



2022 South Dakota Legislature

House Bill 1089

Introduced by: **Representative** Weisgram

1 **An Act to revise provisions related to abandoned mobile or manufactured homes.**

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 **Section 1. That § 21-54-15 be AMENDED:**

4 **21-54-15.** If a mobile home or manufactured home as defined in chapter 32-7A
 5 has been abandoned and left on leased real property, the owner of real property may sell
 6 or dispose of the ~~mobile home or manufactured home~~ under the provisions of this chapter.
 7 A mobile home or manufactured home is considered abandoned if the owner of the ~~mobile~~
 8 ~~home or manufactured home~~ has not removed the home from the real property owner's
 9 land within thirty days of ~~the~~ a court issuing a writ of possession as provided in chapter
 10 21-16. Upon issuance of the writ of possession by the court, the owner of real property
 11 shall ~~give~~ send the owner of the ~~mobile home or manufactured home~~, any last known
 12 occupant, and any lienholder with a lien properly noted pursuant to chapter 32-3, written
 13 notice of intent to sell or dispose of the home pursuant to this chapter if the home is not
 14 removed from the real property owner's property within thirty days. The notice ~~shall~~ must
 15 be sent by certified mail to the last known address of the owner of the mobile home or
 16 ~~manufactured home at the owner's last known address, last known occupant, and~~
 17 lienholder. The Department of Revenue shall promulgate rules pursuant to chapter 1-26
 18 to prescribe a form for the written notice. ~~Any written notice shall be sent by certified~~
 19 ~~mail.~~ Any sale is subject to any taxes owed on the home and unpaid lot rent but such
 20 unpaid lot rent lien may not exceed two month's' lot rent at the price previously agreed
 21 to by the owner of real property and owner of the ~~mobile home or manufactured home~~.

22 **Section 2. That § 21-54-16 be AMENDED:**

23 **21-54-16.** After If the owner of real property intends to sell an abandoned mobile
 24 or manufactured home, after the owner of the abandoned mobile home or manufactured
 25 home has been provided thirty days written notice, notice provided pursuant to § 21-54-

1 15 and before the owner of real property proceeds with the sale of the abandoned mobile
2 home or manufactured home, the owner of the real property shall provide written notice
3 of intent to sell the abandoned property to the county treasurer where the home is located.
4 The Department of Revenue shall promulgate rules pursuant to chapter 1-26 to prescribe
5 a form for the written notice. If the treasurer has not issued a distress warrant and
6 informed the owner of real property of such issuance within thirty days of the notice
7 required by this section or the mobile home or manufactured home has not been removed
8 by its owner, last known occupant, or any lien holder within thirty days of the notice
9 provided by § 21-54-15, the owner of real property may proceed with the sale pursuant
10 to this chapter.

11 **Section 3. That § 21-54-17 be AMENDED:**

12 **21-54-17.** ~~If an abandoned mobile home or manufactured home fails to sell at a~~
13 ~~sale held pursuant to this chapter, is in a condition that could endanger the health, safety,~~
14 ~~or well-being of an occupant or the community, as determined by a building inspector or~~
15 ~~other similar official, the title to the mobile home or manufactured home is irrevocably~~
16 ~~vested with the owner of the real property. If no inspector is reasonably available, the~~
17 ~~endangered condition of the home may be demonstrated by photographic evidence~~
18 ~~provided by the owner of the real property. The owner of the real property on which the~~
19 ~~mobile home or manufactured home resides, may obtain an abandoned title without~~
20 ~~payment or obligation to pay any taxes owed on the home or any lien on the home at the~~
21 ~~time of acquisition. However, if the owner of the real property intends any use of the~~
22 ~~abandoned mobile home or manufactured home other than disposal, the owner of the real~~
23 ~~property may obtain an abandoned title after paying any taxes owed on the home. After~~
24 ~~obtaining an abandoned title, the owner of the real property may dispose of the home.~~
25 The department shall promulgate rules pursuant to chapter 1-26 to prescribe a form ~~that~~
26 ~~shall be used to apply for the abandoned title. If an owner of the real property obtains a~~
27 ~~title pursuant to this section, the owner of the real property shall obtain a permit pursuant~~
28 ~~to § 32-5-16.3 to move the home for purposes of disposal.~~

