

**Sixty-fifth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 3, 2017**

HOUSE BILL NO. 1219
(Representatives D. Ruby, Kasper, Nathe, Toman)
(Senators Campbell, Klein)

AN ACT to amend and reenact subsection 9 of section 39-05-22, section 47-01-03, and subsections 1, 7, and 8 of section 47-10-27 of the North Dakota Century Code, relating to the process for converting manufactured housing to real property.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 9 of section 39-05-22 of the North Dakota Century Code is amended and reenacted as follows:

9. ~~Such file~~Records of surrendered certificates of title and the records referred to in subsections 6, 7, and 8 must be maintained permanently ~~maintained~~. The department shall maintain a website an interested person may use to supply a vehicle identification number in order to confirm the status of a manufactured home as real estate under subsection 6 of section 47-10-27 and to confirm the department retired the manufacturer's certificate of origin or certificate of title.

SECTION 2. AMENDMENT. Section 47-01-03 of the North Dakota Century Code is amended and reenacted as follows:

47-01-03. Real property defined.

Real or immovable property shall ~~consist~~consists of:

1. Land;
2. That which is affixed to land, including manufactured homes as defined in section 41-09-02 with respect to which the requirements of ~~subsections 1 through 3~~subsection 6 of section ~~39-05-35, as applicable, 47-10-27~~ have been satisfied;
3. That which is incidental or appurtenant to land; and
4. That which is immovable by law.

SECTION 3. AMENDMENT. Subsection 1 of section 47-10-27 of the North Dakota Century Code is amended and reenacted as follows:

1. For purposes of this section, "manufactured home" means a manufactured home as defined in section 41-09-02. Notwithstanding this definition, for purposes of 11 U.S.C. 1322(b)(2), a manufactured home is deemed real property. For purposes of this section, a manufactured home is permanently affixed if the manufactured home is ~~anchored~~affixed to real property ~~by attachment to a permanent foundation; constructed in accordance with applicable state and local building codes and manufacturer's specifications as provided in title 24, Code of Federal Regulations, part 3285; and connected to residential utilities, such as water, gas, electricity, or sewer or septic service.~~

SECTION 4. AMENDMENT. Subsection 7 of section 47-10-27 of the North Dakota Century Code is amended and reenacted as follows:

7. Upon the satisfaction of the requirements of subsection 6, the manufactured home is deemed to be real property; any mortgage, deed of trust, lien, or security interest ~~which~~that can attach

to land, buildings erected ~~thereon~~ on the land, or fixtures affixed ~~thereto~~ to the land attach as of the date of its recording in the same manner as if the manufactured home were built from ordinary building materials onsite. Title to the manufactured home must 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 the structure has been affixed. The manufactured home is deemed to be real property and is governed by the laws applicable to real property and the department of transportation has no further authority or jurisdiction over the conveyance or encumbrance of the manufactured home.

SECTION 5. AMENDMENT. Subsection 8 of section 47-10-27 of the North Dakota Century Code is amended and reenacted as follows:

8. Except as provided in subsections 2, 3, 5, 6, and 7, 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. ~~A conveyance of land upon which is located a manufactured home for which an affidavit of affixation has been recorded does not effect a conveyance or encumbrance of any interest in the manufactured home. A conveyance or encumbrance may only be made under the provisions of chapter 39-05. An agreement by a party to the transaction whereby~~ by which the requirements of this subsection are waived is void as contrary to public policy.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-fifth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1219.

House Vote: Yeas 90 Nays 0 Absent 4

Senate Vote: Yeas 45 Nays 0 Absent 2

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2017.

Approved at _____ M. on _____, 2017.

Governor

Filed in this office this _____ day of _____, 2017,

at _____ o'clock _____ M.

Secretary of State