

House Bill 1076

By: Representatives Wade of the 9th, Pirkle of the 169th, Bonner of the 73rd, Carpenter of the 4th, Frye of the 122nd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Subpart 1 of Part 4 of Article 2 of Chapter 2 of Title 8 of the Official Code of
2 Georgia Annotated, relating to general provisions for manufactured or mobile homes, so as
3 to provide for additional circumstances under which a manufactured or mobile home shall
4 become real property; to provide for related matters; to repeal conflicting laws; and for other
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Subpart 1 of Part 4 of Article 2 of Chapter 2 of Title 8 of the Official Code of Georgia
9 Annotated, relating to general provisions for manufactured or mobile homes, is amended by
10 revising subsection (b) of Code Section 8-2-181, relating to manufactured home as personal
11 property, requirements for real property status, and requirements for Certificate of Permanent
12 Location, as follows:

13 "(b) A manufactured home shall become real property if:

14 (1)(A) A mortgage loan as defined in Code Section 7-1-1000 is obtained by one or
15 more persons with the same ownership interest in both the home and the real property

16 on which it is permanently affixed which evidences the home is permanently affixed
 17 on such real property; and
 18 (B) An affidavit is submitted to the commissioner and the appropriate board of tax
 19 assessors by a person with the same ownership interest in both the home and the real
 20 property on which it is permanently affixed which:
 21 (i) Includes the home's vehicle identification number (VIN) and title number;
 22 (ii) Includes a description of such real property;
 23 (iii) Verifies that the home is permanently affixed on such real property; and
 24 (iv) Requests that the certificate of title to the home be canceled and that the home
 25 be taxed as real property and a part of the underlying real estate; or
 26 (2)(A) The home is or is to be permanently affixed on real property and one or more
 27 persons with an ownership interest in the home also has an ownership interest in such
 28 real property; and
 29 (B)(2) The owner of the home and the holders of all security interests therein execute
 30 and file a Certificate of Permanent Location, which shall not impact the validity or
 31 enforceability of any existing chattel liens secured on the home:
 32 (A)(i) In the real estate records of the county where the real property is located; and
 33 (B)(ii) With the commissioner."

34 **SECTION 2.**

35 Said subpart is further amended by revising subsection (a) of Code Section 8-2-183, relating
 36 to status of home as part of real property, as follows:

37 "(a)(1) Subject to the provisions of paragraph (2) of this subsection, a home shall become
 38 for all legal purposes a part of the real property on which it is permanently affixed when
 39 When:

40 (A) A Certificate of Permanent Location has been properly filed with the clerk of
41 superior court, a certified copy of the Certificate of Permanent Location is properly
42 filed with the commissioner, and the certificate of title is surrendered; or

43 (B) The home is subject to a mortgage loan as defined in Code Section 7-1-1000
44 obtained by one or more persons with the same ownership interest in both the home and
45 real property and which evidences the home is permanently affixed on real property.
46 ~~the home shall become for all legal purposes a part of the real property on which it is~~
47 ~~located.~~

48 (2) Without limiting the generality of the foregoing paragraph (1) of this subsection, the
49 home shall be subject to transfer by the owner of the real property, subject to any security
50 interest in the real property and subject to foreclosure of any such interest, in the same
51 manner as and together with the underlying real property."

52

SECTION 3.

53 All laws and parts of laws in conflict with this Act are repealed.