29 **Section 4. That § 21-54-18 be REPEALED:**

30 ~~If an owner of the real property obtains a title to a mobile home or manufactured~~
31 ~~home pursuant to § 21-54-17, the owner of the real property shall obtain a permit~~
32 ~~pursuant to § 32-5-16.3 to move the abandoned mobile home or manufactured home. If~~
33 ~~the owner of the real property files an affidavit with the county treasurer stating that the~~

1 ~~owner is going to move the abandoned mobile home or manufactured home for the sole~~
2 ~~purpose of disposal, the county treasurer shall issue the permit provided by § 32-5-16.3~~
3 ~~without receiving payment of the current year's taxes. The Department of Revenue shall~~
4 ~~promulgate rules pursuant to chapter 1-26 to prescribe a form for the affidavit.~~

5 **Section 5. That § 21-54-19 be REPEALED:**

6 ~~The county treasurer shall deliver the affidavit filed pursuant to § 21-54-18 to the~~
7 ~~board of county commissioners after issuance of the permit. Upon receipt of the affidavit,~~
8 ~~the board of county commissioners shall abate any taxes owed on the mobile home or~~
9 ~~manufactured home.~~

10 **Section 6. That § 21-54-20 be REPEALED:**

11 ~~An owner of an unencumbered, except for taxes owed, mobile home or~~
12 ~~manufactured home may voluntarily transfer title of the mobile home or manufactured~~
13 ~~home, for the sole purpose of disposal, to the owner of the real property upon which the~~
14 ~~mobile home or manufactured home is located. The treasurer shall issue a title to the~~
15 ~~owner of the real property on which the mobile home or manufactured home is located,~~
16 ~~without payment or obligation to pay any taxes owed on the home at the time of~~
17 ~~acquisition.~~

18 ~~Prior to disposal, the owner of the real property shall submit an affidavit for disposal~~
19 ~~of the mobile home or manufactured home, and the properly endorsed title, to the county~~
20 ~~treasurer verifying that title was transferred for disposal purposes only and that no~~
21 ~~consideration was exchanged.~~

22 ~~If the owner of the real property is moving the mobile home or manufactured home~~
23 ~~as part of the disposal process, the county treasurer shall issue the permit provided by~~
24 ~~§ 32-5-16.3 to move the mobile home or manufactured home for disposal purposes~~
25 ~~without receiving payment of taxes owed on the mobile home or manufactured home.~~

26 ~~The owner of the real property has ninety days from the date of the affidavit to~~
27 ~~dispose of the mobile home or manufactured home and to surrender the title to the county~~
28 ~~treasurer. The county treasurer may allow an additional sixty days for disposal upon~~
29 ~~request by the owner of the mobile home or manufactured home upon good cause shown~~
30 ~~for such additional days. If the title is not timely surrendered to the county treasurer, the~~
31 ~~owner of the real property is liable for all taxes owed on the mobile home or manufactured~~
32 ~~home.~~

1 ~~The Department of Revenue shall prescribe the form for the affidavit required by~~
2 ~~this section.~~

3 **Section 7. That § 21-54-21 be REPEALED:**

4 ~~The county treasurer shall deliver the affidavit filed pursuant to § 21-54-20 to the~~
5 ~~board of county commissioners after issuance of the permit. Upon receipt of the affidavit,~~
6 ~~the board of county commissioners shall abate any taxes owed on the mobile home or~~
7 ~~manufactured home pursuant to the provisions of § 21-54-19. However, if the owner of~~
8 ~~the real property failed to timely surrender the title to the county treasurer, the board~~
9 ~~may not abate any taxes owed on the mobile home or manufactured home.~~