 (iii) If the park owner thereafter elects to sell the park at a price
13 lower than the price specified in the notice to the homeowners or at
14 terms substantially different from those previously presented, then the
15 association shall have an additional thirty days after receipt of notice
16 of the revised terms to deliver to the park owner an executed offer to
17 purchase which meets the revised price, terms, and conditions as
18 presented by the park owner.

19 ~~[3-]~~ 4. This section does not apply to:

20 (a) Any conveyance of an interest in a manufactured home park inci-
21 dental to the financing of such manufactured home park.

22 (b) The purchase of a manufactured home park by a governmental entity
23 under its powers of eminent domain.

24 ~~[4-]~~ 5. Nothing in this section shall be construed to compel the manu-
25 factured home park owner to divide the land and sell it to individual
26 manufactured homeowners.

27 6. Owners of manufactured homes, a manufactured homeowner's associ-
28 ation, or any other impacted party may bring an action for injunctive
29 relief, actual damages, and attorneys' fees and costs for any violation
30 of this section.

31 § 2. This act shall take effect on the one hundred eightieth day after
32 it shall have become a law.