

STATE OF NEW YORK

101

2023-2024 Regular Sessions

IN SENATE

(Prefiled)

January 4, 2023

Introduced by Sen. RYAN -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

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.

19 (f) The commissioner shall maintain a record of each affidavit of
20 affixation he or she files in accordance with subdivision (e) of this
21 section. The record shall state the vehicle information or serial number
22 of the manufactured home, the county of recordation, the date of recor-
23 dation, the book and page number of each book of deeds where there has

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

LBD01848-01-3

1 been recorded an affidavit of affixation pursuant to paragraph (iii) of
2 subdivision (a) of section three hundred thirty-nine-nn of the real
3 property law and this article, and if applicable, a statement that filed
4 with the affidavit of affixation is a declaration pursuant to paragraph
5 six of subdivision (a) of section twenty-one hundred seventeen-c of this
6 article, and any other data the commissioner prescribes.

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

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

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

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

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

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

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

53 (n) The commissioner shall establish electronic public access to the
54 records maintained in accordance with subdivisions (f), (h), (j) and (l)
55 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

1 provisions of this section to each person identified in paragraph seven
2 of subdivision (a) of this section.

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

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

8 § 2117-b. Surrender of title to a manufactured home. (a) The owner or
9 owners of a manufactured home that is covered by a certificate of title
10 and that is affixed to a permanent foundation as provided in section
11 three hundred thirty-nine-mm of the real property law, or which the
12 owner or owners intend to affix to a permanent foundation, may surrender
13 the certificate of title to the manufactured home to the commissioner by
14 filing with the commissioner an application for surrender of title
15 containing or accompanied by:

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

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

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

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

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

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

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

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

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

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

53 (c) When satisfied as to its genuineness and regularity of the surren-
54 der of a certificate of title to a manufactured home and upon satisfac-
55 tion of the requirements of subdivisions (a) and (b) of this section,
56 the commissioner shall cancel the certificate of title and update his or

1 her records in accordance with the provisions of subdivisions (i) and
2 (j) of section twenty-one hundred seven of this article. The commission-
3 er shall also provide written acknowledgment of compliance with the
4 provisions of this section to each person identified on the application
5 for surrender of a certificate of title under paragraph six of subdivi-
6 sion (a) of this section.

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

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

12 § 2117-c. Confirmation of conversion of a manufactured home. (a) The
13 owner or owners of a manufactured home that is not covered by a certif-
14 icate of title or a manufacturer's certificate of origin, or of a manu-
15 factured home that is covered by a manufacturer's certificate of origin
16 or certificate of title but which the owner or owners, after diligent
17 search and inquiry, are unable to produce, and that is affixed to a
18 permanent foundation, or which the owner intends to affix to a permanent
19 foundation, may satisfy the requirements of subdivision (b) of section
20 three hundred thirty-nine-nn of the real property law by filing with the
21 commissioner an application for confirmation of conversion containing or
22 accompanied by:

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

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

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

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

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

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

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

53 (8) any other information and documents the commissioner reasonably
54 requires to identify the owner of the manufactured home and to determine
55 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

1 original manufacturer's certificate of origin shall be filed with the
2 commissioner pursuant to section twenty-one hundred seventeen-a of the
3 vehicle and traffic law.

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

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

15 § 339-oo. Affidavit of affixation. (a) To convey or voluntarily encum-
16 ber a manufactured home, an affidavit of affixation shall contain or be
17 accompanied by:

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

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

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

33 (iv) as applicable, (A) if the manufactured home is not covered by a
34 certificate of title, a statement by the owner or owners to that effect
35 a statement that, the owner of the manufactured home shall surrender the
36 original manufacturer's certificate of origin to the commissioner of
37 motor vehicles;

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

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

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

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

53 (b) The affidavit of affixation shall be in the form set forth in
54 subdivision (c) of this section, duly acknowledged or proved in like
55 manner as to entitle a conveyance to be recorded and when so acknowl-
56 edged or proved, upon payment of the lawful fees therefor, the recording

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,

1 the recording officer shall endorse the affidavit as "recorded in land
2 records", setting forth thereon the indexing information for the affida-
3 vit of affixation and the recording officer shall forthwith forward the
4 recorded original affidavit of affixation to the person designated ther-
5 ein for filing with the commissioner of motor vehicles.

6 § 339-rr. Time of conversion. (a) A manufactured home shall be
7 considered real property as provided in section three hundred thirty-
8 nine-ss of this article when an application to surrender a manufactur-
9 er's certificate of origin pursuant to section twenty-one hundred seven-
10 teen-a of the vehicle and traffic law, an application to surrender a
11 certificate of title pursuant to section twenty-one hundred seventeen-b
12 of the vehicle and traffic law, or an application for confirmation of
13 conversion pursuant to section twenty-one hundred seventeen-c of the
14 vehicle and traffic law is delivered to and accepted by the commissioner
15 of motor vehicles.

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

31 § 339-ss. Conveyance and encumbrance as real property. Upon satisfac-
32 tion of the conditions provided in section three hundred thirty-nine-nn
33 of this article, any mortgage, lien or security interest which can
34 attach to land, buildings erected thereon or fixtures affixed thereto,
35 shall attach, as of the date of recording in the same manner as real
36 property. Title to such manufactured home shall be transferred by deed
37 or other form of conveyance that is effective to transfer an interest in
38 real property, together with the land to which such structure is
39 affixed. The manufactured home shall be deemed to be real property and
40 shall be governed by the laws of this state applicable to real property.

41 § 339-tt. Manufactured homes that remain personal property. Except as
42 provided in section three hundred thirty-nine-nn, section three hundred
43 thirty-nine-oo, and section three hundred thirty-nine-qq, of this arti-
44 cle, an affidavit of affixation is not necessary or effective to convey
45 or encumber a manufactured home or to change the character of the manu-
46 factured home to real property.

47 § 339-uu. Documents in trust. (a) Manufacturer's certificate of
48 origin. The holder of a manufacturer's certificate of origin to a manu-
49 factured home may deliver it to any person to facilitate conveying or
50 encumbering the home. Any person receiving any such manufacturer's
51 certificate of origin so delivered holds it in trust for the person
52 delivering it.

53 (b) Certificate of title. The holder of a certificate of title to a
54 manufactured home may deliver it to any person to facilitate conveying
55 or encumbering the home. Any person receiving any such manufacturer's

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

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

7 § 339-vv. Home warranty. A warranty that applies to a manufactured
8 home when it is sold and rights arising from a breach of the warranty
9 are not affected by a subsequent change in the home's classification as
10 real property pursuant to this article. No additional warranty applies
11 to a manufactured home solely because of a subsequent change in the
12 home's classification as real property.

13 § 339-ww. Impairment of rights. Nothing in this section shall impair
14 any rights existing under law prior to the effective date of this
15 section of anyone claiming an interest in a manufactured home.

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